LEGISLATIVE COUNCIL

Thursday 24 July 1997

The PRESIDENT (Hon. Peter Dunn) took the Chair at 11 a.m. and read prayers.

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 22 July. Page 1860.)

The Hon. ANNE LEVY: In view of the approaching end of the session and of the time, I will not speak for long on this matter. I have questions that I would like to pose to the Minister for the Arts regarding the public library system in this State, in which, as I am sure all members are aware, we have long led the nation. There have been changes in the public library system, and I understand that PLAIN is to have its computer system completely upgraded, further increasing the efficiency of that system.

I note from the budget papers that the subsidies and processing cost of local government libraries are to increase by over $250 000 which, according to the Program Estimates notes, is to cover inflation. I would like the Minister to inform me at some time what is the current formula for State subsidies to local government libraries. Is there a difference in the subsidy rate for metropolitan as opposed to country libraries? What conditions, if any, are put on these subsidies, such as conditions that have applied in the past that libraries must be free and that each local government body must at least match the State subsidy? And what proportion of the total cost of the public library system, including PLAIN, now comes from the State and what proportion comes from local government? I realise that the Minister is unlikely to have detailed answers to these questions available immediately. I certainly would not want to hold-up the Appropriation Bill until this response was received, and I would be very happy if the Minister could supply me with the information during the break.

The Hon. Diana Laidlaw: I will see whether I can get it this afternoon.

The Hon. ANNE LEVY: That might be difficult. Anyway, there are many other aspects of the financing of the various facets of the arts in this State on which I could comment. I am certainly very concerned by the proposed reorganisation of the peer group assessment system whereby, apparently, peer group assessment will become only part peer group assessment and non-peers will be taking part in assessment of artistic merit. I feel that this is a sad watering down of the peer group system, which I thought this Government had supported and espoused as strongly as had the previous Government. I was obviously wrong in that.

Further, the subdivision of the committees from seven to three with completely different titles and focus is of great concern throughout the arts community. I realise that the details are not yet worked out, but there is certainly apprehension that it will prove disastrous to the grants system to the arts in this State and lead to a concentration which might be regarded as top heavy and not encouraging grassroots arts activity that must be the lifeblood of any creative endeavours in a community. As I say, there are still details to be worked out. I would be delighted to be proved wrong, but at this stage I must admit that I am not optimistic about the effects that this reorganisation of the grant system will have in South Australia. With that said, I do not wish to hold-up the passage of this legislation. I thank the Minister for her nod which indicated that she will get the response to me as soon as possible.

The Hon. A.J. REDFORD: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. P. HOLLOWAY: I will make a few remarks about the Appropriation Bill and the whole budget process of this Government because I am concerned that the accountability of this Government is not all that it might be. The usual Estimates Committees process followed the passage of the Appropriation Bill through the House of Assembly and, like some other members here, particularly the Ministers and shadow Ministers, I had more than a passing interest in what happened at those Estimates Committees.

The way in which the House of Assembly's Estimates Committees have degenerated into a futile exercise in recent years is rather sad, and I really wonder what purpose they serve these days. It is quite clear that the tactic of the Government is to get members to ask a series of dorothy dixers that will take up as much time as possible to reduce the time for questioning by the Opposition. When Ministers are asked questions, the tactic has been very well set and they simply read out from the prepared answers or the briefing notes on the subject, whether they are related—

The Hon. Carolyn Pickles: They never answer the questions.

The Hon. P. HOLLOWAY: Yes, or they do not answer them at all. When they are asked a question on a particular subject they simply read out the briefing note prepared by the department and whether or not it is specific to the question is completely irrelevant. That is the farce that the Estimates Committees have become. The lack of scrutiny has become worse because the Auditor-General's Report is not available with the earlier budget, but I do not criticise the Government for introducing its budget before the end of the financial year. That is sound enough practice, but it presents a couple of problems.

First, the final figures for expenditure for the year are not available, only estimates, and, as I mentioned, the report of the Auditor-General is not available for members to consider these matters. There are some failings in the procedures of this Parliament to scrutinise Government expenditure. That also has become worse in recent years because of the level of Government outsourcing. Since the election, the Government has outsourced a number of functions. The Legislative Council has established select committees to perform a function that is not being done in other ways, but the dilemma that those committees have all faced has been the problem of getting information.

In a number of cases, select committees have not met for months because they have been waiting on summaries of contracts and such other significant information that has not been provided to them. I am very concerned about the lack of scrutiny over Government spending that now takes place in the Parliament and, as every year goes by, it appears to me to be getting worse.

Of course, the bottom line of this Government's budget was this $1 million surplus; and it is pretty obvious that, in the preparation of this budget, that figure was the starting point. Instead of the Government's saying, 'What are our expected revenues and expenditures? How can we juggle

these to get the best result for the community?', clearly the starting point was to achieve this token, nominal $1 million surplus, and then the decisions about expenditure and revenue were to follow. I have no doubt that this budget was really concocted in reverse just to produce this nominal $1 million surplus. I do not know that anyone in this Parliament—Government or Opposition—seriously believes that that is the real figure. Quite clearly it is there for purely political purposes.

It is perhaps rather unfortunate that we do not consider in this whole question what should be an appropriate level of Government expenditure and revenue raising to produce the best result in terms of jobs for the people of this State, because that might produce a somewhat different result. Over the past six months it has been very interesting to observe how the rhetoric from this Government, and particularly from our new Premier, has changed in relation to budgetary strategies.

The new Premier made an admission in recent days that this Government, when it came into office, made a mistake by promising not to increase taxes. Of course, we know that the Premier has said that, in the future, he will not make such a promise. The *Sunday Mail* seemed to take up this admission by saying that we should now be introducing a poll tax—as Jeff Kennett did in Victoria—of $100 a head as a solution to our current economic problems. It may have been a good idea three years ago when this Government came to office to introduce a tax of that type rather than making some of the massive cuts in expenditure that it then made but, whatever the merits would have been three years ago, I suggest that to introduce something like that now would simply further depress the economy of this State and create an even bigger problem.

Part of the problem is that, in the past three years, so much money has been spent in providing separation packages for a number of public servants, a significant number of whom have, no doubt, left this State and taken their packages to Western Australia or Queensland where they are helping to inject moneys into the economies of those States. I really think that we should kill, once and for all, the thought of further tax increases of this type and further measures that would simply depress even further demand in our economy.

I would like to make a few comments about tax reform. I certainly believe that tax reform in this country is urgently needed and has been for some years. I believe that the real issue is the question of tax evasion and the collapse of the income tax base in this country. Some 10 or 15 years ago it was optional for the very wealthy to pay tax. Gradually over the years that question about whether or not paying tax is optional has become available not only to the very wealthy and the moderately wealthy, but it is now much more widely available.

That is the real tax problem that we have in this country, that is, that more and more of the burden is being passed on to PAYE tax earners of which there are fewer and fewer. We got rid of public servants and told them to find jobs in the private sector. They might be on lower wages but they can use tax structures that enable them to pay less tax. Inevitably, the tax income that this country is receiving is starting to collapse. That is the real urgency behind tax reform in this country—getting enough tax to pay for the services of this country. The problem is actually getting those people who have the capacity to earn to pay their tax. That is a far more important question than the question of a GST. With the number of wage and salary earners declining every year, the percentage of tax paid by PAYE earners continues to rise as the demand on them grows.

The fundamental question that needs to be faced by this State at present, under its budget, is the need for economic growth. That is what we need, above all else, to generate jobs in our community. It is interesting to note that in the national papers this morning the Federal Government is being urged strongly by the business sector to start injecting money into the growth areas so that we can provide some jobs for our population. Certainly, the most pressing problem for budgetary policy, both here and federally, is to try to promote some growth. If we can get some growth we will not only create some jobs but we will also improve the revenue position of the State, because we will be getting more back in taxation in its various forms.

I wish to make a few comments in relation to my shadow ministerial responsibilities. The mining industry in this State has a particularly important role to play. It is one area where we can generate further growth and jobs. Indeed, we are already seeing that happen with the current expansion of Roxby Downs. There are other areas where, if we have the right culture in this State, we can improve the performance of the mining industry. It is rather disappointing that a couple of decisions have been made recently that will damage that. I refer to the decision of the Reserve Bank of Australia to sell off a large proportion of its gold, given that we are one of the world's largest gold exporters. Indeed, gold is our second largest export. The way the Reserve Bank has handled that decision has been quite disastrous, and it is particularly unfortunate for this State at a time when there has been increasing exploration in the Gawler Craton area and particularly in the area to the north of this State.

It is also unfortunate that in this budget the Government should cut back on its South Australian exploration initiative. That was instituted by the former Government in 1992, and it has been a great success in stimulating mining exploration in this State. There has been a rapid growth in mining exploration in South Australia. It is unfortunate that, whereas in the current budget there is some money for the processing of information, there are to be no new efforts under the South Australian exploration initiative, that is, no more aerial surveys. It is my understanding that only about half the State has been surveyed. These are very successful surveys and, the sooner the rest of the State is surveyed, the better it will be. For just a few million dollars investment now, the returns to the State in the future can be far greater.

That brings me to another matter that I want to discuss, namely, the question of research and development in this country. I was reading a transcript of the ABC Radio program, *Ockham's Razor,* on Sunday 1 June. Some comments were made by Lex Blakey, who is the former chief of the CSIRO Division of Building Research in Melbourne. He makes some very interesting points in relation to the need for research and development in this country. He said:

> Unless there is a radical change in the economic policy handed out by the Commonwealth Treasury, I believe that Australian science and technology will be dead within a generation, and probably well beyond recovery long before that.

That is something that should concern us all. He then points out:

> The idea that a nation can be deskilled should not be dismissed as fantasy; for instance, Indians have long claimed that British Imperialism in the nineteenth century destroyed their manufacturing industries, which initially were probably more advanced than those in the west. . . Science and education, along with other Government outlays, have endured more than 20 years of almost unrelieved

financial cuts, all in the pursuit of a favourable balance of trade and balanced budgets. At the time of writing, these objectives seem to be as far away as ever, and the only prescription being offered by economists is more of the same. It is unbelievable that any study in any science would be allowed to proceed so long in the face of such unremittingly negative results.

What we have had is cuts in these areas of science, education, research and development for a sustained period and it is inevitable that they will impact upon our standard of living. Indeed, if we look at areas of the economy where Governments can influence long-term growth as against just fiddling with the levers that affect short-term problems, education and science technology are the only areas where Governments can make a contribution to ensuring that there is sustained long-term growth. If we do not have the research and development being undertaken to produce the technologies that we will need to grow into the future and if we do not have the skills in the work force to provide those skills into the future, then our long-term growth prospects will be curtailed. Unfortunately, that is what has been happening. As I said, it has been recognised by some of our senior scientists in this country and, unless we do something about it, we will inevitably suffer.

Indeed, one of the most unfortunate things that has happened in Commonwealth Government budgetary policy in the recent two years was the reduction—I think in the budget before last—in the tax rebate scheme for scientific research, which has had a very damaging effect on much of the research that is undertaken by our industry. Further on Mr Blakey says:

> There has been increasing pressure for many years for all research groups to have closer ties with industry. In itself this is a motherhood statement, but the idea is being used to force CSIRO to get 30 per cent—or is it more now?—of funds from industry. With very few exceptions Australian industries are not in a position to make long-term commitments, and the result is a plethora of a short-term—that is, less than three year, contracts.

He gives some examples about what is happening as a result of these short-term decisions. He says:

> These examples, and others, seem to derive from a very primitive model that sees education, training and research as service products that one might buy like car insurance. Car insurance is no doubt a good thing for the purchaser, but it is hardly the sort of thing that adds greatly to national productivity. It is a private transaction with limited life.
>
> Education and research are much more than just private transactions.

He then gives some examples from history which provide the empirical evidence for the return on investment in education and research. These are areas, which, unfortunately, are not particularly fashionable and no-one gets too excited about them, but they really are the areas which will have far more impact on our long-term growth prospects than many, if not most, of the decisions that we deal with in a day-to-day sense through this Parliament, and we ignore them at our peril. One of the problems that we have had over recent years has been the globalisation of our economy and the increasing reliance upon market forces as the solution for all of society's ills. Part of the problem with relying on market forces is that the market gives a zero value to many of the things which are important to keep society functioning. If we hold the market sacrosanct in all areas of life we will get into a lot of trouble because such important human behaviour as cooperation will be given zero value under market forces.

I believe that at the moment around the world there is greater and greater concern about relying solely on market forces to deliver optimum outcomes. In the Parliament we continually exhort the public of South Australia to act in an unselfish way, but the free market theory that underlies so many of our policies assumes that unbridled selfishness will bring the best results. That is the fundamental belief of market forces: that if you just leave it to the market you will get an optimum allocation of resources and we will all be better off. But why, then, must we in Parliament continue to urge people to act unselfishly and to be cooperative? For example, in our law and order area if we do not have cooperation we will not have much of a society in which to live.

I would like to make one final point. Yesterday's *Advertiser* contained a report on the debate on our Federal education system. It stated:

> Speaking at a higher education funding conference in Adelaide on Monday night, Senator Vanstone [the Federal Minister] said tertiary entrance ranks were highly imperfect measures of whether a young person can benefit from a course.

So there Senator Vanstone, the Federal Minister, questioned whether we should use the sort of ranking that we now use to determine entry to our tertiary education. Meanwhile, another report relating to our State Minister for Further Education, Mrs Kotz, was as follows:

> Mrs Kotz said an additional means of determining entry could result in a more positive outcome for young people.

The article continues:

> Senator Vanstone also pressed her case for the introduction of full-fee paying places. 'One thing that was important about the introduction of fee-paying undergraduate places was that it would lessen the importance of tertiary education ranks,' she said.

On the one hand we have the Federal Minister describing the ranking system for entry to tertiary education as having 'destructive and bizarre consequences' yet, at the same time, she is saying that we need the introduction of full fee paying places to lessen the importance of that ranking.

It is a most alarming situation that we should be moving away from a system that is fair for all young people who wish to enter tertiary education. Whatever defects the tertiary education ranking has, I would have thought that when you are a number on a piece of paper at the end of the year doing your exams, however imperfect the assessment might be, it is a much fairer system than determining whether or not your parents have enough money to pay your fees.

That is yet another disturbing development within our society that is occurring at the moment, and it will adversely affect the long-term growth prospects of this State and the chances of our young people getting jobs. Again, it has come about as a result of the market forces to which I referred earlier. Everything is being reduced to the market: if you can pay then it has value; if you cannot pay it has no value. That is something with which I violently disagree. Increasingly over the next few years we will have some reaction to this viewpoint that market forces are sacrosanct and should be upheld in all cases.

I think that the procedures that we have in place for scrutinising the budgetary policies of this Government are inadequate and are becoming more inadequate by the day. I hope that when the budget comes around next year, and we have been to the next election, we will be in a position where the next Government will be far more accountable for its budgetary actions and, one would hope, far more successful than this Government has been in the past four years.

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

PARTNERSHIP (LIMITED PARTNERSHIPS) AMENDMENT BILL

Consideration in Committee of the House of Assembly's amendments:

No. 1 Clause 9, page 5, lines 20 to 30—Leave out subclauses (1), (2) and (3) and substitute—

55. (1) If any change occurs such that particulars contained in the Register in relation to a limited partnership are no longer accurate or complete, the partnership must, within 28 days of the change, give the Commission notice of the change in accordance with this section.

(2) If a partnership fails to comply with subsection (1) each of the partners required to sign the notice in accordance with subsection (3) is guilty of an offence.

Maximum penalty: $1 250.

Expiation fee: $160.

(3) A notice under this section must—

(a) be in writing in the form approved by the Commission; and

(b) contain such particulars as are necessary to correct or supply the deficiency in the Register; and

(c) be signed—

(i) by all the general partners or, if the regulations so provide, by such of the general partners as may be prescribed; and

(ii) if the change relates to the admission of a limited partner or a change in the liability of a limited partner to contribute—by the limited partner.

No. 2 Clause 9, page 6, lines 1 to 4—Leave out subclause (5).

No. 3 Clause 9, page 7, lines 14 to 16—Leave out 'no longer extends to any debt or obligation of the limited partnership that arose before the partner became a general partner' and substitute 'does not extend to any debt or obligation of the limited partnership arising after the partner becomes a general partner'.

No. 4 Clause 9, page 10, after line 14—Insert—

(c) ceases to be a limited partnership.

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

That the House of Assembly's amendments be agreed to.

After the Bill had passed the Legislative Council some representations were made to me in relation to some technical issues and, because the matter had not been resolved in the House of Assembly, we took the opportunity to incorporate those amendments in the Bill.

The amendments deal essentially with the following. With clause 9, the amendment replaces clause 55, which was in the Bill that passed the Legislative Council with a new section 55 which is similar except that it will allow the regulations to prescribe that certain notices required under clause 55 do not need the signatures of all general partners. The effect will be that, where the notice will contain minor matters, the problems of obtaining all general partners' signatures will be avoided. That is a matter of procedure. The second amendment is consequential on that amendment.

There is a further amendment to clause 9 which will provide that, where a limited partner becomes a general partner, a limited partner will continue to enjoy the limited liability on obligations and debts incurred while the partner was a limited partner. That will bring the law relating to limited partners closer to the general law of partnership, which provides that a partner entering an existing firm will not be liable for debts or obligations incurred before the partner was admitted into the firm.

The final amendment to clause 9 makes clear that the notice required under clause 70 of the Bill, which informs the Corporate Affairs Commission that the limited partnership has dissolved or ceases to carry on business, must also be given when the limited partner ceases to be a limited partnership under clause 69. They are amendments that improve the Bill, and I encourage members to support them.

The Hon. CAROLYN PICKLES: The Opposition supports the amendment.

Motion carried.

COOPERATIVES BILL

Consideration in Committee of the House of Assembly's amendment:

No. 1. Clause 448, page 164, after line 2—Insert new clause as follows:

Exemption from stamp duty

448. No stamp duty is payable in respect of any of the following instruments:

(a) the certificate of registration of a co-operative;

(b) a share certificate or any other instrument issued or executed in connection with the capital of a co-operative, other than a transfer of shares.

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

That the House of Assembly's amendment be agreed to.

This is a money clause which, of course, was not considered when the Bill was first before the Legislative Council. It relates to exemption from stamp duty on the certificate of registration of a cooperative and a share certificate or other instrument issued or executed in connection with the capital of a cooperative, other than a transfer of shares.

The Hon. CAROLYN PICKLES: The Opposition supports the amendment.

Motion carried.

EQUAL OPPORTUNITY (SEXUAL HARASSMENT) AMENDMENT BILL

Consideration in Committee of the House of Assembly's amendments to which the Legislative Council had disagreed.

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

That the Legislative Council do not insist on its disagreement to the House of Assembly's amendments.

The issue will ultimately be resolved at a deadlock conference, and this course is an essential step in the process towards establishing that conference.

The Hon. CAROLYN PICKLES: The Opposition opposes the motion. We understand that a conference will be set up, and perhaps we can make some progress in the conference.

Motion negatived.

A message was sent to the House of Assembly requesting a conference at which the Legislative Council would be represented by the Hons K.T. Griffin, S.M. Kanck, Anne Levy, Carolyn Pickles and Caroline Schaefer.

RACING (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 July. Page 1836.)

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank members for their indication of general support for the legislation. Some members who have spoken in the Chamber and others who have spoken privately to me have indicated that, whilst they did have some concerns, they believe that by and large those concerns have been resolved through discussion either with the Minister or the Minister's advisers. I understand that the Hon. Terry Roberts might still have one or two questions for the

Committee stages of the debate. He did canvass one or two of those issues in his second reading contribution to the Bill. We will address those issues during the Committee stage of the debate and attempt to answer the questions the Hon. Terry Roberts has asked.

Bill read a second time.

In Committee.

Clauses 1 to 14 passed.

Clause 15.

The Hon. T.G. ROBERTS: The question that I raise is a vexed one and is one with which the Government is having difficulty, so I am not sure whether I will be able to satisfy the people who have indicated to me that they would like answers. I refer to fixed odds betting. When the Labor Party Government moved to introduce fixed odds betting, the then shadow Minister was very vocal in his questioning about guarantees on returns and the estimates of betting turnover. He complained that the Government was unable to tell the Opposition to its satisfaction what the figures were based on and where the new money was supposed to come from.

We have been given indications that there will be growth in this area, so my questions of the Government are the same as those asked by the then Opposition. What are the Government's figures for estimated betting turnover for the new fixed odds betting system on sporting events? What are those figures based on? Where will the new clients come from?

In relation to guarantees on returns for fixed odds betting, it has been indicated to me that there is a possibility that Governments could find themselves as marketeers rather than agents and could lose money. Can the Government introduce a system that will guarantee neutral returns rather than negative returns? In that way, the system would not cost the TAB money.

I have been made aware of a computer system that has been developed by a small South Australian company that provides guarantees and an improved networking system. I do not think that the system has been accepted yet, but negotiations or discussions are under way. Those two questions are interlinked. Is it possible for fixed odds betting to cost the TAB money? In that case it would have to be cross-subsidised. My other questions concern the new clientele, the new revenue, the relevant estimates, and whether the system that has been developed by this small South Australian company can be used to guarantee returns and overcome the problems with late plunges and negative returns in relation to fixed odds and normal odds betting.

The Hon. R.I. LUCAS: I am seeking further advice but my initial advice is that, at this stage, no specific estimate has been used by the Minister or the TAB in relation to a dollar value of the growth. It is very hard to estimate from where that growth might come. The clear indication from my advisers is that it is basically that group of punters who currently use the facilities—well known, I am sure, to the honourable member—of Centrebet in the Northern Territory. Evidently, a considerable amount of money is punted through Centrebet. I seem to remember plunges on last year's Brownlow Medal and other things where Centrebet held a considerable amount of money on a range of sporting events.

I am advised that TABCORP in Victoria also has fixed odds betting on sporting events. Again, South Australians, and perhaps people from the South-East of South Australia, might be amongst those who are easily tempted to invest in those sorts of areas across the border. We have two broad examples of money from South Australian punters going out of the State into the Northern Territory and into Victoria. The TAB's clear intention is to try to ensure that as much of that money as possible is held in South Australia in terms of providing that option for South Australian punters.

That is where it is coming from but, as I understand it, neither the Minister nor the Government at this stage has given an independent estimate as to what the dollar terms of that might be, but I am seeking further advice. The safest bet for me, as the Acting Minister, is to refer to similar questions that were asked in another place by the member for Morphett (John Oswald) on this issue of potential risk to the TAB. That honourable member indicated that he had had some discussions with the Minister and the TAB and, in the *Hansard* of 2 July 1997, he said:

> I am assured that there is no risk to our TAB.

The Minister then responds. I will quote the Minister's precise words in response to a similar question from John Oswald about this risk to the TAB. The Minister said:

> I thank the member for Morphett for his comments. We have followed his advice, and we acknowledge his understanding of the industry. Clearly, in comparison with pari mutuel where there is a guaranteed return on every bet, his opinion of fixed odds betting is that there is a return on an event, and it may be plus or minus. By linking ourselves into other States we will obviously reduce that potential loss considerably.
>
> It is our understanding on advice from Victoria that over every three month period there has not been a loss, but that, if you did it on an event by event basis, you would have a different outcome. That is the difference between pari mutuel, which is probably the best business in Australia where you are taking out your 15 per cent before anything is allocated, versus the competitive issue of trying to run a book, which is usually run at somewhere between 2 and 4 per cent.

The Hon. A.J. REDFORD: I am mindful of the comments just made by the Minister, although I think a couple of clearer statements need to be made. I am utterly and totally opposed to any Government agency embarking upon any form of gambling where there is any risk of loss. We did it in a commercial sense with the State Bank, SGIC and various other institutions. I do not want to see it happen in any way, shape or form, or at least put the State at risk by something as uncertain as the result of a race—and I know that that does not apply with this clause—or the result of a football match, or some other sporting agency.

I go on record as saying that I am utterly, totally and completely opposed to allowing the TAB to embark upon a gambling activity in which it takes a risk other than in the limited commercial sense that it currently undertakes. Clause 84L states that the TAB may, with the approval of the Minister, enter into an agreement to Act as the agent of an interstate or overseas authority in accepting fixed odds bets. As I understand the effect of that clause, the TAB is not entering into a gambling activity: it is acting only as the agent for someone else who is offering fixed odds betting. I am wondering whether—and I have spoken to the Minister in another place about this—that means that the TAB will merely act as an agent, and that the principal will wear any losses associated with the gambling activity that might occur under this clause.

The Hon. M.J. ELLIOTT: In a briefing that I had I was given the same impression: that the State would act as an agency and, as such, there was no risk of loss at all, that it was just on a commission basis.

The Hon. R.I. LUCAS: I am not sure whether the Hon. Mr Elliott was in the Chamber when I read out the Minister's statement. Given the honourable member's interest in this issue, I crave the indulgence of other members to read again

the statement made by the Minister in response to a similar question in another place. If further questions need be to resolved, members can indicate that and we will report progress, and I will seek further instruction from the Minister. This issue was canvassed by John Oswald in another place in relation to the potential risk to the TAB. In response to those questions, the Minister said:

> I thank the member for Morphett for his comments. We have followed his advice, and we acknowledge his understanding of the industry. Clearly, in comparison with pari mutuel where there is a guaranteed return on every bet, his opinion of fixed odds betting is that there is a return on an event, and it may be plus or minus. By linking ourselves into other States we will obviously reduce that potential loss considerably.
>
> It is our understanding on advice from Victoria that over every three month period there has not been a loss, but that, if you did it on an event by event basis, you would have a different outcome.

That is the exact quote. I suspect it is more accurate to say that you could have a different outcome. He continued:

> That is the difference between pari mutuel, which is probably the best business in Australia where you are taking out your 15 per cent before anything is allocated, versus the competitive issue of trying to run a book which is usually run at somewhere between 2 and 4 per cent.

That is the response from the Minister to similar questions from John Oswald in another place. I invite the Hon. Mr Elliott and the Hon. Mr Redford to indicate whether that answers their questions and whether they have further questions. If they do, we can report progress and I can have a discussion with the Minister and see whether we can bring back further information.

The Hon. A.J. REDFORD: I was in the Chamber. That does not answer my precise question. I will repeat my question and put some others on notice, too. I repeat: I will not support any legislation that allows the TAB to gamble. I feel very strongly about that. I have put that view at every opportunity, both in the Party room and to the Minister. The clause provides that the TAB may act as an agent. As I read the clause, that means that the TAB, for argument's sake, could offer the products made available by Centrebet or made available by TABCORP in the form of fixed price betting, and then charge either a fee or commission to TABCORP or Centrebet for offering that facility. On that basis, if that is what is done, the TAB in South Australia is not engaging in any gambling activity where it puts at risk its own funds. However, if the TAB is offering fixed price betting itself, then I oppose it. With due respect to the Leader, the answer given does not satisfy my query.

If I get a positive answer to that, there are other issues which are not of a legislative nature but which are just as important. If the TAB is merely to act as an agent for another body, such as TABCORP in Victoria or Centrebet in the Northern Territory, or some other agency that perhaps we do not know about, what is the intention of the management of the TAB to ensure that the principals that they are acting on behalf of as agents have the wherewithal—the money, the resources—to honour all the obligations and undertakings given? As I understand the law, if it is a $2 company in Victoria that is offering fixed price betting and the TAB does it on behalf of that $2 company and the $2 company falls over, the South Australian TAB would be liable for those losses.

The third question which follows from that is: can the Minister assure this place that the TAB will not underwrite any losses in relation to fixed price betting that is offered by the TAB as agent of the principal? I repeat, so I make myself abundantly clear: I will not, on any occasion, support any Government agency or instrumentality engaging in gambling of its own right. The system of running a book as described by the Minister is engaging in gambling. I do not believe that the TAB or any Government agency should be engaged in gambling in its own right. I cannot put it strongly enough.

Finally, I note that clause 84N refers to unclaimed dividends. If my understanding of what the Minister has said is correct—and I know that that probably will be cleared up later—that the TAB will not engage in any gambling activity, that is, will not run a book, but will merely act as an agent on behalf of an institution such a TABCORP, how do we get a situation where there might be unclaimed dividends that fall into the hands of or be under the control of the TAB? I might not understand this adequately, but if the TAB is simply and merely acting as an agent, there would be no such thing as an unclaimed dividend that would fall into the hands of the TAB; it would fall into the hands of the principal body, that is, TABCORP. I might be wrong in that assessment, but I would be grateful if the Minister could explain how the concept of unclaimed dividends works in a scheme where the TAB is merely acting as an agent for another body in offering fixed price betting. I hope that I have made that point clear.

The Hon. M.J. ELLIOTT: On the basis of discussions that I have had outside this place, I was not going to buy into the debate here, but I have concerns similar to those of the Hon. Angus Redford. They had been allayed outside this place but, unfortunately, they have been revived again. I note that the issue of fixed odds betting was raised in this Parliament in 1989 under the previous Labor Government. Minister Ingerson, the then Liberal spokesperson on sport, in an *Advertiser* article of 7 April 1989 said:

> What we have in relation to this fixed odds betting system is the Government becoming a bookmaker.
>
> This is the first time in the history of this State that we have a Government that is setting itself up to be a gambler.

Now the Minister says it is fine for the Government to be a bookie's agent!

An article in the *Sydney Morning Herald* of 3 July 1997 reveals the pitfalls of a competitive fixed-odds sports betting market. The New South Wales Bookmakers Association said that the scheme is high risk, and the New South Wales TAB may find itself vulnerable, with a possibility of insider trading scams. South Australia's move into this arena raises some questions. Will the Minister clarify whether or not we are an agent or whether or not we are a partner? If we are an agent, what control will South Australia have over the running of the operation and therefore profitability? What guarantees can the Government give that our entry into this high risk market will not adversely affect the TAB's income? Finally, will South Australia have to share in any losses of fixed-odds betting operations either for individual events or losses in the overall operation?

The Hon. R.I. LUCAS: As I indicated earlier, given the concerns of the Hon. Mr Elliott and the Hon. Mr Redford, I presume that they have obviously had discussions with the Minister or advisers prior to the debate in this House. I have not been privy to those discussions, and nor has my adviser in the Chamber. I will need to take further advice from the Minister on the issues that have been raised, and therefore I intend to report progress. I must say that, prior to handling this Bill in the Chamber, my understanding of fixed-odds betting and what it involved for the TAB and the Government was different from the understanding of the Hon. Mr Redford.

I was present in the Chamber when the measure was introduced originally in the late 1980s. and I think I was the only person then who indicated—I am not sure whether it was publicly or privately—that I supported the notion of fixed-odds betting. However, I think it died a natural death within the Labor Party as well.

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: I was indicating in terms of the Government. As I said, my understanding of the Bill prior to handling it in this Chamber as the Minister acting for the Minister for Racing, in some respects is different from the understanding that clearly the Hon. Mr Redford has in relation to a number of the issues that he raised. Therefore, it is probably productive, given that this is the last day of the session, that I report progress and seek further advice, and we will see where we take it from there.

The Hon. M.J. ELLIOTT: Will the Minister clarify, first, what the Government's intention is; and, secondly, what does the legislation allow to happen? I am not sure whether or not the legislation perhaps allows anything to happen, but the Government's intention is to have only an agency relationship, but I want those two things clarified.

The Hon. T.G. ROBERTS: My understanding of fixed-odds betting is that you can have variable fixed-odds betting which have no risk.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: You can have fixed-odds betting, say, in relation to the instances that have been given from organisations such as CentreBet, where you take a particular price at a particular time. I raised earlier the point about the software system that has been developed by a small company in South Australia where you can place fixed-odds betting on variable sliding scales right up to the starting point of whatever the event is.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: Yes, but what it does—

The Hon. A.J. Redford: I don't think they go broke.

The Hon. T.G. ROBERTS: As explained to me, you can have a fixed-odds variable scheme which guarantees that you do not lose. If my understanding of that is wrong and the principles by which members are questioning the process are right, the Government does become a bookmaker, if you like.

The Hon. M.J. Elliott interjecting:

The Hon. T.G. ROBERTS: That is why I asked the question earlier: at what stage are those computer software systems being developed? Do they have to be sold into the national scheme? I suspect that South Australia cannot run it on its own, even if it did decide to develop that scheme. If New South Wales is not going to adopt it, given the comments in the *Sydney Morning Herald* about insider trading perhaps becoming a problem for Governments dealing with it, would they not be better off looking at a software scheme, which I understand has been patented and which runs and eliminates those risks? They would be silly not to.

I raise those questions to find out whether there is a software scheme that eliminates the risks and there is a form of variable fixed-odds betting that does not expose the Government to potential losses and also perhaps gives small business in South Australia some run in the marketplace which might provide some jobs. It is a bit late in the day for us to be looking at those sorts of issues on the last day of Parliament, given that we do not have much information. We really need someone from New South Wales, if they are driving the agenda, in relation to what forms we are picking up—

The Hon. A.J. Redford interjecting:

The CHAIRMAN: Order! I think the Minister ought to be listening.

The Hon. T.G. ROBERTS: In relation to the interjection, the other question I would like the Minister to take into account is as follows. Given that we are in a fairly flexible situation in relation to the ownership, control and development—or whatever the next stages of the TAB are—what potential agents for buyers for the TAB in the marketplace would be interested in the restructured TAB, given that we are changing the legislation? Would the changes that we are making enhance the price for the sale, or would it detract from the price of the sale, given that we are opening up the marketplace to bookmakers and we are now going into a tri-State or probably a multi-State system—although I do not know how many States will be linked up in the end?

I know that John Oswald has looked at the Western Australia scheme of privatising agents. The more popular way to go is to follow what Victoria and New South Wales are looking at, that is, floating it off, perhaps 50 per cent 50 per cent; I do not know. I wonder whether the product becomes more saleable and at a higher price given the legislative change that we are now making, or whether it detracts from it.

The Hon. R.I. LUCAS: As I indicated earlier, I intend to report progress, so I will take advice on the further questions asked by the Hon. Terry Roberts and the Hon. Mike Elliott.

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:

MOTOR VEHICLES (FARM IMPLEMENTS AND MACHINES) AMENDMENT BILL

Consideration in Committee of the House of Assembly's amendments:

No. 1. Clause 4, page 2, lines 16 to 29—Leave out subsections (2a) and (2b) and insert new subsections as follows:

(2a) Subject to subsection (2b), a prescribed farm machine may be driven on roads without registration or insurance.

(2b) A prescribed farm vehicle must not be driven without registration or insurance on the carriageway of a road unless—

(a) the prescribed farm vehicle is driven only—

(i) to move the machine across the carriageway by the shortest possible route; or

(ii) to move the machine from a point of unloading to a worksite by the shortest possible route; or

(iii) to enable the machine to perform on the carriageway a special function that the machine is designed to perform; and

(b) there is in force a policy of public liability insurance indemnifying the owner and any authorised driver of the prescribed farm machine in an amount of at least five million dollars in relation to death or bodily injury caused by, or arising out of, the use of the prescribed farm machine on a road.

No. 2. Clause 8, page 3, line 24—After 'registration' insert 'or insurance'.

The Hon. DIANA LAIDLAW: I move:

That the House of Assembly's amendments be agreed to.

When the Bill left this place various amendments which provided for registration and insurance had been inserted into it by the Australian Labor Party with the support of the Democrats. I took objection to the amendments because of the administrative procedure and questions about the

effectiveness of such provisions. We argued that it would undo the goals of this Bill which sought to exempt from insurance and registration certain farm vehicles, principally self-propelled farm vehicles such as cherry pickers. Such vehicles are rarely on the roads and do not have an accident record that has been registered and were not seen by the Government as being a cause for concern in terms of being unregistered and uninsured.

I was not able to persuade the majority of members in this place of the wisdom of that, so in the other place the Government moved an amendment which I understand the Hon. Terry Cameron is prepared to accept as it does address his fundamental concerns about the original nature of the Bill. Although the Hon. Sandra Kanck is not here at present, I have through her office contacted her and gained confirmation that the amendment moved by the Government and passed in the other place will be acceptable to the Australian Democrats. I thank the Hon. Mr Cameron and the Hon. Sandra Kanck for such confirmation.

The amendments provide that in certain conditions, if such a farm vehicle is on the road and is unregistered and uninsured, a public liability policy of at least $5 million must be in force. Most horticulturists in the Riverland area, for instance, would, because of the size of their block, have at least $5 million public liability cover; and I appreciate that land holders in pastoral and grain growing areas, because of their bigger land holding, may well have a much greater public liability cover.

We believe that a public liability insurance policy of at least $5 million will cover most, if not all, horticulturists. It is up to them to ensure that they have adequate public liability insurance in relation to death or bodily injury if it is required because of the size of their land holding and the nature of their operation.

I also indicate that, if this amendment passes, the owner of the farm vehicle will then have an option to insure and register. If they do not take out such insurance and registration, they must have a public liability policy. If they choose not to do either—and it would be an extraordinarily stupid thing to do—the owner would be guilty of an offence under the Motor Vehicles Act. The penalty for an uninsured vehicle is $500 and loss of licence, as far as I recall, and for an unregistered vehicle the penalty is about $100 and, again, loss of licence. So, they would be guilty of an offence.

We should also appreciate, however, that the victim would be covered in terms of the CTP and the nominal defendant provisions. The CTP fund would also have financial recourse against the owner of the farm vehicle, which may place that owner in severe financial circumstances. So, they would be guilty of an offence under the Motor Vehicles Act. They could also have all the repercussions from the CTP operator seeking to reclaim funds expended under the nominal defendant provisions. But the victim would be covered, which I think is the reassurance that the honourable member was seeking.

Finally, I would like to clarify something that I should have done earlier in the debate in this place. The Hon. Sandra Kanck gave as an example an issue of some concern to her—and I think she may have been given this example by the Hon. Mike Elliott—of a person being beheaded by a header—

The Hon. M.J. Elliott: No, that was in the newspapers.

The Hon. DIANA LAIDLAW: It was in the newspapers that a person had been beheaded in an accident with a header.

The Hon. M.J. Elliott: Actually, it was a spray unit.

The Hon. DIANA LAIDLAW: It was a spray unit. Whatever the circumstances, the farm implement, because it was being towed, would have been covered for registration and CTP because it is being towed, and the principal vehicle's insurance cover would extend to the implement being towed. Again, if a self-propelled cherry picker were being towed, that would be covered by the principal insurance on the principal vehicle. I would like to thank all members for their consideration of what seemed to be a very straightforward and simple Bill but which has taken many hours of discussion with my colleagues from many rural areas, including the member for Chaffey, the Hon. Caroline Schaefer, the member for Custance (Ivan Venning) and a whole range of members.

We have pursued this for some time, as have the Opposition and Democrats, and I thank all members and officers for consideration of this measure. I think we finally have an outcome which pleases members of the Parliament and which addresses the issues of farm implements and other self-propelled vehicles in terms of registration, licensing or public liability provisions.

The Hon. T.G. CAMERON: The Opposition supports the amendment. I would like to place on record the Opposition's appreciation to the Government and the Democrats for seeing that there was merit in the cause we were pursuing. We are satisfied that the introduction of a public liability insurance policy is another option for the rural community, the owners of these machines. That satisfies our principal objection to the original legislation. As the Minister has already pointed out, if any of this equipment is ever being towed it is covered by the principal insurance of the motor vehicle.

Like the Minister, I received quite a bit of lobbying in relation to this matter. What I thought was a fairly insignificant Bill seemed to arouse a great deal of attention. The Hon. Caroline Schaefer and Ivan Venning both lobbied me quite strongly about this, as did the shadow agricultural Minister, the Hon. Ron Roberts. Out of all that, I believe that we have come up with an acceptable compromise that still guarantees that in that unlikely event—and we concede that it is an unlikely event; there is low probability of an accident occurring—the public liability insurance will indemnify people. The Opposition supports the amendment.

The Hon. M.J. ELLIOTT: This Bill has been handled by the Hon. Sandra Kanck on behalf of the Democrats but, as she is not in the Chamber at this stage, I indicate that I have had a conversation with her and she is happy with these amendments. I think that the amendments make a great deal of sense. There is no doubt that having to register and insure a machine which will hardly ever be on the road is an understandable impediment and more than nuisance value. However, although the number of accidents that occur might be very low, it would be no comfort whatsoever to a person who was on a road and had a collision with one of these to find that they were not offered any real protection at all.

It appears that, as an alternative to having the registration and insurance, the idea of requiring a person to enforce a public liability insurance policy is a very sensible way around it. I would think that in the Riverland the overwhelming majority of growers, who have pickers and various other people working on their properties, would have public liability or should have it. What the Government has done here is very sensible. It has addressed the legitimate problems that farmers have with their implements, but at the same time

it has ensured that there is proper protection for a person who may be involved in an accident with them.

The CHAIRMAN: The Hon. Mike Elliott mentioned registration and insurance, but is not only the third party insurance required?

The Hon. DIANA LAIDLAW: It is part of a conditional registration, yes.

Motion carried.

INDUSTRIAL AND EMPLOYEE RELATIONS (REGISTERED ASSOCIATIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 July. Page 1941.)

The Hon. R.R. ROBERTS: The Opposition supports the Bill. It is necessary to bring this Bill into Parliament at this late stage of the sittings because if we were to go to an election before the Parliament resumes we would have a situation where some unions could lose their registration as a State organisation. This Bill ensures that the unions which have not been able to reorganise their internal affairs in respect of being a State registered union and a branch of a Federal organisation will not have their registration on a State basis challenged after 31 December 1997. I understand that the legislation is supported by the South Australian Trades and Labor Council, the Shop Distributive and Allied Employees' Union, the AWU and the Public Service Association of Australia—to name just a few. In fact, I am assured that all the principal players in the industrial relations field, including the Minister, support it. The Opposition supports the legislation.

The Hon. M.J. ELLIOTT: I indicate that I have had the opportunity to speak with parties on all sides of the industrial fence—Government and Opposition—and there is total support for this Bill. Consequently, the Democrats will support the Bill.

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

[Sitting suspended from 1 to 2.15 p.m.]

PRINTING COMMITTEE

The Hon. BERNICE PFITZNER: I bring up the second report of the Printing Committee 1996-97 and move:

That the report be adopted.

Motion carried.

QUESTION TIME

GOODWOOD ORPHANAGE

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question on the subject of the Goodwood Orphanage.

Leave granted.

The Hon. CAROLYN PICKLES: On 16 July the *Eastern Courier* published an article exposing the Minister's deal to sell the Goodwood Orphanage after his land deal backfired. The new deal left the ratepayers of Unley with a bill for $2.5 million, South Australia without a teachers centre, and the loss of public ownership of one of our prize heritage buildings that the public had paid some $4 million to restore. The article summed it up with a headline 'Having a cynical lend of the suckers', and referred to the deal as being 'a switcheroo, a political perversion of the pea and thimble trick and a farce'. The deal to sell the heritage-listed orphanage building to save the member for Unley has been a disgrace, a public backdown and a humiliation for the Minister.

The Hon. Diana Laidlaw: Not much comment there!

The Hon. CAROLYN PICKLES: I got away with it though, didn't I? Even worse, it is still the wrong decision. The Minister could have accepted the council's offer for the land and retained public ownership of The Orphanage. My questions are:

1. What was the contract sale price for the Goodwood Orphanage and how and when will this be paid?
2. Where will the new teacher training centre be located?
3. How much will the new centre cost?

The Hon. R.I. LUCAS: The honourable member is referring to an article written by a good friend of mine, Matt Abraham, in the local Messenger. Although I have not seen it, portions of it were read to me over the telephone in Canberra. What I especially liked was the reference to my being a very good real estate salesman and that Anthony Toop should give me a BMW and sign me up.

It is an exceptionally good deal not only for the Department for Education and Children's Services, teachers and staff and the residents of Unley, and I am sure that the member for Unley is delighted, but also for the taxpayers of South Australia. As one of my colleagues indicated, the Government managed to sell The Orphanage for $6 million while in the same week the Anglican Church sold the whole of Leigh Street in the central business district of Adelaide for $8 million.

The contract price is just over $6 million. There are two parts to the sale: to Tabor College and to the City of Unley. In both cases full payment will be made in this financial year, which was an important point from the Government's perspective. In the early stage of negotiation there was some prospect that the payments might be made over a number of financial years, which was not in the Government's best interests. Therefore we are delighted that the contract payment will be made in full during this financial year.

The City of Unley's original intention was a purchase price of $1.25 million. We are pleased to see that, for a bigger portion of land, it has agreed to the payment of $2.5 million. That decision was taken solely by the City of Unley. Without going through all the details of the negotiations, I can indicate that the Government was prepared to see a smaller amount of land sold to the City of Unley, therefore at a lower cost to the City of Unley's budget, but that decision was not pursued by the officers and elected officers, I presume, of the City of Unley. They wanted to increase the size of their payment and increase the size of the land component to be purchased. That decision was taken by the City of Unley, and it was not forced on it by the State Government in the negotiations. The Government's position was to maximise the total value to the taxpayers of South Australia and the department from the sale of the property.

As I have indicated on a number of occasions, being a reasonable Government we were always prepared to negotiate on this matter if two conditions were met: first, that Tabor College was happy with any alternative resolution and, as has

been indicated by Mr Dennis Slape and other spokespersons for Tabor College, it is delighted with the alternative resolution; and, secondly, I indicated that as Minister for Education and Children's Services I was not prepared to agree to any resolution which did not see the maintenance and preferably an improvement in the level of services to be provided to teachers and staff associated with schools in South Australia.

Whilst I am not in a position to indicate where the new location will be, I advise that we are currently negotiating on two sites: one is a greenfield site and the other site is a redevelopment.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: I am not in a position to indicate which locations are being considered, but we are nearing the end of those negotiations, and I am hopeful of being able to announce the new location for the training and development function of the department in the very near future. As I indicated in my press statement at the time, the department and the Government intend to collocate in our new location a number of existing functions which are spread all over the metropolitan area, so it will not be just a replacement of the training and development function of the department.

The Principal Training Centre will be located at the new site. The School of the Future, which is currently located in the northern suburbs, making access for students from the southern suburbs difficult, will be located at this new, more central location. The Palmer Place Training and Development Centre in North Adelaide for staff associated with the Children's Services Office will be collocated at the new site. The Materials Development Unit of the department, which is a big function of the Curriculum Section, will also be collocated.

We are also looking to collocate one or two other functions of the department currently located in other metropolitan locations at this new site. As I said, a very exciting development funded by the $6 million obtained from the sale of The Orphanage will be announced in the very near future. We will see not only a collocation of a number of these functions but also a very much improved service to teachers, staff and students within schools in South Australia.

The Hon. T.G. Cameron: Good to see you answered the question when the media is here, Leader.

The Hon. R.I. LUCAS: I answer the questions even if they are not here.

ANDERSON INQUIRY

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General a question about the Anderson report.

Leave granted.

The Hon. R.R. ROBERTS: This Council yesterday directed the Attorney-General to table a full report by Tim Anderson QC at the behest of the Government, through the offices of the Crown Solicitor, into the conflict of interest allegations against the former Finance Minister, Mr Dale Baker, MP. It appears that the original intention of the Attorney-General to be open about this document and have it tabled in this Parliament has been overruled by the Premier. All members would have noted at the time of tabling documents in this place today that the Attorney has, at this stage, not tabled the documents—certainly not at the time when, under Standing Orders, documents would have been tabled. My questions to the Attorney-General are:

1. Will the Attorney comply with the direction given to him by this Council and, if not, why not?

2. To the best of the Attorney's knowledge, who currently has the original Anderson report, or a copy thereof, apart from the Premier himself?

3. If all copies of the Anderson report have been delivered up from the Attorney-General and his officers subject to his direction, who gave the orders for this to occur, and in what manner were any such orders communicated?

The Hon. K.T. GRIFFIN: The honourable member does not understand Standing Orders because the time for tabling documents is at any time during the course of the sitting. You do not have—

Members interjecting:

The Hon. K.T. GRIFFIN: It is.

Members interjecting:

The Hon. K.T. GRIFFIN: You do not have to table documents at any particular time. Members opposite know full well that when they speak in debates they often seek leave to table documents, and that can be at any time of a particular debate and a particular time of the sitting.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: Members opposite, when they were asked yesterday about where they were taking this, said that they had not really given consideration to that and, quite obviously, they have not given consideration to the question today. They just jump in and presume that there will be a particular time in the proceedings of the Council when this report will be tabled. All I can say to the members opposite is wait and see. The fact is, and I indicated it in the debate last night, that I do not any longer have a copy of the report. I indicated that the copies of the report are securely stored in the Cabinet office.

The Hon. R.R. ROBERTS: As a supplementary question, I ask the Attorney to answer my third question: if all copies of the Anderson report have been delivered up from the Attorney-General and his officers subject to his direction, who gave the orders for this to occur and in what manner were any such orders communicated?

The Hon. K.T. GRIFFIN: The question starts with an 'if', and that suggests that the honourable member does not believe me. I do not care whether or not the honourable member believes me: I have told the Parliament what is the position. If Opposition members choose to doubt it, that is a matter for them. I can live with my conscience. I do not intend to take the matter any further, in answer to the questions.

The Hon. CAROLYN PICKLES: Will the Minister table the report before the close of business today?

The Hon. K.T. GRIFFIN: I have indicated that I do not intend to telegraph what I will or will not do. I answered the question. I said 'Wait and see.'

Members interjecting:

The PRESIDENT: Order!

PORT RIVER

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: —before the Hon. Angus Redford does away with the Legislative Council. I seek leave to make a brief explanation before asking the Minister for

Transport, representing the Minister for the Environment and Natural Resources, a question about PCBs.

Leave granted.

The Hon. T.G. ROBERTS: An article in this week's *Portside Messenger* (Wednesday 23 July) is headed 'Dolphins PCB danger denied.' For the benefit of members I will read part of the article because it is slightly confusing. The article states:

> The EPA and the State Government have denied there are high levels of dangerous PCBs in the Port River, despite an autopsy showing alarming levels of toxins in one of the river's dolphins. But EPA principal water quality adviser Dr John Cugley said the authority would carry out more tests to verify its findings. State Environment and Natural Resources Minister David Wotton said there was no evidence of PCBs in the river.

David must have gone down for a swim wearing his snorkel and goggles and could not see any. The article continues:

> He said the dolphin Jock had died four years ago and subsequent EPA testing over the past two years had not revealed any PCBs. The tests, obtained by the *Portside Messenger*, showed levels of PCBs (polychlorinated biphenyls)—environmentally hazardous synthetic chemicals used in manufacturing in the 1920s—were 'below the detection limit'.

The substance of the article is that there is some confusion about whether the levels of PCBs found in the autopsy were from recent or past build up. The time frames for current testing, which has been more than four years, indicate that there are some levels of PCBs, and they are one of the most dangerous materials known to man. The EPA said that it would conduct more tests. I certainly would not like to see the tests being conducted over another three or four-year period, so my questions to the Minister are:

1. When will the tests from Dr Cugley be made available?

2. What analysis is being made and what, if any, impact will that have on a potential clean-up program for the Port River? Will it be an accelerated program or will it be on the time frame set currently by the Government?

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

COONGIE LAKES

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

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources has provided the following information based largely on information provided by Mines and Energy Resources South Australia (MESA).

1. An accurate estimate of the cost benefit to Santos of exploration in the Coongie Lakes Control Zone (CLCZ) would rely on knowledge of the size of any petroleum deposit that may be discovered and on the detailed business arrangements of Santos. This latter information is not in the possession of Government and nor should it be. Therefore such an estimate cannot be made with a high degree of reliability.

MESA has carried out an independent estimate based on data which is necessarily less comprehensive than that which would be in the possession of Santos. This estimate is based on the overall discovery rates throughout the Cooper Basin and indicates a value of undiscovered petroleum within the Control Zone of the order of $220 million. I must repeat, however, that such estimates incorporate a significant degree of subjectivity and must be treated with caution.

2. A previous study on economic impact indicators for petroleum activities in South Australia has shown that for each $1 million spent on annual petroleum exploration:

- household income increased by $360 000;
- 17 additional jobs (including multiplier effects) were created; and
- $951 000 in value adding was created.

For each $1 million in annual production sales value:

- 1.4 jobs are directly supported;
- $60 000 to $70 000 is paid to the Government in royalties; and
- additional direct Government benefits such as payroll tax etc. occur.

The calculation of royalties is not a simple exercise and depends on many factors, but primarily net wellhead costs. The average royalty for the Cooper Basin in the past five years is 6.8 per cent of Sales Value. If the Sales Value for resources realised from the CLCZ is $220 million, then the direct royalty to the Government would be of the order of $15 million.

3. The Department of Environment and Natural Resources has estimated that the current tourist visitation rate is 15 000 per year, which is conformable with the most recent actual visitor count undertaken in 1987. A recent Australian Bureau of Agricultural and Resource Economics report on the economics of the Lake Eyre Basin indicates that, on average, each visitor brings $421 into the local economy. Based on these figures, the annual value of tourism of the Coongie Lakes area is $6.3 million.

4. A process is currently being investigated to value the natural resources of the CLCZ as part of the assessment process for the proposed seismic survey, although natural resource accounting is notoriously difficult and satisfactory methodologies for this kind of situation are yet to be developed.

5. A wilderness protection area cannot be proclaimed under the Wilderness Protection Act while a mining/petroleum tenement is current. The current petroleum tenements over the Coongie Lakes area expire in 1999 and it will be more practical and appropriate to address the issue of wilderness assessment at that time.

LIVING HEALTH

The Hon. DIANA LAIDLAW (Minister for Transport): I seek leave to table a copy of a ministerial statement on a report by the Economic and Finance Committee, delivered this day by the Hon. Michael Armitage, the Minister for Health, in another place.

Leave granted.

NATIVE FAUNA PERMITS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister representing the Minister for the Environment and Natural Resources a question about native fauna permits.

Leave granted.

The Hon. M.J. ELLIOTT: Many South Australians are voluntarily involved in the rescue and protection of native birds and animals. Whether it is young birds falling out of nests, injured animals or snakes ending up as unwanted intruders in people's backyards, there are volunteers who rescue these creatures and, where necessary, nurse them back to health.

People must have good reasons to take species from the wild and require fauna permits from the Department of Environment and Natural Resources' Resource Protection Section to allow them to keep and care for protected species. Often these creatures become too tame for release back into the wild or are not local to the area, so the department can give volunteer carers permission to retain them. This occurs under strict conditions, including not allowing the sale of protected animals and not disposing of them without the approval of the Director of Wildlife.

While it is important that DENR ensures that these strict conditions are met, concerns have been raised with me about recent moves to increase the number of bird seizures from voluntary carers for sale by the Government under public tender. In fact, I have had several contacts in this office from carers not only of birds but also of other animals who have had DENR oblige them to hand over animals for sale by it. Some of these birds can raise a great deal of money through the process with, for example, a yellow-tailed black cockatoo fetching about $3 000 per bird. These particular birds are a vulnerable species which takes a long time to wean, so often

they cannot successfully be released back into the wild. Fears have been raised that their sale value may lead to a push to increase the number of these birds taken from carers and sold.

I understand that money received from tender sales goes into the Wildlife Conservation Fund, which provides grants to help conserve native species. However, I have received reports of incidents where volunteers have felt threatened by the manner in which officers have dealt with them over the seizing of birds and other animals, and the provision of permits. Some have felt that, if they did not hand over certain animals that were being requested of them, they would lose their permit to keep animals, and this has led to concerns about whether the birds and other animals are being taken simply to raise revenue. My questions to the Minister are:

1. What protocols are in place for the management and sale by DENR of native birds and animals?

2. What percentage of the Resource Protection Section's funding is reliant on income from tender sales?

3. What safeguards are or will be put in place to ensure that vulnerable species are not exploited for the financial gain of the department?

4. What efforts are being undertaken to release rescued wild stock back into the wild where possible?

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

AUSTRALIAN NATIONAL

The Hon. DIANA LAIDLAW (Minister for Transport): I seek leave to make a short ministerial statement in relation to an Australian National update.

Leave granted.

The Hon. DIANA LAIDLAW: I would like to advise members who have all shared a keen interest in the AN sale process in the passage of legislation through this place about a statement made earlier today by the Hon. John Sharp, Minister for Transport and Regional Development, in relation to apprentices. This matter was of keen interest to all members and an important consideration in terms of the passage of the legislation.

The Minister has emphasised the Federal Government's commitment to the apprentices employed by AN. He has confirmed that the apprentices were recruited and took up their jobs with AN in good faith, and in the full expectation that they would be able to complete their apprenticeship and then practise their trade. He has indicated that the Government has a responsibility to make good the offer which the AN apprentices accepted in good faith, and he has confirmed that the Government will look after AN apprentices to ensure that they can complete their training.

Mr Sharp said that, while it is important that they have the opportunity to complete their apprenticeships, it is even more important they have the chance to work in their chosen trade once they have finished their apprenticeships. He has also indicated that he has raised the employment of the apprentices as a matter of priority with the new owners, once the sale has been finalised, and the Government will ensure that the apprentices' interests are looked after in terms of the sale process and thereafter.

The Minister has announced the first $4 million of the $20 million two-year rail reform transition project, and the programs announced today include: $200 000 to Steel Road, a company established by two ex-AN employees to develop the managerial and training skills necessary to win track maintenance contracts in Australia and internationally; and a further project of $57 000 to the Barossa Regional Economic Development Authority to upgrade the railway line between Nuriootpa and Angaston for tourist train operations.

There are also further projects in the North of South Australia: $1 million for aquaculture development in the Upper Spencer Gulf, and $972 000 for the Pichi Richi Railway Preservation Society to upgrade 32 kilometres of track and associated infrastructure, taking the railway's terminus to within seven kilometres of Port Augusta; and $1 275 000 as an incentive to the private sector to invest in the development of a container manufacturing facility at Port Pirie. In the Port Lincoln region, recognising that it is a major producer of seafood both for domestic consumption and export, there will be an investment in the airport so that it can cater for larger aircraft; $350 000 has been sought and will be provided for that project. Also, a further $40 000 will be provided to the Peterborough horticultural complex to assist in that project's achieving commercial viability.

I emphasis that this is only the first $4 million of $20 million that will be coming to this State in terms of picking up investment opportunities which will provide longer-term employment for many workers who may not be able to find employment with the new owner, so that they would not have to leave the region where they have housing, schooling and a whole range of other commitments.

I am sure all members—as I do—will welcome these statements from the Federal Minister today, and we all look forward to the commitment of at least another $13 million being spent in this State over the next few months.

CROWN LAW OFFICE

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Attorney-General a question about the Crown Law Office.

Leave granted.

The Hon. R.D. LAWSON: In an article by Matt Abraham in today's *Australian*, under the heading 'Crown law office Olsen's secret police: Rann,' the Leader of the Opposition was reported yesterday as having said that the Crown Solicitor's Office had always been seen as objective and neutral but in allegedly seizing the documents from Mr Anderson's office it was 'acting as some kind of secret police for the Government'. The Leader is quoted as saying:

> There obviously needs to be a bit of a clean-up in the Crown Solicitor's Office, and there will be when we get to power.

The Attorney-General is quoted as saying that the Crown Solicitor served the Government of the day. My questions to the Attorney are: has the independence and integrity of the Crown Solicitor been compromised in this matter of the Anderson report? Is it the view of the Attorney-General that the Crown Solicitor merely serves the Government of the day?

The Hon. K.T. GRIFFIN: What Mr Rann has said is a disreputable, disgusting slur upon the integrity and professionalism of public servants. It is typical that Mr Rann should get out into the gutter and under parliamentary privilege defame public servants, many of whom served the previous Government as faithfully as they have served the present Government. In fact, many of the officers of the Public Service and the Crown Solicitor's Office are the officers who served previous Labor Administrations. Some of them may be Liberal, some of them may be Labor: in my view it does not matter, provided that they undertake their professional responsibilities faithfully and well.

I have no criticism of the Office of the Crown Solicitor in any respect. Many of them were officers under my predecessor (Hon. Chris Sumner), and many of them, as I say, were probably Labor or probably Liberal, but neither he nor I cared. The fact is that they did a good job. They cannot answer back because this slur has been cast under parliamentary privilege. All they can do is respond through the responsible Minister, and in this case it is me.

I intend to tell members what the Crown Solicitor actually did in relation to the Anderson report and the office from which he works. Quite obviously, what Mr Rann has said denies the structure, framework and substance of the Public Sector Management Act. No Minister can sack or hire a public servant under the Public Sector Management Act. We cannot discipline public servants. It is objectively done by the Chief Executive Officer or the Commissioner for Public Employment, and in this Government we have faithfully adhered to both the principles and the substance of the Public Sector Management Act.

Mr Rann said, 'There obviously needs to be a bit of a clean up in the Crown Solicitor's Office and there will be when we get to power.' What does that say about Mr Rann? That says that Mr Rann will be interventionist; he will interfere with the conduct of the Public Service and do things which the Public Sector Management Act does not allow at law. It does not allow that. The fact is—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: What this means is that Mr Rann, for the sake of making a few political points in the lead-up to an election, is prepared to bring public servants into it and to demean them and that, I think, is disgraceful, disgusting and a slur. I think that the members of the Public Service in South Australia ought to look very carefully at what Mr Rann has said because, if he ever gets to power, heaven help those who do not fall into line with his views.

Public servants are there to give advice to Government and to do it without fear or favour. When public servants come to see me and say, 'Well, we are sorry, we are going to have to say this to you,' I say, 'Do not be afraid, you are paid to give objective advice to the Ministers of the Crown and, if you do not give objective advice, you are not doing your job.' That is the issue, and Mr Rann is quite obviously prepared to undermine that principal tenet of public service.

Let me just indicate the following, Mr President. The Crown Solicitor did not raid Mr Anderson's office, and again such an expression and suggestion is disreputable: it did not occur and would never occur. Mr Mike Walter, the Crown Solicitor, said that the decision to clear out the office in Pirie Street—not a raid—was made by him long before the Anderson inquiry had finished. An officer of the Crown Solicitor's Office was assisting Mr Anderson. He instructed her to arrange to have all materials in the office packed into boxes, whether they were transcripts of interviews, documents or correspondence. As I say, the arrangements had been made about where things would go about two weeks beforehand. This occurred because the Crown Solicitor knew there would not be any storage space in his office or on his floor.

The Anderson report was delivered to the Crown Solicitor on Friday 4 July by Mr Anderson. The telephones were disconnected on the Monday and the move took place on the Tuesday. Monday was spent packing and moving boxes to the new location. A Crown Solicitor's officer assisting Mr Anderson conducted the move with the help of a correspondence clerk from the Attorney-General's Department and used the Crown Solicitor's car. Materials used in the inquiry also went to storage, and the report and the floppy disks from the computer went to the Crown Solicitor. The room in Pirie Street was rented by the Crown Solicitor and paid for by the Government. This also occurred during the Hindmarsh Island bridge royal commission.

The office was cleared out as quickly as possible for several reasons. First, the Crown Solicitor did not want to leave materials unattended; secondly, he wanted the officer from his office to return to her normal duties as soon as possible; and, thirdly, he did not want to pay any more rent for the building and the phones than necessary.

The Crown Solicitor says that the idea of raiding the office and seizing the documents is absurd. He says, quite clearly, that he cannot raid his own office. In addition—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: While Mr Anderson has made observations about not having a copy of the report, the Crown Solicitor indicates that the report was the property of the Crown Solicitor; so were the computers, the disks and all other material. So, that is the position. Let it be on the public record. I hope that those who have reported publicly the 'raid', as it was described, and the reference to the Crown Solicitor as 'Olsen's secret police' report that publicly so it is on the public record.

It is defamatory and, although the media has reported it as what happened in the Parliament, they are, to some extent, protected by qualified privilege. The fact is that it does no good to anyone to have the reputation of the Crown Solicitor demeaned in this way.

I hope that Mr Rann will meet more than his match on this particular issue. As I said earlier, those in the Crown Solicitor's Office who have worked there faithfully and diligently, regardless of the political persuasion of the Government, will be vindicated in their professionalism in due course.

ANDERSON INQUIRY

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General a question about the Anderson report.

Leave granted.

The Hon. R.R. ROBERTS: On 10 July this year the Premier gave a ministerial statement in another place regarding the report of Mr Tim Anderson QC into the conflict of interest in which Dale Baker was involved when he was Minister for Primary Industries. The primary reason given by the Premier for refusing to release the report was that witness confidentiality needed to be maintained. The Premier's reasoning blurred the distinction between the material provided by the witness as opposed to the report finally prepared by Mr Anderson QC. Yet at least one witness gave information to the Anderson inquiry on the basis that the final report would be made public.

On the basis that the Premier (John Olsen) has given the report top secret status, despite the assurances given by the Attorney-General to the public of South Australia, the prospects of the truth about the Dale Baker affair have therefore been jeopardised by the Premier.

The PRESIDENT: Order! The honourable member is asking questions that are full of opinion. I suggest that the honourable member remove the opinion before he proceeds.

The Hon. R.R. ROBERTS: Thank you, Mr President. One of the key witnesses to the Anderson inquiry is now prepared to make his evidence publicly available. I seek leave to table a written summary of the evidence given and read to the Anderson inquiry by the Hon. Mike Rann MP.

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order, the Hon. Angus Redford! Is leave granted?

Leave granted.

The Hon. R.R. ROBERTS: First, does the Attorney-General concede that the reasons for not releasing the contributions of witnesses—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order, the Hon. Angus Redford!

The Hon. R.R. ROBERTS: They do not like the lash, Mr President. Does the Attorney concede that the reasons for not—

Members interjecting:

The PRESIDENT: I ask members to resume their seats and abide by the Standing Orders.

The Hon. R.R. ROBERTS: Does the Attorney concede that the reasons for not releasing the contributions of witnesses do not justify failure to release the report prepared by Tim Anderson QC after he heard from those various witnesses? Secondly, does the Attorney admit that witness confidentiality is not the real reason for suppression of the Anderson report?

The Hon. K.T. GRIFFIN: The answers in every respect are 'No.' I think the explanation of the honourable member is a joke and is not worth responding to.

INFORMATION TECHNOLOGY

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Minister for Education and Children's Services a question about information technology education.

Leave granted.

The Hon. L.H. DAVIS: Information technology and related industries are providing an increasing number of jobs, and importantly reducing costs and enhancing productivity. Telex machines and typewriters now seem a world away. This State, like the other States of Australia, has placed great store on information technology and has worked hard to attract and support companies in this rapidly growing sector. It is clearly important that the education syllabus provide opportunities for students to gain a proper understanding of information technology.

My attention has been drawn to the fact that both the University of South Australia and the Flinders University recognise the year 12 information technology studies course and accept it as a subject for Higher Education Selection (HESS). This information technology course is offered statewide and covers information systems, including databases and wordprocessing communication and work presentation, and provides a general understanding of computer programming.

However, the University of Adelaide does not accept this studies course for HESS because, apparently, it prefers year 12 students to study maths I and II. Apparently there is a view at the Adelaide University that if information technology studies were recognised for university entrance many year 12 students would drop maths II in preference for information technology studies.

I have made inquiries interstate and have established that in Victoria, Western Australia, New South Wales and Queensland the final year information technology subject is recognised as a subject to be counted for university entrance by all universities in each of those States. Therefore, it appears that the University of Adelaide, which I should declare is my *alma mater*, is out of step with the rest of Australia.

Further inquiries have revealed that some elements of the computer industry believe that the year 12 information technology studies course could be strengthened. There have been some suggestions that what is learnt in year 12 may have to be unlearnt at the tertiary level. However, that itself may simply reflect the rapid change which is occurring in information technology.

Tension between secondary and tertiary education is not new. I remember that, when I studied economics for matriculation in secondary school, in the following year in first year economics at the University of Adelaide disparaging remarks were made about the matriculation economics course which I found unfair and, with the benefit of hindsight, inaccurate. However, what is important is that students should not be discouraged from doing a generalist course in information technology which gives them skills and knowledge which are surely now a prerequisite for tertiary education, let alone life.

I raise this matter not as a criticism of the University of Adelaide but, rather, in the hope that an agreement can be reached to allow information technology to be properly accredited with HESS status. The winds of change are always blowing through education forcing change. A generation ago Latin was an almost mandatory subject for students aspiring to university; now only a handful of students study the subject.

Surely today it is not unreasonable to expect that a generalist information technology subject at year 12 should be given HESS status. My question is: Does the Minister—

The Hon. Anne Levy interjecting:

The Hon. L.H. DAVIS: I would have thought that the Hon. Anne Levy might have had a passing interest in this. Does the Minister have any views on this important matter, given that the University of Adelaide appears to be the only university in Australia which does not give accreditation to a year 12 information technology subject?

The Hon. R.I. LUCAS: I can share with the honourable member some views in relation to this matter. The acceptance or not by the universities of the various year 12 subjects is an exceedingly difficult issue. Information technology in itself has proved to be particularly difficult. It is true to say that there are some within the university, but also I must say some within the management positions of some of the major information technology companies in South Australia, who have taken the view that they would prefer the graduates of secondary schools to be graduating with a stronger grounding in mathematics than perhaps a grounding in the information technology subject.

That is not true of all the representatives of management of information technology companies in South Australia, but it is a view of some and in particular of some of the more significant employers. Therefore you do have this, I guess, diversity of opinion within information technology companies and the University of Adelaide in relation to the status of information technology as a subject.

The position of the Department for Education and Children's Services has been that we are trying to encourage young people to contemplate information technology as a

future employment prospect for them as they leave school. We are currently highlighting to young people the burgeoning jobs within the information technology sector within South Australia and nationally; and we are highlighting the fact that if they continue with their mathematics study to the greatest extent that is possible for the individual they will maximise their future options for information technology subjects and for employment.

However, it is fair to say that not everyone is suited to intensive mathematics study, and in particular to the continued study of maths I and maths II at year 12. I do not think that there is any doubt that, for a large number of students, the study of information technology at year 12 should be a very good preparation for further study and employment in the information technology industry in South Australia and should therefore be encouraged by our teachers and counsellors within the school system. I think there can be a balance there in terms of encouragement for information technology study.

In relation to the position of the University of Adelaide, that is a decision for an independent and autonomous body such as the University of Adelaide, as the Hon. Legh Davis would readily acknowledge. I know that it has been exposed to the varying views in this area. It is important to note that, whilst it has not been accorded HESS status, it can be a part of a tertiary entrance score for a student entering any course at university. A year 12 student can undertake study in four publicly examined subjects (PES) and may then study a subject, such as information technology, as their fifth subject towards their aggregate score. In that way a student can study information technology and can still enter a wide variety of courses in the university through the study of information technology.

If information technology were to be designated as a HESS subject, it would give it added status and would improve a variety of options for year 12 students in terms of the range of subjects they might then select to study at year 12 in preparation for university. I do not think there is much more I can add at this stage. If there is any further information I can ascertain for the honourable member on this issue, I undertake to do so and provide a response when Parliament reconvenes in September or October or, if it is available before then, I will provide it by way of correspondence to the honourable member.

ROADS, BLACK SPOT

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport questions about country road black spot funding.

Leave granted.

The Hon. T.G. CAMERON: I recently wrote to every non-metropolitan council in order to gain a better understanding of the condition of country roads throughout South Australia. I asked the councils to identify any sections of roads and highways they believed were either a safety hazard or presented a barrier to the development of local economic and social activities. I was particularly interested in those sections which they considered to be black spots and which needed urgent attention. The response to my correspondence was overwhelming: dozens of councils have taken the opportunity to write and let me know in no uncertain terms what they think about the state of many of our country roads and the impact this is having on their social and economic development.

I would like to list the black spots that have been sent to me, but I must point out that this is not the complete list as further replies are arriving every day. The City of Mount Gambier noted Penola Road, Wireless Road and Pinehall Avenue; and the intersection of Penola Road and Wireless Road. It made the comment that heavy vehicles using Riddoch Highway, the road adjacent to the Blue Lake, are an unacceptable risk to the water supply for the whole area. It notes the intersection of Jubilee Highway West, Wandillo Road, Milton Road, Jubilee Highway East, Kennedy Avenue to Ramsay Avenue, and that the general public lighting standards are below acceptable standards on all departmental roads within the city's boundaries. Jubilee Highway and Waite Avenue have isolated drainage problems.

This document is a summary of all the roads and the problem areas noted by the councils that have so far written to me. I am quite happy to read it into the transcript but, considering the time, I seek leave to table the document.

Leave granted.

The Hon. T.G. CAMERON: As I indicated, I have received replies from dozens of councils, with replies still coming in, and the areas they have outlined as problems are contained in the document that I have tabled. My questions to the Minister are:

1. Was the Minister aware that so many black spots on South Australian country roads are in need of urgent funding and, if so, what steps has she taken to rectify this appalling situation?

2. Will the Minister order the Department of Transport immediately to contact each of the councils I have listed (and I would be happy to supply a list to the Minister's office) to commence discussions to ensure that these dangerous road black spots receive the necessary funding for their upgrade?

The Hon. DIANA LAIDLAW: I know about what the honourable member calls the 'appalling situation' because it is the one we inherited and are seeking to address now with an enormous injection of new funds to road construction and maintenance in this State. If the honourable member ever chose to take a genuine interest in transport issues, he would recall that it was the former Federal Government that got rid of the black spot program, and it was this Government, together with local Governments and State Governments around Australia, that persuaded the current Federal Coalition Government to reintroduce black spot funding. Because of those appeals to the Federal Government, $3.8 million was distributed last year and a similar sum will be introduced next year and for the following year.

It is a very genuine commitment by this Government and the Federal Government that has seen that injection of funds to redress the issue to which the honourable member referred. I did not ever hear the honourable member bleat about 'appalling situations' under the former State Government here nor under the Federal Government when the former Federal Government, Mr Keating and his lot, got rid of black spot funding. That was the appalling decision that was made and that is the one that is being reversed by this Government. So, instead of bleating I would be applauding the Federal Government for its investment and commitment to address these issues of black spots in this State.

In addition, the State Government has invested at least $7 million or $8 million for each of the last three years, and that will go on for the next seven years, to seal all unsealed rural arterial roads in country areas in unincorporated council areas. That is money that would never have been possible under the former Labor Government because it was not

interested in anything north of Gepps Cross. It certainly was not interested in anything south of Aldgate or Maslins Beach. This Government has expended heavily in areas outside the wider metropolitan area, not only because we recognise the social and economic need for transport efficiency but also for general communications and cultural purposes in rural areas.

In addition to those funds there has been a big investment by this Government through both the Tourist Commission and the Department of Transport to ensure that we spend money on roads important to tourism. That is money that the Department of Transport does not need to spend, because it is not within its charter, since the roads are local roads. Yet this Government believes so strongly in the construction and maintenance of roads outside the metropolitan area that $12 million is being spent on Kangaroo Island alone through the transport budget, and more money is being expended in the Flinders Ranges.

Also, this Government is widening and upgrading the road to Casterton, which Mr Blevins always promised to do something about but never did, in the Mount Gambier area—the very area in which Mr Cameron now seems to be taking a particular interest. The councils have written to me. I have the information from Mount Gambier and we are working with them to address those issues. We are well advanced without Mr Cameron's needing to raise the issue.

MIMILI SCHOOL

The Hon. J.F. STEFANI: Will the Minister for Education and Children's Services provide an update on the attempts to repair the damaged building at the Mimili school?

The Hon. R.I. LUCAS: For the information of members I wanted to update the situation in relation to the Mimili school, because this issue has been raised by the Hon. Ron Roberts on a number of occasions in an attempt to attack both me, as Minister, and the department on the administration of the Department for Education and Children's Services.

As members will know, since about October last year the Government and the department have been trying to get permission from the various bodies and persons in the Pitjantjatjara lands for officers from Services SA to attend and repair the damage caused by persons in the Mimili school to the new building that arrived at the Mimili school as well as remove the asbestos and provide the excellent new facilities that, clearly, the Mimili school community required. We were unable to get permission in October last year and all through the end of last year. Earlier this year we sought permission to repair the school buildings and facilities and, again, we did not receive permission from a number of people up there.

As I indicated at the time and in parliamentary debate, I had some grave concerns about the activities of the Hon. Ron Roberts in this Parliament in seeking to politicise this issue as I had with the activities of a Mr John Lark, the Community Development Officer in Mimili, who is a close associate of the Hon. Ron Roberts in relation to this issue. I indicated some months ago that during the recent parliamentary break I intended to visit the schools in the Pitjantjatjara lands. Mr President, as you know, because you were a fellow traveller with me, we visited the Mimili community first-hand to establish the problems at Mimili and how we might be able to resolve them.

In the third week of June the President and I visited the Mimili community and looked at these facilities. We found that one Mr John Lark, the Community Development Officer, either was on holidays, annual leave, or was not in the community. We investigated the damage at the site and as Minister I put a very strong view to the members of the Mimili community who happened to be there that, first, we wanted to see the buildings repaired. Secondly, I indicated that I was surprised that some people—and the Hon. Ron Roberts knows who—were clearly seeking to make this a political issue and were not interested in seeing a resolution to this issue.

What I said to the Mimili community members whom I met on that day was that this decision ought to be a decision for them. The Anangu people ought to make their own decision and should not be dictated to by Mr Lark, with assistance from the Hon. Ron Roberts and a few other people. As the Anangu people, the owners of the land in that community, they should make their decision and not be dictated to, guided or persuaded by Mr Lark or, indeed, anyone else. I indicated that, equally, they should not be dictated to by the non-Anangu Principal or by me as Minister. I indicated that to them, and I was absolutely fair. I said to them—and, Mr President, you were there to attest to this fact—that they as the Anangu people should tell me as Minister what they want. It was not what I as Minister wanted; it was not what the Principal wanted; and it certainly was not what Mr Lark or the Hon. Mr Roberts wanted.

As we had that discussion I left it with the Mimili community for them to meet. I said that they now had the perfect opportunity, because John Lark was not there, and we also would be leaving. We said that, over the next few days, the Mimili community should meet—not dictated to by a Minister, by John Lark or by the Hon. Roberts—and then tell us what it wants. Did they want us to come up there to fix that building, get rid of the asbestos and repair it so that their children could have the benefit of those school facilities? If they said to us that they did not want that, then, okay, that would be their decision, and at least they would have made that decision without John Lark being there.

So John Lark, the Hon. Ron Roberts's mate, was not there, and what happened? The Mimili community met and said, 'We want this building fixed; we do not mind you sending up the Services SA tradespeople to fix this building on the site and to get rid of the asbestos so that our children can enjoy it.' Within a few days the AP Council also went through a discussion on this issue and, as a result of the discussion, Services SA people were allowed to go up there. I am delighted to say that when the trouble maker was not there, aided and abetted by the Hon. Ron Roberts in Parliament, we actually solved the problem. On 3 July, approval was given for work to proceed. As a result, tradespeople arrived four days later on site at Mimili on Monday 7 July.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: We know why we could not, because the Hon. Ron Roberts and John Lark were stopping it. When John Lark was out of the equation and when the Anangu people could make the decision for themselves they approved of this going ahead.

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order! I have given the Hon. Ron Roberts a really good go, but that is the end of it.

The Hon. R.I. LUCAS: I am advised that all products containing asbestos have now been removed from the building by licensed contractors and taken off the land. External panels have now been installed, and the tradespeople are currently working on the internal panels for partitioning and electrical work. I am advised that it is anticipated that

tradespeople will have completed their work on those buildings, in particular the repair and the paint which I promised to the Mimili community, within two weeks.

So this occurred in the absence of John Lark and the political stirring of the Hon. Ron Roberts, and I am delighted to place on the record my thanks to you, Mr President, Mr Donald Fraser (Chairman of Anangu Pitjantjatjara), Mr Donald Ferguson, Owen Burton, and other members of the Anangu community, officers of the Department for Education and Children's Services (in particular the coordinating Principal, Mark Connelly) and the other members of the department who together, in the absence of Mr Lark and the Hon. Ron Roberts, have been able to achieve a wonderful result for the children, staff and the community at Mimili which, after all, is what the Government and the department wanted in the first place.

LOCAL GOVERNMENT (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 July. Page 1864.)

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their contributions to the Bill. We can further canvass some issues in the context of the Committee consideration.

Bill read a second time.

In Committee.

Clause 1.

The Hon. K.T. GRIFFIN: Some issues were raised during the second reading debate, and I am sorry that I did not respond at that stage, but it is appropriate that I now provide information in response to those questions.

The Hon. Paul Holloway voiced certain concerns in the Council about the accountability of section 200 controlling authorities. He expressed the view that there should be a mechanism whereby the activities of section 200 bodies could be brought under investigation by Parliament if it were necessary to do so. He made particular reference to concerns that arose several years ago when the then Centennial Park Cemetery Trust was reluctant to give information to the Minister or to its constituent councils.

The Centennial Park rules have since been comprehensively revised. The revised rules greatly improve the accountability of the Centennial Park Cemetery Authority, as it is now called. Among other measures, the new rules require the authority to obtain the endorsement of its constituent councils for corporate plans and budgets, to supply information, including copies of board meeting papers and minutes at regular intervals to the chief executives and mayors of its constituent councils, to report to its constituent councils quarterly, and to publish an annual report. The revised rules were forwarded recently to the Legislative Review Committee following correspondence between the Minister and the Presiding Member.

As to the investigation of controlling authorities, it should be noted that the Public Finance and Audit Act 1991 was amended in 1994 to empower the Treasurer to request the Auditor-General to inquire into the efficiency and economy with which the affairs of a controlling authority are conducted. The Auditor-General's Report on such an inquiry is presented to both Houses of Parliament.

The Hon. Robert Lawson asked for information about the number of local government controlling authorities established under section 200 of the Local Government Act and the areas in which they operate. Currently available information shows 11 local government organisations incorporated under section 200 of the Local Government Act and a further 24 organisations established under its predecessor, part 19 of the Local Government Act. Those of the latter which are incorporated are regarded as section 200 authorities under the transitional provisions of the Local Government Act Amendment Act 1988.

The purposes of the section 200 authorities and those established under the preceding provision include: regional local government associations, for example, the Riverland Local Government Association and the Mid North Local Government Region; regional industry associations, for example, the South-East Saleyards Association; drainage authorities dealing with drainage across council boundaries, for example, the Little Para Drainage Authority; regional development boards, for example, the Mid North Regional Development Board; waste management organisations, for example, East Waste; cemeteries, including Smithfield and Centennial Park; and health authorities, for example, Eastern Metropolitan Regional Health Authority.

The Hon. Robert Lawson also asked whether any regulations had been made under section 34A of the Local Government Act setting up requirements for the rules of local government indemnity schemes under that section. I am informed that no regulations have been made setting out requirements for rules under the section.

Clause passed.

Clause 2.

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

Page 1—

Line 13—Leave out 'section' and insert 'sections 11(c) and'.

Line 15—Leave out 'Section' and insert 'Sections 11(c) and'.

This adds new section 11(c) to those to enter into force on proclamation. This will enable the valuation notice provisions to stay in parallel with the Valuation of Land Act and changes that are needed to be made to the local government valuation regulations.

Amendments carried; clause as amended passed.

Clause 3.

The Hon. P. HOLLOWAY: I take this opportunity to ask the Minister a question about the Lucindale council. The Minister would be aware that, during my second reading contribution, I expressed some reservations about the situation in that area. The Lucindale Council is currently undergoing some amalgamation proposals and some concern was expressed that, because of the time frame involved, it might be forced into a premature merger before 30 September. I indicated at the time that, in relation to the situation, the Opposition would consider its position.

At the outset I say that the Opposition will not be seeking to move any amendments to this clause, but I would at least like to put a few comments on record to see whether the Minister can provide any information as to the current situation. Both the Lucindale and Robe councils have approached the Opposition objecting to the way in which the board is going about its amalgamation proposals. We understand that the facilitator appointed by the board to assist in that amalgamation has not been particularly consultative over these proposals, and it appears that there is some

unhappiness in the councils with respect to the amalgamation process.

Lucindale, Robe and Lacepede councils are the subject of amalgamation proposals, although suggestions have also been made that Wattle Range, which was formed from the old Millicent, Penola, Beachport and Naracoorte councils, might be involved. I understand that both the Lucindale and Robe councils have been looking at proposals since the board proposal was initiated and reports have been prepared. Some of these reports have been favourable for amalgamation while others have not been so favourable. It is my understanding that both councils say that they are willing to continue discussions on amalgamations, and both say that it would be sensible to allow the Wattle Range and Naracoorte amalgamations to settle down before proceeding with further amalgamation discussions.

Of course, as a result of the deadlines imposed under section 3, relating to the board's termination, these councils obviously feel that the board is pushing for a decision before the councils have been able to consider properly the options. These councils obviously would like more time to consider whether it would be better to have a whole-of-council amalgamation or perhaps only boundary adjustments. Clearly, the councils are unhappy with the board procedures. I understand that in one previous instance the Robe council sent a draft report to the board at the insistence of the facilitator but, before the board could forward the council a response, the board issued a press release which said that the council had made a number of errors in the report.

As I said, perhaps the Minister can give us some indication about the state of play. It was my understanding that a number of options had been identified by the board with reports available in the middle of September, just before the deadline for a decision to be made about whether to proceed. The councils are obviously concerned about losing their representation—their officers' employment in the towns—and so on. These issues arise in all amalgamations, but what is particular to this case is that, along with the deadline, there is a fear that, because of the timing, these proposals will be quickly pushed through and possibly the wrong decision made.

I am looking for an assurance from the Minister that the Government will be mindful of this and ensure that the board will not unduly rush the process so that the Lucindale council does not end up with a situation that is not in the best interests of the ratepayers of that area.

The Hon. K.T. GRIFFIN: I am informed that the amendment allows the board-initiated proposals to proceed if public notice is given before 30 September. By the time the public notice is issued, the board must satisfy itself that the council or councils concerned will not engage in structural reform of their own motion; that the performance of the council or councils on publicly named criteria warrants consideration of structural reform; that the likely outcomes of a merger would be a better and more efficient resource use; and that the board has consulted at all points of the process with the council or councils concerned. Following the public notice, the board must hold public hearings and receive representations and may make further inquiries as it sees fit.

At the conclusion of the public consultations and further inquiries, the board must again decide whether to proceed. If it does so decide, the proposal must be put to the councils concerned. If the councils oppose it, at this point the council must conduct a poll. I hope that satisfies the inquiry of the honourable member.

The Hon. P. HOLLOWAY: I hope that the board does not, if there are hopes of reaching some consensus that go beyond 30 September, unduly rush the process to reach completion before that date. Certainly the Opposition will be looking closely to ensure that that does not happen.

The Hon. K.T. GRIFFIN: I really can do no more than what I have indicated, but the observations of the honourable member are on the public record. Quite obviously, the *Hansard* report of that record will be available to the board, so the honourable member's views will be quite obviously known to the board.

Clause passed.

Clauses 4 to 9 passed.

Clause 10.

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

Page 2, line 38—Leave out 'member of the Australian Institute of Valuers and Land Economists' and insert 'person who is able to act as a land valuer under the Land Valuers Act 1994'.

The clause makes reference to a member of the Australian Institute of Valuers and Land Economists. The concern expressed to the Government was that that limited the use of valuers. The Land Valuers Act is committed to me, and that was the subject of significant reform in 1994 when we removed the licensing requirement for valuers and set down criteria that had to be satisfied for someone to be qualified to undertake a valuation and to charge for it.

It is not, in my view, appropriate that we limit to members of the Australian Institute of Valuers and Land Economists those who may undertake valuations: it appears to give the impression of a closed shop, and I certainly do not support that when, in fact, others may be valuers under the Land Valuers Act. The amendment removes that reference to the institute and refers simply to a person who is able to act as a land valuer under the Land Valuers Act 1994, and that, I think, is the appropriate way in which that should be described.

The Hon. P. HOLLOWAY: The Opposition supports the amendment.

Amendment carried; clause as amended passed.

Clause 11.

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

Page 3, Lines 3 and 4—Leave out 'a member of the Australian Institute of Valuers and Land Economists' and insert 'able to act as a land valuer under the Land Valuers Act 1994'.

This amendment is in identical terms to that which has just been carried.

Amendment carried.

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

Page 3, after line 5—Insert new paragraph as follows:

(c) by striking out from paragraph (c) of subsection (3) 'the owner of the land' and substituting 'the principal ratepayer in respect of the land'.

This amendment seeks to change the owner of the land to the principal ratepayer in respect of the land as the recipient of the evaluation notice which a council is required to give when the Valuer-General does not do the council's evaluations. The effect would be to remove the requirement for a council employing or engaging its own valuer to send a valuation notice to the owner as well as to the principal ratepayer where someone other than the owner, for example, a tenant, has been entered in the assessment book as principal ratepayer.

This change was requested by the Adelaide City Council after the Bill passed through the House of Assembly. At present, the Adelaide City Council is the only council with a continuing commitment to using its own valuers. The

amendment would have the effect of bringing the arrangements under the Local Government Act further into line with those proposed for the Valuation of Land Act.

The Hon. P. HOLLOWAY: The Opposition understands that the Local Government Association supports the amendment, so we are quite happy to support its passage.

Amendment carried; clause as amended passed.

Clauses 12 and 13 passed.

Clause 14.

The Hon. K.T. GRIFFIN: I do not propose to move my amendment, but the Government is indicating support for the amendment to be moved by the Hon. Paul Holloway, and I will express some further views with respect to that when that has been done.

The Hon. P. HOLLOWAY: I move:

Page 5, lines 8 to 10—Leave out proposed new section 201 and substitute the following:

Application of Subordinate Legislation Act to rules

201. (1) Subject to subsection (2), part 2 of the Subordinate Legislation Act 1978, other than section 10AA, applies to the rules of a controlling authority under this part.

(2) The Subordinate Legislation Act 1978 does not apply to the rules of—

(a) a controlling authority prescribed by the regulations; or

(b) a controlling authority of a class prescribed by the regulations.

I thank the Attorney for his indication in advance of support for my amendment. This seemingly relatively small amendment has caused a remarkable amount of flurry and activity around the place. I will briefly reiterate what it is all about. Sections 199 and 200 of the Local Government Act provide for bodies to be set up by local government. In the case of section 200, it involves organisations that span more than one council area.

Under the Subordinate Legislation Act, there has been some question in the past as to whether the rules of authorities that are set up under these sections of the Local Government Act are obliged to present their rules to the Legislative Review Committee of the Parliament. There is no question that the rules of bodies under section 200 have to be approved by the Minister. There was some question whether they would go before the Legislative Review Committee. Following Crown Law opinion, as was indicated earlier by the Attorney-General, some of these rules, in particular those relating to the Centennial Park Cemetery Trust, were presented to the Legislative Review Committee.

With regard to the philosophy behind it, a purist would say that, if a Minister has to approve the rules of a body, it is also appropriate that those rules should therefore be presented before the relevant committees of Parliament and be subject to the same level of scrutiny as other rules and regulations.

In my amendment (and I mentioned this in my second reading speech) I have tried to ensure that where rules of commercial bodies—and I am thinking particularly about those set up under section 200 of the Local Government Act—are set up by councils those rules should be scrutinised in the way that other regulations are scrutinised by the Legislative Review Committee of the Parliament. However, I am aware that there are some organisations in relation to section 200 for which that may not necessarily be appropriate. We have the situation where those bodies set up under section 199 of the Local Government Act (as far as I am aware—and perhaps the Attorney will correct me if I am wrong) do not have to have their rules approved by the Minister. Therefore, it is inappropriate that their rules should go before the Legislative Review Committee. Under my amendment, I would expect that bodies of that class would be exempted under the regulations from having their rules presented to the committee under the subordinate legislation Act.

The other point I made was the distinction between commercial and non-commercial bodies. There are a number of regional local government associations, and as these bodies are set up to improve the liaison between councils in an area and they do not undertake commercial functions, I would also see them as being exempted under the provisions of my amendment.

As I said, there has been a lot of discussion on this matter with the Local Government Association, and for the record I should read out a fax that I received from the association in relation to my amendment. The following is from Brian Clancey, an officer of the Local Government Association:

I agree there are several issues around section 200 controlling authorities that will need to be given consideration in the conduct of the review of the Local Government Act. These issues include:

1. the possible division of types of bodies such as those which essentially serve as membership organisations from those with a business service provision charter;
2. what approval process for rules should apply; and
3. what the respective roles of the Parliament and Minister should be.

These issues are considered to be beyond the scope of the present Bill.

I certainly agree with that. It continues:

Councils are concerned that your amendment will delay the matter being resolved as it requires regulations to be made. In the meantime, all controlling authority rule changes would need to go to the Legislative Review Committee. They also consider that they will then have a two-step approval process rather than a single point of approval. Some controlling authorities are now wanting to progress minor rule changes due to the impact of amalgamations; for example, replace old country names with new council names and reduce the number required for a quorum because of the reduced number of member councils.

Councils are anxious to progress these as soon as possible, and it may be possible to consider an amendment so that rule changes directly resulting from amalgamations are not subject to the Subordinate Legislation Act. If your amendment was proceeded with, the LGA would seek the following undertakings to address the concerns of our members:

1. that the regulations to prescribe what controlling authorities the Subordinate Legislation Act will not apply to will be progressed without delay;
2. that the regulations will be prepared in consultation with the LGA; and
3. that regional local government associations would constitute controlling authorities of a prescribed class in the regulations and their rules would not be captured by the Subordinate Legislation Act.

That was the proposition that was put by the LGA. Only the Minister can give the undertakings in relation to those three points, although I should say on behalf of the Opposition that we believe that regional local government associations would be in the prescribed class that the rules would not capture. As I indicated earlier, I would also see section 199 bodies in that category, and certainly the Opposition believes that any regulation should be prepared in consultation with the LGA and that there should be no unnecessary delay in that process. Certainly, from the Opposition's perspective we would not wish to see any problems in that regard.

I have subsequently had more discussions with the Local Government Association. There was some misapprehension regarding what happens when new rules are presented from these authorities. What happens is that the rules are presented to the Minister. On approval, they are then proclaimed in the *Government Gazette*. Copies are then sent off to the relevant

committee of Parliament (the Legislative Review Committee) and that committee will peruse the rules to ensure that they are consistent with the laws of this State and also other criteria of a non-policy nature such as consultation. The Legislative Review Committee has always operated in a bipartisan way and its scrutiny of legislation is to ensure that the legislation complies with the relevant Acts rather than looking at questions of policy. I am not sure that that matter is particularly well understood by the local government.

The other point I wish to make—and again the Attorney can confirm this—is that once rules are gazetted they take effect, as do regulations. If a council has to notify a Minister of rules, anyway, then there will be no added delay or no added burden to local government bodies in complying with this rule change. Indeed, I would argue that there are considerable benefits for local government in having the Legislative Review Committee peruse these rules. As we have seen in relation to various by-laws and regulations under the Local Government Act, there have been occasions when some rules or by-laws have been clearly in violation of Acts of this State. Through drawing that to the attention of councils and allowing subsequent rule changes to be made that are in accord with the Act, we have arguably prevented local government from being liable for various legal costs that might be associated with having regulations which were not in accordance with the Act.

I suggest that the whole process rather than being a hindrance to local government is of considerable assistance and benefit to councils. It certainly does not involve an extra level of assessment in a policy sense. It is purely an assessment of the rules and regulations to ensure that they comply with existing Acts. I have pleasure in moving this amendment. When the relevant regulations are put in place what I would envisage happening for those substantial commercial bodies that exist under section 200 of the Local Government Act is that, when there are rule changes they would go to the Minister in the ordinary way. The rules would then be passed on to the Legislative Review Committee, which would quickly scrutinise them to ensure that they were not in conflict with any other legislation of the State, and that would be the end of the matter. I would also see that exemptions would be granted for bodies such as the regional local government authorities and so on, which are non-commercial bodies under that section.

The final comment I make on this amendment is that I would not suggest that, in any way, this amendment is the perfect way for scrutiny of section 200 bodies. All we are dealing with are some miscellaneous changes to the Bill that have come about as a result of an opinion in relation to the Subordinate Legislation Act. I place on record that I believe that perhaps some further consideration needs to be given when the Local Government Act is reviewed in a more substantial way to ensure that such commercial bodies are subject to some improved scrutiny. I place on record my personal view, which is that a body such as the Statutory Authorities Review Committee, which looks at our State's statutory authorities, could well have a role to play in better scrutiny of the commercial operations of section 200 bodies. As I said, that is just a personal view.

The only point I was trying to make is that in no way is this amendment meant to be a perfect way of solving the problem of scrutiny of commercial bodies under the Local Government Act. However, it is at least a workable way for ensuring that the new rules of those bodies are dealt with speedily and that the rules that really matter—those relating to commercial bodies—can go before the appropriate committee of this Parliament to ensure that they are in accordance with the Acts.

The Hon. R.D. LAWSON: I support this amendment and feel that as Presiding Member of the Legislative Review Committee I should make some comment on it. Three provisions of this Bill sought to remove certain local government authorities from the provisions of the Subordinate Legislation Act. Those provisions make regulations made by any regulation making authority in South Australia subject to disallowance by the Parliament. Frankly, I am not so concerned about whether the Legislative Review Committee has a particular role in relation to the scrutiny of regulations. The important principle, so far as I am concerned, is that Parliament should have an opportunity to disallow regulations. Since the then new Acts Interpretation Act was enacted in 1915 all South Australian regulations have been subject to a disallowance by Parliament. The expression 'regulations' from that very early time included all rules, regulations and orders and also included any form of subordinate legislation, including by-laws.

Accordingly, the Parliament has had an opportunity to scrutinise and members the opportunity to move for the disallowance of a very wide range of instruments coming from a very wide range of bodies, from, on the one hand, for example, the Supreme Court. Judges of the Supreme Court make rules in relation to many matters—and they do make substantial rules on all sorts of matters—and they are open to parliamentary scrutiny and to disallowance in this House. That is one arm of Government in its activities that is subject to Parliament, because in our constitutional system we strongly believe in the supremacy of Parliament. Likewise, local government authorities, their by-laws, regulations and anything else they do, have traditionally been subject to disallowance by this Parliament. Of course, regulations made by Executive Council are subject to disallowance. That is an important principle and it is one which ought not be eroded by, as it were, a side wind.

I well understand that local government has for some time bristled against parliamentary scrutiny of its by-laws. In the Legislative Review Committee from time to time we have occasion to recommend the disallowance of by-laws. We also correspond frequently with local government authorities about the adequacy or appropriateness of by-laws. The committee always works on the basis that we seek to extract from local government an agreement to make a variation to some by-law that is thought to be offensive to some principle of public policy and very often councils do make those amendments. The important principle, as I say, is not the role of the Legislative Review Committee: it is the right of Parliament to disallow instruments.

This Bill in clauses 6 and 7 has removed parliamentary scrutiny in relation to two matters. I did not speak on those matters because I was aware of the view of the Minister about them, and also of the view of the Local Government Association and the Opposition. I am grateful to the Minister for the opportunity that he has provided to me to discuss the matter both with him and his officers and with the Local Government Association.

Those rules, which will no longer be subject to parliamentary scrutiny, are the rules of the Local Government Association itself. They will remain subject to ministerial approval but not subject to parliamentary disallowance, as will the rules relating to indemnity schemes under section 34a of the

Act. Once again those rules will be subject to approval by the Minister.

In an ideal world I would take the view that because those rules are subject to the approval of the Minister they ought be subject to the right of Parliament to disallow—not to the approval of Parliament but to the right of Parliament in certain circumstances to disallow. However, I do not believe that any public interest is compromised by allowing those forms of rules to be exempt from the requirement for tabling and the right of disallowance.

However, it seems to me that section 200 authorities are in quite a different category. Section 200 of the Local Government Act is a fairly extraordinary section as to the breadth of its powers. It provides:

> Two or more councils. . . may, with the approval of the Minister, establish a controlling authority—
>
> (a) to carry out any project on behalf of the councils; or
>
> (b) to perform any function or duty of the councils under this or any other Act.

The expression 'project' is defined in the definition section of the Local Government Act as 'including any form of scheme, work or undertaking, the provision of facilities or services, or any other activity'. So a controlling authority can legitimately be established, albeit with the approval of the Minister, for almost any possible purpose.

Whilst it may be true that, to date, most controlling authorities have restricted their activities, the fact remains that under the section these controlling authorities can have very wide powers and functions. Section 200(9) provides:

> A controlling authority established under this section—
>
> (a) is a body corporate.

So it has an independent existence. But, more to the point, the subsection provides that the controlling authority:

> (b) has the powers, functions and duties specified in its rules.

So, it is necessary to go to the rules to see precisely what it is that the controlling authority is empowered to do. It seems to me important therefore that there ought be parliamentary scrutiny, as there is at the moment, over those rules.

I was most concerned that the Bill in its original form removed that parliamentary scrutiny entirely from section 200 controlling authorities. The amendment proposed by the Hon. Paul Holloway will provide a mechanism whereby there can be some differentiation between those controlling authorities whose rules ought be examined and those which, by virtue of regulations which will themselves be disallowable, ought not require parliamentary scrutiny.

I would not, for example, think that the rules of a regional local government association, which is purely a representative or advocacy body for a particular region, need be subject to any scrutiny. However, it seems to me that any controlling authority which has powers or functions to undertake works of a commercial, social or other nature ought be open to scrutiny.

The amendment of the Hon. Paul Holloway will also cover section 199 controlling authorities, and it seems to me that these so-called controlling authorities are a statutory anomaly. One would hope that when the Act is rewritten in the future there will be some amendment to clarify the status of this rather anomalous class of controlling authority. It seems to be a misnomer to refer to section 199 bodies as controlling authorities because, under section 199, a council within itself can constitute one of these authorities which is not an incorporated body but is virtually a committee of the council or some emanation of the council to carry on some function of the council.

I am informed that most of these bodies—and there is no record of them—simply deal with recreation grounds and the like. As I say, they only arise from one council; they have powers and functions which are nominated in their rules but they are really limited in what they can do to what the council itself can do. It seems to be an anomaly to call them controlling authorities. As the Hon. Paul Holloway mentioned, I can see no reason why their rules ought be subjected to parliamentary scrutiny.

In concluding my remarks in support, I once again thank the Minister for his consideration and the Attorney for the opportunity that he has provided for the views of the Legislative Review Committee to be taken into account in relation to this matter.

The Hon. K.T. GRIFFIN: I and the Government support the amendment of the Hon. Paul Holloway. There have been some discussions occurring outside the Chamber between members, the Government and the Local Government Association. The Government has accepted the need for some responsibility for supervision of the rules to be covered by the Subordinate Legislation Act. A number of different issues have been discussed, including the emphasis of the particular provision which will be enacted by the Parliament.

I had another amendment which sought to deal with it in a different way, but I can acknowledge that, whilst the principles which were reflected in that amendment were the appropriate principles, they may nevertheless require judgments to be made on a case-by-case basis which would make the management of the application of the Subordinate Legislation Act potentially quite difficult and would throw upon those who are seeking to work with the rules of controlling authorities a responsibility and require a capacity for judgment which might not necessarily be a fair and reasonable responsibility or a reasonable requirement of capacity.

In those circumstances the form of the amendment of the Hon. Paul Holloway will, I think, achieve what members seek to achieve—a greater level of certainty but also a capacity for Government through regulations to proscribe out of the coverage under the Subordinate Legislation Act the rules of controlling authorities.

The Minister who has the responsibility for the Act has indicated that he will in fact seek to have regional local government authorities with an advocacy and representative role prescribed as a class of controlling authorities whose rules would be exempt from the Subordinate Legislation Act. He would also seek to progress expeditiously the development of other regulations concerning controlling authorities to which the Subordinate Legislation Act is not to apply and would do that in consultation with the Local Government Association, recognising, of course, that the regulations can be the subject of disallowance by either House.

The Minister has also considered a request to give an undertaking that the rules of section 199 controlling authorities would be excluded by prescription as a class. He will be seeking to achieve that goal. That, of course, is the wish of the Minister and certainly the intention of the Minister. It must, of course, as part of the regulation making process be dealt with by Cabinet which will have the final say, but the expression of the intention of the Minister is something which is important to the Local Government Association and it recognises that any final decision is subject to the approval of the Cabinet. The Hon. Paul Holloway made an observation

about section 199 bodies and wanted confirmation that they do not have to have their rules approved by the Minister, and I am informed that that is correct. So that is a matter which is now on the record. On the basis of that information, as I have already indicated, I support the amendment.

The Hon. R.D. LAWSON: The Hon. Bernice Pfitzner, who made a second reading contribution on this Bill and made some comments in relation to the subordinate legislation, asked me to indicate to the Council that she herself supports the amendment proposed by the Hon. Paul Holloway.

Amendment carried; clause as amended passed.

Remaining clauses (15 to 17) and title passed.

Bill read a third time and passed.

LONG SERVICE LEAVE (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 July. Page 1862.)

The Hon. K.T. GRIFFIN (Attorney-General): I thank honourable members for their contributions on the Bill. If there are matters to be raised which need a response I can deal with those in the Committee consideration.

Bill read a second time.

In Committee.

Clause 1.

The Hon. M.J. ELLIOTT: I indicated during the second reading stage that I was prepared to support cashing out of long service leave entitlements, and it is quite plain within this legislation that it can only be done if there is genuine consent between employer and employee. This is an individual entitlement, and if an employee makes a decision to cash out then I am prepared to support that decision. I also indicated that I had some concerns in relation to incorporation of long service leave within enterprise agreement processes. The point was made to me outside this place that this Bill does not allow for cashing out, and I must admit that I did not pick that up and I was prepared to go back and revisit the question, but, having looked at it more closely, I still think the arguments I put against cashing out are arguments that I would apply in relation to other elements that it is proposed by the Government might be included within enterprise agreement arrangements.

For instance, under long service leave arrangements whereby a person might take as little as two weeks' leave, we do allow a situation where they might forgo the opportunity of having 60 days' notice, etc. It is not just the question of receiving cash; there are a number of other rights which individuals will have and which they will continue to have under the Long Service Leave Act. But, under an enterprise agreement, the Government proposed to allow what is essentially an individual right to be given away by an enterprise agreement. In other words, a person could theoretically have a right to long service leave but, under the enterprise agreement, may give up the right to be given at least 60 days' notice and, in fact, could be asked to give up a number of rights under clause 6, which amends section 7 of the Act.

I still think that those are individual rights. They are rights that each worker has been given and they are rights that do not have any cash value. Recognising that they have no cash value and that they are individual rights, I cannot see how they can be fitted into an enterprise agreement. I might be prepared at a later time—and that is not while this Bill is currently in the Parliament—to examine particular problems that arise in workplaces which are not capable of being tackled and which an enterprise agreement might do better. Unfortunately, that is not the way things are being looked at here. There is a generic approach in terms of saying that we want these matters to be incorporated in enterprise agreements. I do not accept that approach at all.

If the Government can give examples of particular problems that need to be addressed and discuss how an enterprise agreement might do it without creating an individual disadvantage, the Democrats will be prepared to entertain those discussions. We are certainly not prepared to entertain those discussions in a hurry by doing it in the next 10 or 15 hours, or whatever time frame we are working on at this stage.

I make plain that we are supporting the Government in terms of cashing out, which is the most important question being asked here, but we express some significant reservations in relation to enterprise agreements. We have no intention—and it would be a waste of time going to a conference because we will not change our mind—of looking at the question of enterprise agreements at this stage, but if at a later date the Government lays on the table clear examples of where there are difficulties and how it thinks an enterprise agreement might approach some of these difficulties without producing an individual disadvantage, we are always prepared to look at that sort of thing.

I note that the Hon. Ron Roberts has put some amendments on file. They fit into two categories. The first appears to be the capacity to cash out half your long service leave. You can take half at the time and receive the rest in cash. That is possible within what I am proposing if a person negotiates, because the fact is that, so long as it is an individual negotiation, an employee can refuse to cash out any of it. It appears to me that the ability to say, 'Well, I will cash half of it and take the other half' is there, so I am not sure that an awful lot is gained. At this stage we are saying, 'We do know best and we will make sure that you take half your long service leave as leave, no matter what.'

As it stands, the Bill does not take away the entitlement to long service but it does give you the right to decide to take it in cash instead, if you want to. What the Opposition proposes in its amendment is effectively covered anyway. To some extent, I suspect that the Opposition has a problem with it in that some unions are saying that they do not want any change and some are saying that they support it. What the Opposition has done is go halfway between the two. I know that the Democrats have been accused of that, but I can assure members that everything has to be treated on its merits—

The Hon. T.G. Cameron: Inch by inch you lose these things. A man of principle yesterday; inch by inch.

The Hon. M.J. ELLIOTT: Well, you can, but what are you guys doing? What are you guys talking about?

The Hon. T.G. Cameron: You give away workers' benefits inch by inch.

The Hon. M.J. ELLIOTT: Nonsense.

The Hon. T.G. Cameron: You're a hypocrite.

The Hon. M.J. ELLIOTT: If you want to talk about hypocrisy, I was getting to that, so thank you for raising the word. The later amendments are amendments which the Labor Party in government was quite capable of bringing in but which it did not choose to. Essentially, it is introducing new matters when it is in opposition and seeking to take some

sort of moral high ground. That is rather amusing, but that has happened before. I indicate—

The Hon. T.G. Cameron: You've changed your mind.

The Hon. M.J. ELLIOTT: I am the good guy when I agree: I am the bad guy when I disagree—that is the way life is.

An honourable member: On both sides of the Council.

The Hon. M.J. ELLIOTT: That's right. On this occasion those latter matters are matters which, clearly, are outside the range of the current debate. They are matters that the Labor Party was in a position to implement during its term in government. That term did not finish all that long ago. It did not choose to do so then but is choosing to do so now. At this stage I will not support those amendments.

The Hon. R.R. ROBERTS: As part of an agreement I will address substantial remarks to clause 1 and indicate that we will move some amendments. It is very clear that the Democrats will not support the taking of long service in total, a condition that was hard fought for by the trade union movement over many years in terms of winning a situation where employees could have time off. I want to canvass all the arguments that we canvassed in the second reading debate, but long service leave has always been about time off. I need to address a couple of the issues that the Hon. Mr Elliott mentioned. He said that some of these conditions that we now propose we could have proposed when in government. I point out to the Hon. Mr Elliott that we are talking about changing long service leave now. The Government's principal amendment is to change the conditions of long service leave. Where it once was a time issue, the Government is now making it a money issue. It is a fundamental change to long service leave.

When you make a fundamental change to a piece of legislation it is not unusual to say that, if you are changing the principle of the legislation, you may need to adjust some of the ancillary matters that go with it. I want to make very clear to this Committee and to this Parliament—and I do not want to take all night to do it; therefore, I will not battle every one of these amendments time by time—that the Labor Party is absolutely clear in its position: we do not want the cashing out of long service leave as some idea that is struck out of left field without a comprehensive assessment of all the matters involved in long service leave, including the changing nature of work, the reorganisation of work and the intensification of jobs. We have said that this matter ought to be overviewed by a proper review of long service leave. Our position is fundamentally clear: we oppose the cashing out of long service leave.

During the negotiations that took place it became very clear—and, to his credit, the Hon. Mr Elliott has put it on the record tonight—that the honourable member supports cashing out. The amendments that I have lodged on behalf of the Australian Labor Party and our affiliates in the trade union movement were based on the principle that, if we could not save these conditions and ensure a proper review, we would have to try to do something which would allow a partial implementation of cashing out, because we believe, as do trade unions, that you have to get the best you can on the day. We have put this proposition not from a position of wanting to do it but because we are fundamentally opposed to the cashing out of long service leave. We moved this amendment in an endeavour to try to protect workers, especially those who work in hot and arduous industries for 12 hour shifts, from the coercion of bosses getting them to 'volunteer' to cash out their long service. Without doubt this change will see pressure put on some workers not to take their long service leave.

The Hon. Mr Elliott said that the half-and-half principle can be applied now. I submit that workers will be coerced into cashing out all their long service leave or half their long service leave, according to what their employer wants. However, that will be lost.

Our amendments also seek to provide that, if there is to be a fundamental change, over the next two years an assessment be undertaken as to whether or not workers are being coerced into cashing out. This technique is often used by the Hon. Mr Elliott when he is not sure what the effect of a change will be on the people directly affected by it.

The Opposition has proposed this measure, with a sunset clause, to allow proper debate over the next two years. That would enable Parliament to revisit the issue. We could have met the honourable member half way so that workers could have had half their time off with double the pay, and they could have afforded to have a holiday at Moana. Given the wages that the working class gets paid these days, they could not go much farther. It would have given Parliament an opportunity for review. The Hon. Mr Elliott has made his position clear that he does not support us, and I am disappointed by that.

The Premier has stated that he wants to be worker friendly and family friendly, so he will allow workers to cash out their long service leave. In my second reading speech, I promoted the argument that, if the Premier really wants to be family friendly, if he wants to look after the working class and if he wants to be fair to them in respect of long service leave payouts, long service leave is accrued on a monthly basis so the employer will have an obligation to take account of those payments over a period of time. With the changing nature of work and with numerous redundancies, hundreds of workers will work for 30 years but never accrue long service leave because they will be with those employers only for three or four years.

An amendment that I will pursue seeks to provide that a worker who has completed five years service—we did not go back to one year: we have gone for the middle ground—and who was made redundant or left his employment through no fault of his own, ought to be entitled to what he has accrued on a monthly basis. That would be considered in the two year review. It is a case of taking a little bit and giving a little bit. That sum ought to be a fair and equitable payment for the worker as a trade-off for giving the employer the right to cash out his long service leave. That is what it will mean at the end of the day.

I intend to pursue that amendment, but I will not pursue the others about cashing out because it is clear that it would be a waste of time. I hope that we can persuade the honourable member in Committee. We suggest that, because an employer has always had a right to give 60 days' notice to an employee to take his long service leave, given the fundamental nature of long service leave, there should be an even playing field. Governments want to talk about even playing fields but they never really want to implement them, and this applies especially to Liberal Governments. So, in respect of clause 6 we propose that workers have the same rights as the employer in relation to when he wants to take his long service leave.

The Hon. Caroline Schaefer: When does the employer take his long service leave?

The Hon. R.R. ROBERTS: The employee.

The Hon. Caroline Schaefer: The worker has the same rights?

The Hon. R.R. ROBERTS: The same right to give 60 days' notice to his employer that he wants to take his annual leave. The trouble with Liberal members is that they are like Murphy's dog: in everything, they can give it but they do not want to take it.

I will reiterate that I am disappointed that we cannot get some agreement on the cashing out provisions. On the other hand, I commend the Hon. Mr Elliott in respect of his comments about enterprise agreements, and at least he is consistent in this, whereby the Government proposes that others can influence the way in which a employee can take his long service leave. It is commendable that the Hon. Mr Elliott has taken notice of what has happened in other jurisdictions and will not support the enterprise bargaining proposals that the Government has put forward.

I will move some of the amendments that I have placed on file, but because it is clear that the Hon. Mr Elliott will not support the first amendment to clause 4, I will not pursue it. We lost the debate in the negotiations.

Progress reported; Committee to sit again.

NON-METROPOLITAN RAILWAYS (TRANSFER) BILL

Returned from the House of Assembly with an amendment.

RAILWAYS (OPERATIONS AND ACCESS) BILL

Returned from the House of Assembly with an amendment.

CONSTITUTION (CASUAL VACANCIES IN HOUSE OF ASSEMBLY) AMENDMENT BILL

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

The Hon. A.J. REDFORD: 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 is a simple Bill that sets out a practical method of parliamentary reform. If we look at some recent reforms within the Parliaments around Australia, some have been administrative and some legislative, but all have been aimed to improve the institution of Parliament. Some of these reforms affected the Upper House in South Australia, where we no longer have regions but a Statewide voting system, whilst casting a valid vote for the Upper House was simplified by placing the number 1 above the line.

The Estimates Committee format was introduced by the Tonkin Administration as a way of dealing with questions on the budget. Electorate offices were established in the 1970s. When the member for Davenport's father first came into this place, there were no electorate offices, and that change was effected to improve the system. The provision of media advisers to Ministers was something that occurred in the Dunstan years. Microphones were introduced into the Chamber during the Playford era because of hearing difficulties. Indeed, permission for the various media coverage of Question Time has been granted in recent years.

The fact that the Clerk now reads petitions is something that has changed in the last 15 or so years. The fact that we can have advisers actually sit in the Chamber and advise Ministers is something that has changed in recent times. The fact that we can have desk top computers within the Chamber has only occurred during the course of this Parliament, and the use of mobile phones in the Parliament is also a change. The point I am making is that the institution of Parliament, the way Parliament is administered, is an evolving thing and is changing on a daily basis.

For decades modern politics has involved political Parties, and the Parliament has adapted to the involvement of the Parties within the system. This Bill recognises the political realities of modern politics. The Parliament has recognised Parties in all sorts of ways. We have positions such as Party Whips. The Parliament provides accommodation known as Party rooms. There are informal arrangements between the Parties with respect to Party question lists and Question Time.

There is also a more formal recognition in the other place where the filling of a casual vacancy in the Upper House is by Party nomination and a joint sitting of the Parliament. That is exactly the same process as suggested in this Bill. Party involvement is well and truly entrenched within the parliamentary system. The Parliament is a slowly evolving institution, and this is the next logical, practical reform.

Some members may recall that Jeff Kennett proposed to abolish by-elections altogether. I stress to the House that his proposal is totally different from this proposal. Mr Kennett's proposal was to ban any by-election when the Government had a majority of five seats, regardless of the timing of the by-election or the margins by which the member held the seat. I hope that members recognise the significant difference between Mr Kennett's proposals and the proposals contained in the Bill.

Under the Australian system, it is a political reality that in some electorates the electors are so much in favour of one view that the other view has no chance of winning. This usually occurs where one seat, whose voters are so much in favour of one view, is surrounded by a number of seats whose electors are strongly of the same view, and so will not be affected by any future redistribution. For example, that situation occurs where one Labor seat is surrounded by other Labor seats or one Liberal seat is surrounded by other Liberal seats.

There is no doubting that this occurs, and it is recognised by everyone. All politicians know it, the media well understands it and, importantly, the general public understand the issue. The facts are that politics in Australia has evolved to a point at which, in some instances, some seats, given the tight conditions laid out in this Bill, will be won by only one Party. There is no better illustration than when Parties do not nominate candidates at by-elections where they consider they cannot win. This is accepted as a reasonable tactic by the media, by political analysts and by the general public. The tactic is often used by political Parties. To my knowledge, all political Parties have used that tactic from time to time. This Bill recognises that point. It recognises that it is a reality of politics that has existed in South Australia for some 80 or 90 years.

Further, the Bill recognises that the voting public may well be sick and tired of being at the call of every politician with an ego. Just because a defeated Prime Minister, Party Leader or Minister believes it is in their career's best interests to retire from politics, the voting public is expected to go through the torment of a by-election. In the circumstances outlined in this Bill, the voting public would be annoyed at having to go to the polls again.

There is a view that, in some seats where one Party dominates the voting, the voting public is very cynical about politicians who retire and then force the people to vote again. This creates an image of politicians acting purely out of self interest, which in my view creates the wrong impression of most MPs and makes the voting public very cynical about the whole process.

In the seats to which the Bill refers, that is, the two candidate preferred margin of 60 per cent or greater, the vast majority of voters are annoyed and disgusted that they are forced to reappear and vote just because a defeated politician decides that it is in their best interests to retire and seek a new career path. I put it to the House that the voters in those seats to which the Bill refers would be grateful at not being inconvenienced by having to vote twice within a matter of weeks or months, simply to satisfy the career prospects of some member of Parliament.

The records show that many Leaders or Ministers resign within 12 months after their Party loses an election if they do not retain their Party position. They deliberately delay it 12 months so that the voters do not react against the Party for making them vote twice within a short space of time.

I am advised by the Electoral Commissioner that the cost of a by-election ranges from $110,0000 to $160,000 per by-election. Under the circumstances outlined in the Bill this money could well be spent better on education, health or providing services to the community. If we were to ask the voters in the electorates to which this Bill refers whether they would rather have $160,000 spent on a

by-election or on the local school. I suggest that they would prefer the money to be spent on the local school.

The mechanics of this Bill are simple, practical, logical and worthy of serious consideration. It provides that no by-election is to be called where a member, who at the time of election to the seat was recognised as a member of a political Party, resigns within six weeks of being elected and was elected by a majority of 60 percent or more of the two candidate preferred vote—that is, when two candidates remain. I have not included the same process for the death of a member, because death is not usually of a member's choosing.

The Member for Davenport has deliberately chosen a period of six weeks for a number of reasons. Six weeks allows for all the selection processes of parliamentary positions to be finalised—ministry, Speaker, committee positions, etc. Parliament would have hardly sat and, if it had, it would have hardly made any decisions because of the slow nature of the decision-making process of Parliament. Therefore, any by-election held within six weeks would not be influenced by the decisions of Government. Any by-election after six weeks would naturally be contested under the normal rules and the Government would be held accountable, quite rightly, for the decisions that it made in Parliament. Of course, within six weeks there would be no effect from any redistribution. Some have asked why I have chosen 60 per cent. Well, 60 per cent seems to me to be a reasonable benchmark. I seek leave to have inserted in *Hansard* without my reading them two tables of a purely statistical nature.

Leave granted.

Table 1

Two candidate margin for the 47 seats in the House of Assembly for the recent State elections

	Average	Median (middle value)
1979	61.33	60.07
1982	62.59	62.13
1985	61.53	62.47
1989	61.21	59.30
1993	61.87	60.90

Table 2

Two candidates margins of seats held by Labor in 1989

	1989 election result based on 1991 redistribution	1993 election result (before by-elections of 1994)
Hart	72.2	58.7
Elizabeth	66.8	52.7
Price	66.0	61.0
Ramsay	63.9	60.3
Spence	63.9	57.7
Taylor	63.9	59.4
Ross Smith	63.3	52.1
Napier	61.2	56.4
Playford	59.8	52.1
Giles	55.8	54.3
Torrens	54.5 Lost to Liberal	

Table 1 shows the averages and medians of the two candidate margins in the 47 seats in the House of Assembly for the five State elections from 1979 to 1993. The average ranges from 61.33 per cent to 62.59 per cent. The median or middle value ranges from some 59.3 per cent to 62.47 per cent. Therefore, 60 per cent seems a reasonable benchmark. Table 2 shows the two candidate preferred margin of seats now held by Labor. It shows those seats which had a two candidate preferred margin of greater than 60 per cent after the 1989 election and which were still held by Labor after the 1993 election This table illustrates that, even with all the force of the State Bank behind the Liberal Party, it could not win from Labor any seat which was held by a two candidate preferred margin of greater than 60 per cent.

I put to the Council, if a three year campaign on the State Bank could not win those seats, a campaign within six weeks of an election will also not win those seats. Therefore, in my view it is reasonable to argue that, for a seat that was above the 60 per cent mark and held by the sitting Party at the 1993 election, it will not change hands at a by-election with unchanged boundaries just six weeks after a State election. A number of by-elections have been held in South Australia over the years. I am advised that between 1974 and 1994 there have been 13 by-elections. On only four occasions has a by-election been won by a person representing a different Party than the previous member.

There was a by-election in 1974, nine months after the previous State election in the electorate of Goyder when Steele Hall resigned to go to the Senate and the LCL lost the seat to the Liberal Movement. In 1980, five months after the State election, in the seat of Norwood, Webster lost to Crafter in a matter that went to the Court of Disputed Returns and Liberal lost to Labor. In 1984, some 24 months after the State election, in the seat of Elizabeth, Duncan resigned to go to Canberra and Labor lost to Independent Labor. In 1993, some six months after the State election, and due to bereavement, the seat of Torrens went from Liberal to Labor.

I make the point to the Council that under this Bill none of those by-elections would have been affected because they were all further out than six weeks after a State election, and they were all brought on by circumstances not described within the Bill. None of the by-elections would have been affected by my proposed legislation. I am saying to the House that not one by-election has been held in the past 20 years that would have been affected by this legislation. The Bill does not apply to Independents. In my view, an Independent would not retire six weeks after an election and nominate another Independent to replace him or her. The Bill simply does not apply to Independents.

The legislation simply recognises the fact that for decades the parliamentary process needed reform in relation to by-elections. This reform offers a quicker, cheaper, more logical and practical method of facilitating what already happens within the parliamentary system. There has been much talk from the Opposition and some Government members about the need for parliamentary reform. This Bill provides a simple mechanism for the improvement of the parliamentary process.

Clause 1 is formal.

Clause 2 is formal.

Clause 3 inserts a new section that provides for the filling of casual vacancies in the House of Assembly. The clause provides that where a member of Parliament, who at the time of their election was an endorsed candidate of a Party, resigns within six weeks of their election and the two candidate preferred margin by which they were elected was 60 per cent or more, then the vacancy is filled by a Party nomination to a joint sitting of both Houses of Parliament.

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

EQUAL OPPORTUNITY (SEXUAL HARASSMENT) AMENDMENT BILL

A message was received from the House of Assembly agreeing to a conference, to be held in the Plaza Room at 6 p.m. this date.

LONG SERVICE LEAVE (MISCELLANEOUS) AMENDMENT BILL

In Committee.

Clause 1.

The Hon. T.G. CAMERON: I am opposed to the cashing out of long service leave. In fact, I am opposed to the cashing out of any of the hard-won benefits by the trade union movement on behalf of their workers. I am somewhat puzzled, surprised and perplexed by the attitude of the Australian Democrats but, then again, when one considers and examines their record over the years on industrial relations amendments, I do not suppose one should be too surprised.

I know, Mr Acting Chairman, that you and many members of this Chamber are aware that I come from a family with a long tradition in the trade union movement. My grandfather was an active member of the Australian Workers Union and a shearer; my father was the Secretary of the Australian Workers Union and also a shearer; my uncle, Clyde Cameron, was Secretary of the Australian Workers Union; all of my uncles on my father's side were organisers with the Australian Workers Union; and all my uncles on my mother's side were members of the Australian Workers Union and, at

some stage of their working lives, were delegates of that union.

I can remember my father's pride when the benefit of long service leave was won for the working class in this country. If any members need reminding, long service leave was introduced to provide ordinary working people with a break from the drudgery of work: after 10 years, they would get a break from their working lives and could, perhaps, for the first time in their lives, enjoy with their wife and family an extended break away from the work place for some rest, recreation and recuperation. As I look around this Chamber, I must ask whether it is any wonder that the Australian Labor movement is strongly opposed to the cashing out of long service leave.

The Hon. George Weatherill is a former organiser with the Miscellaneous Workers Union, and I know his views on this issue. The Hon. Ron Roberts, a former member of the Electrical Trades Union and an active shop delegate, was in and part of the battle that won the long service leave provisions for ordinary workers in this State. The Hon. Terry Roberts was also an official of the Metal Trades Union, an active shop delegate, and has spent his entire life—as have the Hons George Weatherill and Trevor Crothers (and I cannot claim the same credit)—working to try to improve the ordinary wages and conditions of workers in this country.

I know very clearly the attitude of the Hon. Trevor Crothers, not only in relation to the cashing out of long service leave but also with respect to the cashing out of sick leave and annual leave. If any member in this Chamber thinks that the move down this path will stop with the cashing out of long service leave, I remind the Hon. Michael Elliott of his principled words to this Chamber yesterday: when battles are fought on matters of principle you lose inch by inch. If the Australian Democrats support the cashing out of long service leave today, then one can only wonder at the words uttered by the Hon. Mr Elliott in this Chamber yesterday.

If this Bill is passed, then what will follow is taking cash for working on a public holiday; sick leave will go entirely; and the next thing we will know workers will also be able to cash out their annual leave. It should come as no surprise to members of this Council that people will have to sacrifice—and that is what it involves—their long service leave because of economic hardship: either the mortgage payments will be behind or the wife will have to give up work because she has fallen pregnant. I could list 100 reasons why workers will succumb to the temptation to cash in leave that they and their families expected to take at some time in the future.

The Hon. M.J. Elliott interjecting:

The Hon. T.G. CAMERON: That's an interesting comment; should they have a choice? On this issue, the Australian Democrats care more about trees than they care about people. It would be impossible for someone like the Hon. Mr Elliott to understand how people feel about this issue. The achievement of four weeks' annual leave, long service leave, leave loading, and so on, are conditions that were won by the Australian trade union movement. Surely, the honourable member cannot think for one moment that bosses gave these conditions to the workers of this country—blood was spilled and time was lost, and ordinary trade union members made significant sacrifices, often over decades. If the honourable member looks at the history of this matter, he will see what bosses did to workers in the 1890s. That is where you, Mr Elliott, are taking this State with your action on this issue. You know it; it is the thin end of the wedge. The honourable member asks, 'Shouldn't we give workers a choice and let them cash it out?' Does he have the same view about their sick leave, annual leave, public holidays and all the other hard fought and won conditions by the trade union movement of this country? As I said before, the honourable member cares more about trees than he does about people.

I want to put on the record that some members on this side of the Council feel very strongly about the attacks by the Liberal Government, aided and abetted by the employers, who seem intent on winding back the hard fought conditions the trade union movement has succeeded in winning for its members over the past 100 years. This is what this legislation is about. This is the thin end of the wedge. After we have pushed this one through, what other benefits does the working class of this country have that we can wind back? The next thing we know, they will be talking about extending the 38-hour week to a 40-hour week. We will be looking at no penalties for overtime. The bosses, aided and abetted by the Democrats, have already done a pretty good job at removing penalties for weekend work.

This is not just a one-off situation to wind back the benefits and conditions of workers in this country but a small part of a long campaign. It saddens me to see that the Democrats have jumped onto the bandwagon. That is what this is about. This is just the start of a long campaign that will probably be waged for decades to wind back the wages and conditions that the Australian trade movement has won. I also wish to say a few words about the amendment moved by the Hon. Ron Roberts, that is, the one which would enable a worker—

The ACTING CHAIRMAN (Hon. T. Crothers): Order! Mr Cameron, that amendment is not before the Committee. When the Hon. Mr Roberts moves that amendment, then you may talk to it. At the moment you talking to clause 1.

The Hon. T.G. CAMERON: Thank you for pointing that out to me, Mr Acting Chairman; I will briefly go back to clause 1. As I said in the early part of my speech, I rise with pride to oppose the cashing out of long service leave. I feel quite strongly about this issue and, for the life of me, I cannot believe that the Australian Democrats do not realise that their support for this proposal is the support for what is only just the beginning of a long campaign by the employers in this country to wind back the wages and conditions of Australian workers. I am delighted that the Hon. Ron Roberts has withdrawn from the amendment that would allow workers to cash out half their long service leave. My opposition to this proposal is well known. I will not support the cashing out of long service leave nor any other leave. As long as I am a member in this place, I will oppose attempts by this Liberal Government to wind back the working conditions and to cut the take-home pay of ordinary workers. As long as I am in this place, I am will expose the hypocrisy of the Australian Democrats. They duck and weave and try to find the half-way position but, at the end of the day, they cave in. One of these days, the workers of this State will wake up to the real position the Democrats are supporting.

The Hon. CAROLINE SCHAEFER: I had no intention of speaking to this clause. However, I must say, having listened to members opposite, that I am somewhat bemused by their attitude. Before they start telling me that I have no experience in the union movement, I wish to say that they are quite right in that.

The Hon. T.G. Cameron: You're about to prove it.

The Hon. CAROLINE SCHAEFER: Yes. However, I have been an employer for quite a bit of my life, and

members of my family work within the mining industry and work for wages generally. I am surprised at an attitude that would not allow the worker the choice between cashing in their long service leave and perhaps paying off a mortgage when they have a family with small children, and compelling them to take a holiday when they may well prefer to reduce their debt. Surely, that is what this does; it gives them a choice. It does not compel them to cash in their long service leave. I have to admit that I am absolutely puzzled by the attitude of members opposite. As I see it, the legislation attempts to give people the choice of earning some more money—and, let us face it, most of us have been in a position from time to time when we would very much like a cash injection of the equivalent of long service leave to reduce a debt or two.

The Hon. M.J. ELLIOTT: I will respond, albeit briefly, to a few comments of the Hon. Mr Cameron. There is a great deal of truth in what he said about the fact that there are people in this society who want to eat away at rights; there is no question about that whatsoever. There is no doubt that long service leave and a lot of things were fought hard for over a long period. Having said that, I am not totally ignorant of the union movement. I have been a union member. In fact, I have been a delegate within the union structure within the then Institute of Teachers. I have worked on factory floors and have some understanding of a pretty wide range of working conditions.

However, I certainly do not have the long history, over generations, of the union movement of the Hon. Mr Cameron. I understand why he has taken the position he has. Mr Cameron himself knows that some unions do not share his view. That is a fact: some unions do not share that view and are supportive of cashing out. This has been an interesting Bill. It has been one those occasions where I have been approached by a lot of people personally—even just walking around the corridors of this place (and I am talking not about members of Parliament but about people in the street)—by letter and phone calls in a way that I have not seen on similar issues, with a significant number of employees saying—

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: I'm sorry—that is something they want. In relation to the industrial relations legislation, I have not seen ordinary employees coming up and saying, 'We really love what the Government is doing.' This is the first occasion I have had genuine workers saying, 'This is something the Government is proposing that we support.'

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: I'm not having the argument with you about whether wage rates are appropriate, or anything else. There are a number of people—and on quite different wage rates, some low, some not so low—who are saying that, for their personal reasons it does suit—

The ACTING CHAIRMAN: I have given a fair degree of latitude to speakers in the Committee stage of the Bill, and I would gently remind Mr Elliott that we are still speaking to clause 1.

The Hon. M.J. ELLIOTT: Mr Acting Chair, having had some discussion now, we will probably move through the other clauses quite rapidly. Most members of this place would probably agree that that is the best way to handle the issue. Aside from the Party-political comments that the Hon. Mr Cameron felt obliged to make for whatever reasons he felt obliged to make them, he did make some legitimate points about benefits and how carefully they need be protected. When we get to the Industrial Relations Bill I will make the point that one of the reasons I am opposing AWAs is that I am aware that one AWA has already been struck whereby workers have given up their holiday pay, where it has been totally cashed out. That has happened. I find that matter and other things that have happened in a couple of AWAs about which I have been told reasons for significant concern. I have told the Government that I will not come at AWAs because the sorts of protections that I think are adequate are not included.

I am not ignoring the things the honourable member is saying. I have taken those on board and that will become apparent when we discuss aspects of the Industrial Relations Bill, as indeed has happened on previous occasions. I just do not happen to agree with the honourable member on this issue about long service leave. These things are not black and white; clearly there are shades of grey. As I said, elements of the trade union movement do not agree with him, either. There is no doubt that there is the capacity for employers to apply some pressure. There is also no doubt that there are some people, who, for their own best reasons, want the ability to cash out. We have to balance out whether or not we will protect everyone, and protect them so much that many of them cannot do something that they want to do. It is a question of balance. On this particular occasion I happen to fall on the side of saying, on balance, this legislation will generally be supported and wanted.

Clause passed.

Clause 2 passed.

Clause 3.

The Hon. R.R. ROBERTS: I indicate very quickly that the Opposition is opposed to the definition on page 2, lines 3, 4 and 5, which talks about an individual agreement. It fits into the sequence in respect of the cashing out. I formally oppose this clause.

Clause passed.

Clause 4.

The Hon. R.R. ROBERTS: Given the further discussions, I do not wish to proceed with my amendment to page 2, lines 20 and 21. I point out the arguments that we put before and indicate the Opposition is opposed to this clause. In relation to my amendment to page 2, line 23, I indicate again that this matter has been settled in the discussions on clause 1 and in negotiations that have taken place with the Australian Democrats. I will not be proceeding with that amendment. I move:

Page 2, after line 25—Insert—

(b) by inserting after subsection (4) the following subsection:

(4a) A worker who has completed five years service (but less than seven years service) is, on the expiry of the worker's contract of service or on termination of the worker's service by the worker's employer for reasons not reflecting any fault on the part of the worker, entitled to a payment equal to the monetary equivalent of 1.3 weeks leave in respect of each completed year of service.

The Hon. T.G. CAMERON: I support the amendment that has been moved in the name of the Hon. Ron Roberts. I wish to direct my statements to the Australian Democrats to see whether it is possible to seduce them into supporting this amendment.

The Hon. M.J. Elliott interjecting:

The Hon. T.G. CAMERON: The Hon. Michael Elliott has just interjected that I am about to be nice to them. Let me reassure you that that is not the case after your last decision. There are a few points that I want to make in relation to—

The Hon. A.J. Redford interjecting:

The Hon. T.G. CAMERON: The Hon. Angus Redford is obviously intending that we will have a late night because he has just referred to me as a caveman who beats people over the head and drags them off into—

The Hon. A.J. Redford interjecting:

The Hon. T.G. CAMERON: No, I am not going to shut up: I am going to have my say.

The Hon. A.J. Redford: I apologise.

The Hon. T.G. CAMERON: I accept the Hon. Angus Redford's apology, if that is the case, so I can get back to my argument. The intent of this clause is to provide—

The ACTING CHAIRMAN: I am pleased the honourable member did that; otherwise I might have had to consider placing both members on long service leave.

The Hon. T.G. CAMERON: The last thing I would want to do is offend you, Mr Acting Chairman. I am trying to get on with the Chair, not get off side with the Chair. Clause 4(i) attempts to provide for situations where employees are made redundant or sacked 'for reasons not reflecting any fault on the part of the worker'.

The Hon. J.F. Stefani interjecting:

The Hon. T.G. CAMERON: The Hon. Julian Stefani has interjected. I do not mind how long we stay here; we can sit here all night if the honourable member wants. I did not quite catch the interjection, but the honourable member mumbled something about dismissals. I will come to that; the honourable member has raised a very valid point. Often employees are dismissed through no fault of their own; they are made redundant or their employment is terminated for another reason. Members have probably heard about companies going into liquidation or provisional liquidation.

I recall that Carpet Call recently went into provisional liquidation and some 50 or 60 people lost their job. One of them was my son. He happened to be one of these unfortunates who is still in his first 12 months of employment that members opposite have successfully tidied up in the past few days. What happens to all those people who worked for Carpet Call for five to seven years? They have lost their job through no fault of their own; the company went into liquidation. Yet anybody who worked between five and seven years for that company received zip for their long service leave. I know the Attorney-General and the Hon. Mr Redford have probably already worked it out. I am surprised that they have not interjected; they probably do not want too late a night.

The Hon. K.T. Griffin: Hear, hear!

The Hon. T.G. CAMERON: I do not mind. In the case of a company going into provisional liquidation, the odds are that not too much money will be left for redistribution. I spent nine or 10 years with the Australian Workers Union, and in a whole range of situations I saw people lose their jobs through no fault of their own, and they were counting the weeks and months for when they qualified for their seven years. I do not know how many people for whom I had to make representations when I was an industrial advocate with the Australian Workers Union because some bloody boss had decided that he could save a few bob by sacking people within a few weeks of their long service leave accruing at seven years. The Attorney-General shakes his head. He might have lived in a cloistered world—I do not know—but let me surprise him. There are employers out there who will sack people so they do not get their long service leave.

My own son lost his employment. He was employed by the provisional liquidators for a couple of weeks. He turned up to work for the new employer—the people who had bought the business. This is what goes on out there. He turned up for work with the new employer and had worked two hours when the new boss walked in and said, 'What are you doing here?' He said, 'I'm working. I've turned up for my job; I work every Saturday morning,' only to be confronted with the words, 'We sacked you yesterday; go home.' It then took two weeks of arguing with the provisional liquidators (Ernst and Young) to get his two days' pay. The new owner would not pay him and the liquidators did not want to pay him. The poor buggers who have done five to seven years service have done in their long service leave—that has gone. This amendment is trying to provide a small measure of protection for a long serving employee, that is, someone who has worked for five years, so that if their employment is terminated for reasons that are no fault of their own they will be paid a monetary equivalent of 1.3 weeks.

The ACTING CHAIRMAN: I ask the honourable member to stop tapping the desk; I think *Hansard* may be having some audio problems. Given the volume of our microphone system, they are picking up the honourable member's tapping very loudly in their earphones.

The Hon. T.G. CAMERON: I had no idea I was tapping. I normally do not tap; I guess it is because I feel very strongly about this issue. I spent nine years trying to get long service leave. When you work for a union you spend half the time trying to get employers to abide by the award conditions. I return to clause 4(i). I know the Liberals would do anything to the ordinary worker. There is no way that they would support this clause; it might cost a few of their mates a few bob. They might have to fork out 1.3 weeks leave in respect of each completed year of service.

I have no intention of being nice to the Australian Democrats on this issue; I intend merely to put the facts on the table. I know I cannot ask the Hon. Mike Elliott a question but, given some of the statements he has made over the years as he has attempted to defend his position on various IR measures, I would ask the Democrats how they can sit here and not support an amendment like this. We are not asking to improve the long service leave of ordinary workers; it is not as if we were asking for an increase or that the 1.3 weeks be increased, etc.

It is a simple amendment saying that if an employer terminates someone through no fault of their own—I am generally here talking about redundancy—and if they have five years of service, they will be paid out their long service. Many employers in this State have already recognised the equity and fairness of that proposition. Many unions already have agreements with employers, and I can recall a number of such situations. I hope that I did not give the impression that all employers are bastards—they are not—but about 10 per cent are. I can recall numerous occasions when representations were made by me on behalf of the Australian Workers Union when people were being made redundant. We went to employers and said, 'These people are going to miss out on their long service leave. They have had five years service and we prevail upon you to do the right thing. These people are losing their jobs and being thrown onto the scrap heap.'

In many cases we had people planning their holidays and planning what they were going to do with their long service leave, planning to spend time with their wives and families. I hope that the amendment will be supported by the Australian Democrats, and I can only hope that the Liberals will be decent enough to support it as well. If an employee who had between five and seven years' service was sacked, although he might not have a job to go to he would have a

small monetary equivalent that might allow him to spend a few weeks on rest and recreation with his wife and family. For the Hon. Michael Elliott's information, I do not intend to be nice to you to try to get you to see our point of view, but I ask you to listen to the arguments that I have put.

If you genuinely care about ordinary people—notwithstanding what you have already done in relation to the cashing out of long service leave—then support the amendment moved by the Hon. Ron Roberts. It will provide some solace for those people who have been made redundant through no fault of their own after having given five years of long and faithful service to their employer. The Hon. Julian Stefani is an employer, and I would not ask him in this Council but I would be very surprised if he did not support this. I have three brothers-in-law and a father-in-law who worked for the Hon. Julian Stefani's firm as roof plumbers for many long years. They were good employees, and it might surprise the Council that they also spoke well of the Hon. Julian Stefani.

If the Hon. Mr Stefani, as a result of a downturn in the building industry or for any other reason, found he had to retrench people, like his former employees—the Barters—and they had done five years' service, I know that he would pay them 1.3 weeks for each year of their service. I ask the Australian Democrats and the Liberals to support this amendment.

The Hon. R.R. ROBERTS: We believe that the amendment is fair and reflects the changing nature of the work force. Many workers will no longer work for one company for a long period; instead, workers are shifting around much more than they used to. The amendment reduces the current seven year *pro rata* to a time frame of five years. It does not have the same connotations as seven years. The seven year *pro rata* applies for almost any reason when employment finishes, and what we are suggesting here is a slightly different situation, which brings into question the arguments put by the Hon. Caroline Schaefer, who questioned why people should not have the ability to get cash when they have a crisis with their mortgage or for some other reason.

The amendment just extends that situation to those workers who are made redundant or retrenched. Entitlement to their accrued long service leave ought to be paid to them. It is a reasonable offset as it embodies the principle that the Hon. Mr Elliott used in his argument for cashing out. This allows for the changing work force, the fact that job organisation and work intensity is changing dramatically. I believe that this is not a big cost. The whole of long service leave represents 1.6 per cent of labour costs. This is not a costly issue. This can be seen as a social justice issue. Unlike my colleague the Hon. Mr Cameron, I am prepared to be nice to the Hon. Mr Elliott—not for my benefit or for his benefit but for fairness and equity. If we are going to change the situation, this is about the provision of fairness and equity for the workers who, at the end of the day, are the ones who will be affected—not the Hon. Mr Elliott, the Hon. Mr Cameron, the Attorney-General or myself.

This is a matter of equity. It is a fall-back position but an equitable position, so there is some compensation for those workers who will be aggrieved by the fact that we in this Parliament are going to take away that extended break that they normally would have been entitled to.

The Hon. M.J. ELLIOTT: As we bring the time back from seven years to five years, and even shorter, it is no longer long service leave; it is some sort of payment at the end of the contract, and I have to note that it is a cash payment, which is in fact entirely compatible with the sorts of things I was saying earlier.

The Hon. R.R. Roberts interjecting:

The Hon. M.J. ELLIOTT: I know, but we are talking about something which is a cash payment. The point I want to make is that while we can have a debate about whether or not it is 10 per cent or some other percentage of employers who are less than pleasant people—and there is no doubt that some of those people exist—I doubt that that percentage has changed in the past three and a half years. If there is anything that really gets up my nose it is when members of the Opposition move an amendment which they could have done in Government three and a half years ago and because I do not support it they say that I am are one of the worst people who ever walked the earth. That is an absolute nonsense. They were in Government until three and a half years ago. If the arguments are sound now they were just as sound then, and that is the fact of the matter. There are all sorts of things that we can do which are better: we can give 10 per cent pay rises; we can reduce the working week by an hour; we can give an extra week annual leave—we can do all sorts of things and put those into a Bill, but if I do not support it then I am the worst person who ever walked the earth. That is really cheap.

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: Goodness gracious—you are getting cheaper.

The Hon. K.T. GRIFFIN: The Government does not support the amendment. It is a substantial policy change, which we are not prepared to agree with, and, on that basis, we indicate opposition to it.

The Committee divided on the amendment:

AYES (7)

Cameron, T. G.	Crothers, T.
Holloway, P.	Nocella, P.
Roberts, R. R. (teller)	Roberts, T. G.
Weatherill, G.	

NOES (10)

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

PAIRS

Levy, J. A. W.	Davis, L. H.
Pickles, C. A.	Lawson, R. D.

Majority of 3 for the Noes.

Amendment thus negatived; clause passed.

Clause 5 passed.

Clause 6.

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

Page 2, lines 30 to 37 and page 3, lines 1 to 4—Leave out 'by striking out subsections (4) and (5) and' and all words in the remaining lines of the clause and insert 'by inserting after subsection (4) the following subsection:

(4a) A worker who has accrued an entitlement to long service leave is entitled to take such leave (in periods of at least two weeks) on giving the employer not less than 60 days' notice of the date from which and the period for which the leave is to be taken subject, however, to any determination that may be made by the Industrial Relations Commission, on the application of the employer, having regard to the provisions of subsections (1) and (2).

Under the existing legislation, an employer may give an employee not less than 60 days' notice for the taking of long service leave once it has accrued. Under the existing legisla-

tion, the employee is permitted to take long service leave only on application by the employer. Under the Act it must be granted as soon as practicable to suit the employer's purposes. However, if an employee objects the principle Act provides that the employee has to go to the Department for Industrial Affairs to get an inspector to look at the situation. If the Department for Industrial Affairs inspector says that the employee is right, the employer can still object and the employee then has to go to the Industrial Relations Court to have his application for leave granted.

This amendment is simple: if an employer can give an employee 60 days' notice, then the employee also ought to have the same right and simply give 60 days' notice after his long service leave falls due to request the leave. However, there is a safety provision for employers who believe that the time is not right to take long service leave. We are saying that the employer has the right to go to the IRC and ask for a stay where the onus is on the employer to establish before the commission that he cannot do without the service of the employee at the nominated time. I ask members to support this amendment.

The Hon. K.T. GRIFFIN: The Government does not support the amendment. It believes that it is appropriate, first, to have provisions that deal with enterprise agreements, which is an issue we can address later if, as indicated by the Hon. Mr Elliott, clauses 7 and 8 are opposed. But the dividing up of long service leave on the wishes of the employee without regard in any event to the broad workload and other requirements of the employer is, in our view, unacceptable and will act as a detraction from the efforts of the business activity.

The Hon. M.J. ELLIOTT: I indicate that I see this amendment in an essentially similar vein to the last one and will not support it.

Amendment negatived; clause passed.

Clause 7.

The Hon. R.R. ROBERTS: The Opposition opposes this clause. The ALP is concerned as to what these changes will actually mean. Does subsection (2a) provide for payment in advance, payment as per the normal pay cycle or payment in arrears? Can employees use the provisions to say that, as part of an enterprise bargaining agreement, if an employee wants a pay rise, long service leave has to be paid in arrears or during the normal pay cycle? Another problem that we see with the changes under this clause relates to how it will affect those workers who have an accommodation component in their salary. This is because under new subsection (3a) long service leave will be calculated at workers' ordinary weekly rate of pay. We would prefer the existing definition provided in the principal Act.

In respect of the subsection on accommodation allowance, I point out to the Hon. Mr Elliott in particular that under the present Act, which he clearly said he supports and which he suggested, if we had wanted change, we in government should have changed, the present provisions do provide that an employee with an accommodation allowance gets the accommodation allowance when they take their long service leave. I ask the Hon. Mr Elliott to join us in opposing this clause.

The Hon. M.J. ELLIOTT: I have already indicated that at this stage I will not support matters related to long service leave being considered within enterprise agreements. I will be opposing both clauses 7 and 8. I take this opportunity to explore whether or not clause 3 needs to be amended. It appears from the indication across the Chamber that that may not be necessary, but I will certainly not support clauses 7 or 8.

The Hon. K.T. GRIFFIN: I suggest to the Hon. Mr Elliott that, in the context of his argument, he should be opposing paragraph (a) of clause 7 but should be supporting paragraph (b). Paragraph (b), as I understand it, deals with the payments in lieu of long service leave. If you take out the whole of clause 7, it will compromise the ability of payments to be made in lieu of long service leave.

The Hon. Ron Roberts raised a question about accommodation. The worker will in fact be continuing in work and thus continuing to use the accommodation. That is the reason why that is not specifically included in the calculation.

The Hon. R.R. ROBERTS: If an employee takes long service leave and accommodation, he is not using it, anyhow, so there is no change in principle. I understand the Premier's argument, but it is an inconsistent argument.

The Hon. K.T. GRIFFIN: The Hon. Mr Roberts is indicating opposition to the whole clause. It would be desirable, if I could suggest, that paragraphs (a) and (b) are put separately so that we can actually accommodate the differing points of view within the Committee.

The CHAIRMAN: We can do that.

All words in line 6 carried; paragraph (a) negatived; paragraph (b) carried; clause as amended passed.

Clause 8.

The Hon. R.R. ROBERTS: The Opposition opposes this clause, but I recognise that it is consequential on amendments that we have lost.

The Hon. M.J. ELLIOTT: This is about enterprise agreements, and I am also opposed to this clause because I do not support enterprise agreements covering long service leave in any manner at this stage.

The Hon. K.T. GRIFFIN: I am disappointed to hear that but, as a matter of Government response, I indicate that the Government strongly supports the application of this to enterprise agreements. Under the old Act, industrial agreements had to be approved by and registered in the industrial relations jurisdiction. Enterprise agreements also have to be approved within the industrial relations jurisdiction.

With respect to those who argue that workers may be coerced into accepting the taking of long service leave credits as part of an enterprise agreement, I point out that there are adequate protections under the legislation to deal with any suggestions of coercion. I do not intend to divide on this issue because I know what the numbers are and because of the volume of business with which the Council has to deal before this session concludes.

The Hon. R.R. ROBERTS: This clause would allow other people to make decisions in respect of an individual's long service leave. That is not necessarily my argument, but it has been argued by the Government and the Democrats that this is a matter for individuals to decide. I opposed the definition of 'individual agreement' in the Bill, but it has been carried by this Committee. However, I agree that, with respect to long service leave, it is an individual matter and ought not to be put in jeopardy and traded away by others. Although some workers are party to an enterprise agreement, they may never be in a position to take long service leave, and for them to trade that away for individuals who have applied for long service leave would be quite unfair. The numbers may be there, but the justice may not. Therefore, the Opposition opposes this clause.

Clause negatived.

Remaining clauses (9 to 13) and title passed.
Bill recommitted.
Progress reported; Committee to sit again.

APPROPRIATION BILL

Adjourned debate on second reading (resumed on motion).
(Continued from Page 1945.)

The Hon. DIANA LAIDLAW (Minister for the Arts): I want principally to respond to the questions that the Hon. Anne Levy raised earlier today about public library services. It is possible, from the nature of the questions asked by the Hon. Anne Levy, that she continues to believe that public libraries are subsidised on a dollar-for-dollar basis between the State Government and local government. This, in fact, has not applied for some years. The current agreement negotiated by this Government with local government and the preceding agreement (negotiated by the Hon. Anne Levy herself, I recall) are based on deregulation, and we no longer have this 50:50 basis of funding. I seek leave to have inserted in *Hansard* without my reading it a table outlining 1995-96 State Government funds spent on public libraries.

Leave granted.

Total Public Library Expenditure Metro/Country and State/Local Government for 1995-96
State Government Funds spent of Public Libraries amounted to:

	Local Government Component	State/Government Component	Total
Metropolitan	$19.2 million or 59.8 per cent	$6.8 million or 21.3 per cent	$26 million or 81.1 per cent
Country	$4.1 million or 13 per cent	$1.9 million or 5.9 per cent	$6 million or 18.9 per cent
Total	$23.3 million or 72.8 per cent	$8.7 million or 27.2 per cent	$32 million or 100 per cent

The Hon. DIANA LAIDLAW: We note here that councils mostly pay about two-thirds of all library costs, to the State's one-third. This is a particularly generous arrangement, in terms of the State's contribution, compared to New South Wales, Victoria and Queensland. It is also important to note that, in terms of the conditions for funding, the free lending of library services is a requirement under the Libraries Act 1982 as amended.

The operating subsidies are provided to councils on the condition that the Libraries Board must be satisfied that the funds are expended on library services and that an adequate service is being provided to communities. Services provided by public libraries must remain accessible to all users of the library services across the State, and that forms part of the Public Libraries Audio Visual and Community Information Agreement of December 1994. Councils must report their expenditure of operating subsidies on library activities in an end-of-year financial statement to the Libraries Board of South Australia.

Material subsidies are the responsibility of the Libraries Board, and a proportion of these subsidies, decided by the Libraries Board, is sent through PLAIN Central Services and is listed on the PLAIN network of all libraries to access. Ownership of materials purchased through the State's funds are held in trust by the Libraries Board of South Australia. Catalogue materials must be available on loan to other public libraries throughout the State. That is also a further provision of the December 1994 agreement. It is important to note, too, that the State Government contribution to the public library and community information services is delivered through the State Local Government Reform Fund.

The allocation for the first year of the current agreement, 1995-96, was based on the 1994-95 public library funding of $11.324 million, and this included an allocation for inflation of $133 000. Also added to this figure was $358 000 for the reform of the South Australian Film and Video Centre and $160 000 for the reform of the City of Adelaide Lending Library, the total allocation for 1995-96 being $11.842 million. These funds increase each year either as a result of changes in the consumer price index or by the total level of the growth of the State Local Government Reform Fund, whichever is the lesser. Total funds appropriated for 1997-98 amount to $12.451 million and include an increase of 2.25 per cent on 1995-96.

The Hon. Anne Levy asked about the subsidies funding. For 1997-98 the subsidies funding will be based on the following *per capita* allocations: the operating subsidy for the metropolitan area will be $2.63 and $2.85 for country areas; so, a greater operating subsidy for country public libraries. The subsidy for materials in the metropolitan area is $3.35 and $3.35 to $4.25 in country areas on a sliding scale.

The Hon. Anne Levy, in a question asked of me on 9 July, indicated her belief that the former State Government had provided $2 million to the Birdwood Motor Museum for its upgrading program, and said that she believed this figure would have grown quite considerably due to interest over the past four years. In 1993 the former Labor Government provided $1 million to the Birdwood Motor Museum from the Tourism Infrastructure Fund—not from the Arts Fund—and that no further funds were allocated from that source. But to that sum, annual grants totalling $625 000 were made in five instalments of $125 000 each.

So, together with interest earned on these amounts, being $1.625 million, the total today is approximately $2 million. The starting point from Labor was never $2 million. It is also true that the allocation from the Tourism Infrastructure Fund and annual grants, plus interest, making a total of $2 million, would never have been sufficient to commence, let alone complete, the redevelopment of the Birdwood Motor Museum which this Government has now announced will commence in September. The museum will become a national facility of great credit to the State and will include climate control in parts that will ensure that we get some of the outstanding cars which have been offered for exhibition from other parts of the world and which to date we have never been able to accept.

I would like to address a host of other matters in terms of accessible transport, as well as some of the matters relating to TransAdelaide, Serco and through-running addressed by the Hon. Terry Cameron. However, perhaps I can merely dismiss the honourable member's comments by saying how ill informed, emotional and politically generated his comments were, with no basis in fact, and I will leave it at that at this stage.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank members for their contribution to this debate and I look forward to its speedy passage through its remaining stages.

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

[Sitting suspended from 6.3 to 7.45 p.m.]

ELECTRICITY (VEGETATION CLEARANCE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 July. Page 1887.)

The Hon. K.T. GRIFFIN (Attorney-General): I had been given leave to conclude my second reading reply because the Minister for Education and Children's Services was absent on the day on which we first dealt with this Bill. Obviously, I could continue to conclude my remarks, but I think the better course would be to allow the Minister, say under clause 1 of the Bill, to give whatever further responses are necessary in respect of issues raised by members during the course of the second reading debate.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. SANDRA KANCK: I move:

Page 1, after line 18—Insert new paragraphs as follows:

(ab) by striking out the definition of 'powerline' and substituting the following definition:

'powerline' means—

(a) a set of cables for the transmission or distribution of electricity and their supporting or protective structures and equipment; and

(b) associated equipment for the transmission or distribution of electricity, but does not include a telecommunications cable or associated equipment;;

I am sure it has not escaped anyone's attention in recent times that telecommunications cables are an issue generally in the community. One of the concerns that has been expressed to us from people in local governments is that they do want to have to be liable for the telecommunications cables. So we want a clear delineation between powerlines and telecommunications cables, and that is what this amendment is intending to do. We are splitting them, so I will deal first with proposed new paragraph (ab) on its own. That will clarify it so that we are not confusing powerlines with cables. Once we have dealt with that I will move on to proposed new paragraph (ac).

The Hon. R.I. LUCAS: Whilst we do not believe it is technically necessary, we will not oppose the amendment as it acts to clarify the position of telecommunications cables and not powerlines within the legislation.

The Hon. P. HOLLOWAY: The Opposition does not wish to see telecommunications caught up in this debate about vegetation clearance for electricity lines. Even though it may not be strictly necessary, at least if it is there in the legislation there can be no misunderstanding that the vegetation clearance agreements will not include telecommunications cables and associated equipment. We therefore support the amendment.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 1—Insert new paragraph as follows:

(ac) by inserting in the definition of 'principles of vegetation clearance' ', as modified by a vegetation clearance scheme' after 'powerlines';

This probably is the crux of local government's objections in this discussion. I refer the Minister to the regulations gazetted on 19 December last year. These are the regulations under the Electricity Act 1996 (No. 254 of 1996). Clause 7(4) of the regulations provides that a scheme cannot derogate from the principles set out in regulation 5. However, clause 11 of the regulations is headed 'Exemptions from principles of vegetation clearance'. Clearly there is an option there under some circumstances for there to be derogation from those principles.

Clause 11(1)(a) of the regulations exempts an occupier of land on which vegetation is planted or nurtured for commercial purposes, not including the production of timber, from compliance with regulation 9. It seems to some of the people to whom we have been talking that there is an inconsistency here because some of the near city councils such as Kensington Norwood and St Peters, which are in a non-bushfire area, will not be exempt or be allowed to derogate from the principles of vegetation clearance, yet we have a situation where someone who is commercially producing plants of some sort in a bushfire risk area is able to have that derogation. This is an important point that we need to clear up as to why one group of commercial producers is allowed that derogation and people in the city in a non-bushfire risk area are not allowed to have that derogation.

The Hon. R.I. LUCAS: My advice is that the Government will oppose the amendment. In relation to the issues just raised by the honourable member, I am told that regulation 11 of the vegetation clearance regulations was made to accommodate commercial fruit producers who in any event annually trim their trees. ETSA inspects these orchards annually before the start of each bushfire season to check that the trees have been adequately pruned. This is a condition of their exemption. In relation to the honourable member's amendment and the reasons why the Government is opposing it, I am advised that the extent to which the principles of vegetation clearance can be altered by a scheme is as already provided in proposed section 55A(2)(d). This proposed amendment is a drafting amendment tied to the unacceptable proposal set out at clause 6, page 3, lines 23 and 24. For those reasons, the Government opposes the honourable member's amendment.

The Hon. P. HOLLOWAY: The Opposition supports the amendment. We had a similar amendment on file for similar reasons to those expressed by the Hon. Sandra Kanck. We believe that, if there can be derogation from the principles of vegetation clearance by the Technical Regulator in the instances that were referred to in the regulations which govern a commercial body, we saw no reason why there should be such derogation when a city council is involved in a non-bush fire situation. I certainly appreciate the explanation that the Minister has given. That at least clarifies on the record some of the issues involved. When we put this amendment forward it was certainly my view that the Technical Regulator is, after all, an engineer with skills and experience in this area. I would have thought that we could have enough faith in the Technical Regulator that he or she would not make any derogation from the principles that was in any way unsafe or caused a problem, and that was the basis for our amendment.

I find it hard to envisage a situation where such a derogation would be necessary, but it could be that a situation arises where perhaps some change to those principles might assist a local council in terms of some special problem it might have. That was the basis for our amendment, and we certainly

did not expect that it would become the norm. As I indicated during my second reading contribution, the main thrust of the Opposition's amendments were to try to clarify the whole procedure involved in the vegetation clearance scheme and to try to reassure those local government bodies that had some concerns that there would be sufficient flexibility in the system. The Opposition will take on board the comments the Minister has made, but at this stage we support the amendment.

Amendment carried; clause as amended passed.

Clauses 4 and 5 passed.

Clause 6.

The Hon. SANDRA KANCK: I move:

Page 3, lines 11 to 13—Leave out 'require the electricity entity to inspect and clear vegetation more frequently than is required under the principles of vegetation clearance or otherwise.'

The amendment is consequential on new paragraph (ac) which we have inserted.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 3, line 22—Before 'powerlines' insert 'specified public'.

This is simply a matter of clarification to ensure that we are talking about particular powerlines in this case. It is basically a slight drafting change.

The Hon. R.I. LUCAS: The Government supports the amendment.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 3, lines 23 and 24—Leave out proposed paragraph (d) and insert:

(d) it may modify the regulations dealing with the clearance of vegetation from, or the planting or nurturing of vegetation near, public and private powerlines subject to the scheme;

I will not be surprised to hear that the Government will not accept this because it also derogates from the principles of vegetation clearance. It is a follow-up from what we have done previously in relation to new paragraph (ac).

The Hon. R.I. LUCAS: The Government is passionately and violently opposed to this amendment. This proposed amendment is completely unacceptable to the Government. The regulations referred to are accepted national standards as to clearance distances and cannot sensibly be altered by the parties nor by the Technical Regulator. I remind this Council again that they were considered by the Environment, Resources and Development Committee, which reported on 30 July 1996 that the regulations having been redrafted in 1988, to bring them into line with national standards, were adequate. The Government's view is that it is not sensible or appropriate to commit individuals to decide that these nationally accepted standards can be modified. And then in bold type: the role of the Technical Regulator cannot be extended as suggested.

The Hon. Diana Laidlaw: Being vehement.

The Hon. R.I. LUCAS: I am vehement here, passionate. There cannot sensibly be area by area disputes as to the rules to be applied. There is flexibility provided in the Bill in terms of frequency of clearance and the vegetation which may be planted and nurtured, but the Technical Regulator's role cannot be extended so as to deal with area by area disputes as to the fundamental rules to be applied, namely, the clearance distance required. The Government Bill allows the appropriate level of derogation from the principles of vegetation clearance, the regulations.

Proposed section 55A(2) makes it clear that the electricity entity may have to clear more frequently than the principles would otherwise require, and proposed section 55A(2)(d) explicitly states that a scheme may exempt the council from the requirements for planting and nurturing the vegetation. What the Government is not prepared to allow is derogation from the clearance distances set out in the regulations. These are standards accepted nationally and these standards cannot be altered; otherwise we could end up with no standards at all. Having said this, the ability to require more frequent pruning, albeit at an increased cost, can achieve less extensive pruning between the prunings. In addition, if the entity or the council is prepared to run the risk of liability by not clearing to the standard, that is the council's choice.

The Hon. P. HOLLOWAY: This is consequential to the earlier amendments, so we support it.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 3, lines 33 and 34—Leave out proposed subsection (3).

This is consequential.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 4, line 21—Insert 'under this Division' after 'dispute'.

This again is a matter of clarification to make it clearer as to what the Technical Regulator's powers are.

The Hon. R.I. LUCAS: The Government agrees.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 5, lines 23 to 25—Leave out proposed paragraph (b) and insert:

(b) in a case where the Technical Regulator is satisfied that it is appropriate to do so in view of significant and persistent failure by the council or the electricity entity to carry out properly, or at all, vegetation clearance work in relation to the powerlines after the commencement of this section and the reasons for the failure.

This is a fairly significant amendment. It is consistent with the agreement that was made between the LGA and ETSA leading up to the drafting of this Bill. In the circular that the LGA sent out to local government, all local government in the metropolitan area was advised that the Technical Regulator can only confer duty of care on a council as a last resort, and what I am attempting to do here, particularly by the use of the words 'significant and persistent failure', is to convey that it is only when all else has failed that this duty of care is to be conferred on the council.

The Hon. R.I. LUCAS: The Government opposes these amendments. They restrict the circumstances where a duty could be transferred to an inappropriate extent.

1. Although neither the addition of the word 'persistent' nor 'significant' is required, the Government is prepared to accept one of these words. 'Significant' would appear to encompass persistent but less serious failure, as well as less frequent but more serious failures. The ability to balance such factors is reduced by the requirement to be satisfied that the failure is both significant and persistent and is therefore in the Government's view not sensible.

2. The words in relation to the powerlines are a consequential amendment following that proposed to clause 6, page 5, lines 26 to 28. These changes are not acceptable as being unnecessarily limiting.

3. The words 'after the commencement of this section' are also in the Government's view an unacceptable addition. Under proposed section 55E the Technical Regulator, when required to determine a scheme dispute, is obliged to take into account whether the requirements with respect to vegetation clearance and the planting and nurturing of vegetation have

been complied with in the area and, if not, why not? This cannot be limited to events occurring after mid 1997 or we will have achieved nothing by bringing these proposals forward and we will end up waiting for several more years before these amendments can be fully effective.

The Hon. P. HOLLOWAY: The Opposition supports the amendment. I have withdrawn the amendment I was going to move in favour of this amendment by the Hon. Sandra Kanck. It covers and explains the situation in somewhat more detail than my amendment and I am happy to support it.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 5, lines 26 to 28—Leave out proposed subsection (3) and insert:

(3) The Technical Regulator may confer a duty on a council in accordance with subsection (2) only in respect of particular powerlines in respect of which the Technical Regulator is satisfied the conferral of the duty is justified.

Again, this follows from the agreement reached between the LGA and ETSA, specifically, that the duty of care would be conferred on a council only in respect of specific powerlines. The amendment spells that out in black and white.

The Hon. R.I. LUCAS: The Government opposes the amendment. The Government's view is that it unnecessarily prescribes the area in which the duty could be conferred on a council. It may well be that the Technical Regulator would consider it appropriate to confer the duty only in respect of particular powerlines, but the substitution of the word 'justify' may imply that the Technical Regulator can do this in only relation to, say, a street where there have been problems, although it is clear that there will also be problems in other streets later. The number of disputes must be kept within reasonable limits and we cannot encourage a situation where the Technical Regulator will have little time to perform his or her other obligations. The Government does not believe this amendment is an improvement and therefore does not accept it.

The Hon. P. HOLLOWAY: The Opposition supports the amendment. One of the issues we wish to achieve in this debate on behalf of some councils that had concerns is to try to clarify the fact that the Technical Regulator's duties would only apply to a particular section of powerlines. There was some concern. We understand that it could be construed that the Technical Regulator could confer the duty over a much wider area than perhaps the area where concern was shown. The Opposition supports the amendment, because we believe it will help clarify the situation.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 5, after line 28—Insert proposed subsection as follows:

(3a) If the Technical Regulator proposes to confer on a council a duty to keep vegetation clear of public powerlines in circumstances in which there has been failure by the electricity entity to carry out properly, or at all, vegetation clearance work in relation to those powerlines, the Technical Regulator must consider whether the council should be given an indemnity for any liability arising from the entity's failure or whether the conferral of the duty should be postponed for a period designed to allow any necessary work to be carried out.

Again, the fear of retrospectivity has been a fairly crucial issue for local government. Local government has expressed a view to me that, as the legislation is currently worded, the eight-year backlog of pruning that has occurred in some local council areas because of ETSA's fear of opprobrium from local people could be used as a justification to transfer the duty of care and legal liability to the council. I am attempting to address that so that ETSA's lack of action will not be used as a sword against the council. There is also the issue of how one goes about transferring the duty of care. It can be done in a number of ways. You could transfer the duty of care and then say to the local government entity, 'Okay, go ahead and do whatever is necessary and prune the trees, put underground cabling in and once that is done we will transfer the liability.' Another way it could be done is to give the duty of care and the liability at the same time and then confer an indemnity to allow the work to occur. I know that 'indemnity' is a word that the Government shies from, so I have attempted to provide flexibility for the Technical Regulator so that the Technical Regulator is not bound to give that indemnity to the council.

The Hon. R.I. LUCAS: I am advised that the Government is prepared to support the amendment. My advice is as follows. Duty and liability go hand-in-hand. Where, having followed the exhaustive dispute resolution procedures laid down in the Bill, the Technical Regulator determines it is appropriate to confer duty on the council, the regulator will need to consider the mechanics of that transfer. I draw members' attention to the fact that the Technical Regulator may specify that a scheme is to have effect at a future specified time and that different parts of the scheme may have effect at different times. In the Government's view, it is not either sensible or appropriate to provide as a matter of course for a delay in indemnity but, as this proposed amendment allows appropriate flexibility, the Government is prepared to accept it and congratulates the Deputy Leader on moving it.

The Hon. P. HOLLOWAY: I had a somewhat different amendment on file, but it was seeking to achieve much the same objective, so I am happy to defer to that moved by the Hon. Sandra Kanck, because it sets out to achieve the same objectives we are all after, that is, to try to satisfy the concerns of those councils that fear they might have a duty thrust upon them in a manner that they believe could be considered retrospective. We think that this amendment at least clarifies the situation to their benefit and we are happy to support it.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 5, line 33—Insert 'future' after 'different'.

This again deals with the concerns that local government has had about retrospectivity. It simply inserts the word 'future' to make sure there can be no mistake.

The Hon. P. HOLLOWAY: We support it.

The Hon. R.I. LUCAS: The Government warmly embraces the amendment.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 6, after line 14—Insert proposed paragraph as follows:

(fa) recognised electrical standards;

This is an attempt to address some of the Government's concerns about my earlier amendment to allow derogation from the native vegetation clearance principles. One of the concerns raised with me was that, with that clause having gone into place, the Technical Regulator might be able to not observe Australian and international safety standards as regards electricity. I felt that this was covered in new section 55E(1)(f), because amongst the things that the Technical Regulator has to take into account is the need to prevent damage to the powerlines and interruption to the supply of

electricity, and to safeguard the public against electric shock and damage to property.

However, there was some uncertainty as to whether or not that would cover it, so what I am moving to insert is an addition that specifically provides that the Technical Regulator would have to take into account recognised electrical safety standards. It is my attempt to make the Government feel better about my amendment that allows derogation.

The Hon. R.I. LUCAS: I am advised that we admire the intent but we are appalled at the effect of this amendment. The Government, therefore, opposes the amendment. This proposal apparently relates to the unacceptable proposal contained in clause 6, page 3, lines 23 and 24, that a scheme may modify the regulations to a greater extent than the Government Bill provides. The clearance distances are nationally accepted electricity clearance standards and in these circumstances it is difficult to see the point of the proposed change. The Government will not accept proposals allowing the clearance distances to be departed from and this amendment is, therefore, opposed.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 7, lines 15 to 17—Leave out proposed subparagraph (ii) and insert:

(ii) the Technical Regulator orders the public to be excluded from attendance in accordance with subsection (4a); and

We are dealing here with new section 55F, which is about how proceedings will be conducted by the Technical Regulator, and this paragraph is dealing with the issue of whether or not the public should be excluded. I certainly raised concerns about this in my second reading speech. I feel that, wherever possible, we need to keep these proceedings open to the public. I hope that this is a more satisfactory way of addressing this issue and that it will result in hearings being heard more openly.

The Hon. R.I. LUCAS: The Government supports the amendment.

The Hon. P. HOLLOWAY: The Opposition supports the amendment.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 7, lines 18 to 20—Leave out proposed paragraph (b) and insert:

(b) the parties may not be represented in the proceedings by lawyers except by leave of the Technical Regulator.

Another concern expressed by local government is that, at any of the proceedings, it could be very easy for an electricity entity to have a lawyer present but not quite as easy for local government to do so. Electricity entities, being such large bodies, are likely to have lawyers on their payroll: local government bodies, being much smaller, are not likely to have lawyers on their payroll. Therefore, it would create an advantage for the electricity entity over local government. In fact, there may be occasions when lawyers might be needed. This amendment is attempting to keep them out of it until such time as there is a perceived need for them, at which point they could be part of the proceedings provided that the Technical Regulator gave leave for them to be part of the proceedings.

The Hon. P. HOLLOWAY: The Opposition supports this amendment. My original amendment was to exclude lawyers altogether. I must say that conforms with my natural prejudice on this matter, but I have somewhat reluctantly agreed to allow this minor victory for lawyers so that they should be allowed in special cases. I therefore reluctantly accept the amendment.

The Hon. R.I. LUCAS: On behalf of my colleague the Hon. Robert Lawson, and others, I understand that this amendment is acceptable to the Government.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 7, after line 20—Insert new subsection as follows:

(4a) The Technical Regulator may order the public to be excluded from attendance at proceedings in order—

(a) to consider in confidence information that has commercial value to a person or relates to the commercial or financial affairs of a person (the Technical Regulator being satisfied that it is reasonably foreseeable that public disclosure of the information could cause significant damage to a person or the interests of a person or confer an unfair commercial or financial advantage on a person); or

(b) to ensure that the Technical Regulator does not—

(i) breach any law, order or direction of a court or tribunal constituted by law, or other legal obligation or duty; or

(ii) unreasonably expose himself or herself to any legal process or liability.

This amendment moves on a little bit further from what I had two amendments ago about the public being excluded. There is some direction in the Bill in its current form. This provides greater instruction to the Technical Regulator and makes it very clear under which circumstances the public can be excluded.

The Hon. P. HOLLOWAY: The only other point I wish to make is that the approach here follows that of the modified section 62 of the Local Government Act which, of course, was amended by the Parliament last year to clarify how, where confidentiality was claimed, matters being dealt with by local government should be dealt with. The string of amendments that now follow reflect the same provisions that apply in that case, and we are happy to support them.

The Hon. R.I. LUCAS: The Government supports the amendment.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 7, line 22—Leave out 'conducted in private' and insert 'during any period when the public is excluded from attendance'.

This is basically a drafting amendment that just helps to clarify what is there.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 9, line 23—After 'material' insert:

in order—

(a) to consider in confidence information that has commercial value to a person or relates to the commercial or financial affairs of a person (the Technical Regulator being satisfied that it is reasonably foreseeable that public disclosure of the information could cause significant damage to a person or the interests of a person or confer an unfair commercial or financial advantage on a person); or

(b) to ensure that the Technical Regulator does not—

(i) breach any law, order or direction of a court or tribunal constituted by law, or other legal obligation or duty; or

(ii) unreasonably expose himself or herself to any legal process or liability.

This is similar to what I previously moved and it relates to this issue of commercial confidentiality.

Amendment carried; clause as amended passed.

Remaining clauses (7 to 14) and title passed.

Bill read a third time and passed.

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

A quorum having been formed:

RACING (MISCELLANEOUS) AMENDMENT BILL

In Committee (resumed on motion).

(Continued from page 1946.)

Clause 15.

The Hon. R.I. LUCAS: When last we were together discussing this issue, the Hons Michael Elliott, Angus Redford, and Terry Roberts raised a series of questions. I have now taken advice from the Minister and his advisers and place on the record a statement on behalf of the Government and the Minister which I understand should satisfy the concerns of some members and also provide answers to some of the questions.

In relation to this clause, the Minister has authorised me on behalf of the Government to say the following. In this Bill it is recognised by the Government that, in the proposal to conduct fixed odds betting on sports, there may be some events on which there may be a loss. The Government will require that the South Australian TAB enter only into an agency agreement in which the SA TAB does not incur any financial loss on any event.

The Hon. Mr Redford asked a series of questions. Those questions, and the answers thereto, are as follows:

Q. TAB's management intention to contractual obligations re types of companies it may enter into an agreement with.

A. Prior to entering into any contract, TAB would undertake appropriate searches of company details and substance in accordance with responsible commercial practice.

Q. Can the Minister assure that TAB will not underwrite any losses of the principal in any agency agreement?

A. The Bill provides that the agreement must be approved by the Minister. In this Bill it is recognised by the Government that in the proposal to conduct fixed odds betting on sports there may be some events on which there may be a loss. The Government will require that the SA TAB only enter into an agency agreement in which the SA TAB does not incur any financial loss on any event.

Q. Re section 84N—Unclaimed Dividends. If TAB is acting as an agent, how will the issue of ensuring that the unclaimed dividends do not go to the principal be covered?

A. The Bill provides that the agreement must provide that TAB is entitled to unclaimed dividends.

The Hon. Mr Elliott asked two questions, as follows:

Q. How will the Government cover off issues of control and risk?

A. In relation to the issues raised by the honourable member over controls and levels of risk, as previously stated, the TAB will enter into an agreement which eliminates the issue of risk and that the TAB will only enter into an agreement with a principal with the Minister's approval and following due diligence inquiries into the substance of the principal.

Q. What is the Government's intention versus what the legislation will allow?

A. This has been previously covered in the answer to the previous question.

The Hon. Terry Roberts asked the following question:

Q. If fixed odds betting is introduced, will it add value to any future sale of TAB?

A. It is anticipated that, by having a product in place that generates income for TAB, it would have to be seen as attractive, making the business more valuable and add value to any potential sale.

Clause passed.

Remaining clauses (16 to 22) and title passed.

Bill read a third time and passed.

IRRIGATION (TRANSFER OF SURPLUS WATER) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 July. Page 1941.)

The Hon. T.G. ROBERTS: The Opposition supports the Bill, which allows for the transfer of surplus water allocations. The problem for the Opposition (and, I suspect, the Democrats) is that the measure does not appear to encourage the best use of water, particularly in irrigating areas. If an allocation is made and the water is not used by a particular customer, the Bill allows for the transfer of that surplus water allocation to another person.

Other parts of the State, particularly the Murray River areas, have been over-allocated and the water quality, especially in drought times, is not improving and, for good conservation reasons, it may be sound to have an unallocated reserve of water. The Government has decided to allow the surplus allocations to be transferred. We would hope that the Bill and its administration enables the appropriate use of that water and that the environmental problems that may arise from over-allocation are observed, and that strict rules and regulations are in place to ensure that those allocations of water are done in those years when the water will not be wasted.

The Opposition supports the Bill. We have those reservations but acknowledge that the present value of water in the Riverland is at a premium. I read in one of the local newspapers that the average income of Riverlanders has increased by 26 per cent due, in part, to the success of their agricultural-horticultural production, which has benefited from the irrigation system within that region. With those few words, the Opposition supports the Bill.

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

STATUTES REPEAL AND AMENDMENT (DEVELOPMENT) (ENVIRONMENTAL IMPACT STATEMENTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 July. Page 1838.)

The Hon. T.G. ROBERTS: The Opposition supports this Bill to amend the Statutes Repeal and Amendment (Development) Act. Section 18 is amended:

(c) by striking out subsection (3) 'Under Division 2 of Part 4 of the Development Act 1993' and substituting 'under section 48 of the Development Act 1993 (being, from the commencement of the Development (Major Development Assessment) Amendment Act 1996, section 48 as amended by that Act and despite subsection (1) . . .

This will enable those two major developments to go ahead. It is a facilitating Bill and the Opposition supports it.

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

NATIONAL WINE CENTRE BILL

Consideration in Committee of the House of Assembly's message intimating that it had disagreed to the Legislative Council's amendment and that it had made an alternative amendment in lieu thereof.

The Hon. R.I. LUCAS: During the debate in the Lower House, the amendments which were originally passed in the Legislative Council were opposed and defeated. I understand that in the spirit of trying to reach a compromise or resolution and, therefore, the ultimate passage of the legislation, there have been ongoing discussions between the Minister and other interested members and parties. The Minister read a ministerial response outlining the extensive informal public consultation proposed for the development of the design of the centre, and he also introduced an amendment to this Bill to require public consultation additional to the normal section 49 Crown development assessment process of this application.

For the benefit of members, I intend to place on the public record the Minister's response and, therefore, the Government's response to these issues. The Minister states:

The importance of the National Wine Centre project for this State cannot be underestimated. As an industry, wine production alone accounts for over 2.5 per cent of South Australia's manufacturing work force, and this does not include the significant employment created in industries that service this major growth sector. It is therefore essential that we do not do anything that may jeopardise the National Wine Centre's being located in Adelaide, as to lose this centre may also see the focus of the industry move interstate.

However, in saying this, the Government still believes it is essential that there is a mechanism by which the stakeholders and other interested members of the community can have an involvement in the development of the design options, including landscaping, of the National Wine Centre. The Government does not believe that the Public Environment Report (PER) provisions of section 46 of the Development Act 1993 is an appropriate method by which to undertake this process of public involvement. The PER process is designed to be used when major unknown factors are present, and is aimed at resolving matters of environmental, social and economic uncertainty. There are no such unknown factors present in this project.

The issue we are dealing with in this instance relates to the design and appearance of the National Wine Centre development and its interrelationship with adjoining uses. To assure this House and the public of South Australia that the Government is committed to establishing a facility that is sensitively and sympathetically integrated with the Botanic Gardens and other adjacent facilities, I will be moving an amendment to the National Wine Centre Bill 1997. This amendment will require that a formal consultative process be undertaken as part of the development assessment process.

The amendment I propose to introduce includes a statutory public consultation period of 15 business days in addition to the 13 business days allowed for public comment prior to the decision being made on the design. It will not, however, extend the statutory time for development assessment by three or four months without any increase in the effective public involvement, as would a PER.

In addition to this amendment, I would like to inform this House of the total commitment by the Government to the consultative process. The three-stage process we will undertake will enable stakeholders to have input into the development of the design options and the South Australian public to have the opportunity to comment on these options.

The program identifies three categories of participants, being the key stakeholders, interest groups and the wider community. Key stakeholders have been invited to sit on the steering committee during the design development stages of the project. The groups identified as key stakeholders are the Australian Wine Industry, the South Australian Government, the Adelaide City Council and the board of the Botanic Gardens.

The major interest groups have been identified as those groups, organisations and individuals who have an interest in the interface and design issues associated with the site and therefore should have an opportunity for their opinions to be heard. These interest groups have been identified as the Adelaide Parklands Preservation Association, Friends of Botanic Gardens, St Peters Council, St Peters Residents Association, St Peters College, National Trust, East End Coordination Group, Royal Australian Institute of Architects, Civic Trust of South Australia and the Architects Foundation of South Australia.

Throughout the process, these interest groups will be invited to participate in a series of briefings to be undertaken by the steering committee and the design team. This group will meet on a regular basis to discuss issues associated with master planning and the centre's interface with the surrounding areas and to provide feedback to the design team. Activities undertaken in Stage 1 are:

1. Individual interest group briefings on key elements;
2. Written communication to outlining any concerns or issues expressed at the meeting and inviting further communications;
3. Development of design parameters;
4. Combined interest group briefings and feedback;
5. Develop concept design and landscaping options.

Following the development of design and landscape options, a second stage of the consultation process will be undertaken to give the general public the opportunity to comment and get feedback on the proposed options.

Activities undertaken in Stage 2 are:

1. Briefing of the elected members of the Adelaide City Council and the Board of the Botanic Gardens and State Herbarium;
2. Public display and presentation of design and landscape options for 30 business days;
3. Accept and assess submissions from the public on design options;
4. Finalise landscape and design options;
5. Select preferred landscape and design (or options);
6. Commence site remediation, including decontamination works.

Once the final option has been selected, the statutory assessment provision of section 49 of the Development Act 1993 and the development provisions required by this Act will come into effect. The process for a Crown development under section 49 of the Development Act requires:

1. Application lodged with the Development Assessment Commission (DAC) and the Adelaide City Council;
2. Council to provide comments to the DAC within two months;
3. DAC to report to the Minister on the application (or applications). The DAC report includes the extent to which the proposal complements the policies in the development plan and the comments of the council;
4. Minister decides whether to approve or refuse the application (the approval can include conditions).
5. Building rules requirements assessed by a private certifier or some other person accepted by the Minister as having appropriate qualification.

The additional statutory assessment provisions required by the amendment are:

1. DAC to call for public submissions via notice in the paper;
2. Members of the public to provide comments to the DAC within 15 business days;
3. The DAC report to the Minister is to include an assessment of the comments from the public and any suggested changes to the design or any conditions of approval;
4. Minister must as soon as practicable after determining the application prepare a report on this matter and have copies laid before both Houses of Parliament.

This process provides for a significant level of involvement by interested groups and the general public in the design process, given that it has always been the Government's intention to undertake a community consultative process on this project. The process I have just outlined can be undertaken without any major threat to the time schedules set for the construction of the facility.

I assure this House that the Government and the wine industry are both committed to making the National Wine Centre a facility of which all Australians can be proud. To ensure the development is capable of achieving this public pride, as well as gaining international recognition, a number of objectives have been identified that must be achieved in the development of the centre. The Government will therefore instruct the steering committee and the design team to deliver these objectives in the final design.

The design of the centre must complement the Bicentennial Conservatory and enhance this Adelaide landmark by developing an attractive approach to, and view of, that building and should seek to reflect the real ambience and quality and excellence of the Australian wine industry. The centre also needs to be developed as part of the whole precinct in which it is sited. Therefore, linkages with the adjacent Botanic Gardens and the East End precinct are essential. This integration will be achieved by creating a seamlessness with the Botanic Gardens and the creation of common points of access. One

such access option that is being explored is for a dual entrance from Hackney Road for the gardens and the wine centre.

I trust that this amendment and the commitment by the Government to undertake the additional consultative process will allay any concerns the Council may have had regarding the public and stakeholder input into the National Wine Centre project. I urge all members to support these amendments for the benefits of South Australians.

The Hon. P. HOLLOWAY: The Opposition is not particularly happy with the outcome of this. The Leader of the Government in the Council indicated that the Minister in the other place had had discussions on this matter, and indeed he did have with the Australian Democrats, and obviously an amendment acceptable to them will be moved shortly. The Opposition is not altogether happy with the result. As a result of this process, the best we can say is that we have achieved some level of greater public consultation than otherwise would have been the case because, as a result of the amendments to be moved later on this evening, there will be 15 business days in addition to the 30 business days, according to Minister's statement—that is, 45 business days for public comment—which brings me to the thrust of the comments I wish to make.

The reason the Opposition put up its amendment to require a PER (Public Environment Report) process for considering what happens with the National Wine Centre was to ensure that there would be a specific period during which the public could comment on aspects relating to the development of the National Wine Centre. The Opposition made it quite clear from the start that it supported the site even though there was some reservation by individual members as to whether or not the Hackney Road site was the best. We accepted that, in the circumstances, there needed to be resolution of this matter and so we made it clear that we supported that site.

We also indicated that we fully supported the concept of a national wine museum and we certainly will be pleased to see that go ahead. What we did want was a reasonable period of public consultation where the public could make their comments known about all aspects of this project. When the amendment is moved I will be seeking to ask a couple of questions and make some more comments. What we see from the amendment is that there will be some restriction on the level of public debate that can take place.

I have a couple of comments on other aspects of the Minister's statement. The Minister indicated that a PER process, from the Opposition's amendment, was to be used only where major unknown factors are present and aimed at resolving matters of environmental, social or economic uncertainty and he said that there are no such unknown factors present in this project. I would have thought that one of the reasons that we would have the public consultation period would be to find out if there were any unknown factors that had not been thought of. It is all very well to say there are no unknown factors, but the fact that they are unknown speaks for itself.

I would have thought that, had the public wished to make comments on the environmental, social or economic matters in relation to this particular project, they should have been entitled to do so. It was never the Opposition's wish that the process would be unduly delayed. As I said, it was always our understanding that the 30 day period that we had asked for was reasonable. The reason that we had suggested a PER was to reduce the degree of consultation that would have taken place under, for example, an environmental impact statement.

As I say, the Opposition will not support the solution that has been arrived at in another place in its current form. Had an amendment been made to that—and I will be moving one shortly—then we could have accepted the change from another place. At least we can now say that there will be some public consultation, and that is certainly better than what we had when this Bill first originated in this Chamber. At this stage I indicate that we will oppose the resolution in its current form and that I will be moving an amendment at the appropriate time when we get to that stage.

The Hon. M.J. ELLIOTT: Let me begin by reminding people that the Democrats, while supporting the wine centre, have not supported the site. Members of the Labor Party had taken that position, and then very late in the piece did a complete reverse somersault and said they do support it on that site. Having done that, the question of the site as a debating point in this place was going to be nothing more than that, a debating point because that decision was then effectively made. The position that the Democrats then took was that, if there is going to be a Wine Centre, it has to be complementary to the Botanic Gardens, complementary to the whole of the parklands, and particularly complementary to the Bicentennial Conservatory, as well as being excellent in its own right.

I have been in debates in this place on many occasions about development processes. I have argued for a very long time that, if we are to get good developments, we need to involve the public and we need to involve them early. There has been some small progress in that direction but I must say it has been very slow. We have had quite extensive debate in this place on several occasions now in relation to both the Planning Act and then the Development Act.

The PER process is something that evolved from that debate, but I have not supported the PER. It is in fact something that the Labor Party had agreed to with the Government at one stage, but I see it as being grossly inadequate. Much of what happens in the PER process happens after a final design has been decided upon, and that is far too late in the development process for good decisions to be made. I have argued consistently that we need to involve the public at the very early stages of contemplation of projects so that they can feed in their knowledge, experience and wishes, so that we have a better chance of getting the right project.

The proposal coming from the Opposition involved some public input but it was a public input which came after the major planning processes had already been completed. The design processes had largely been completed and then the public was going to be invited in for the first time. I see that as being wholly inadequate, and, of course, at the end of the day it was always going to be the Minister's decision, and this Bill was authorising the centre to go ahead. So it was too little too late, with, effectively, the decision having already been made.

I sought then to try to get a process which I felt improved our chances of getting something which the public as a whole would feel was a good project, and that I think necessitated two things: a consultative process which all the general public could involve itself in and a process where representatives of key interest groups could have ongoing feedback. The Government has now agreed to that. What we have is the establishment of a group of interested parties, and those were identified during the Minister's contribution. That group will meet on a regular basis. It will be established immediately, will be meeting on a regular basis and will be kept constantly

updated in terms of what is happening to design. It will be able to feed back into the steering committee and the design team its reactions, suggestions and the like. That continual interaction with those key interest groups will be valuable.

There will also be public consultation, not just after the final design has effectively been chosen, which is what the PER would have offered, but also quite extensive public consultation while there are a number of design options on the table, design options which I presume would have already been developed with the interaction of interest groups.

It is assured that the process we are to have will have far more public input and be extensive. As I reflected earlier, that early input can be very valuable and Minister Wotton has said so in relation to the Mount Lofty development. He said his only regret was that the consultative group was not still involved during the design process. In this case, the Government will be involved in such a group during the design process as well. I feel confident that we have a fairly good public consultation process going on. If there was one element that I would have preferred out of the whole PER process, it would be that it was under the auspices of some sort of independent body, but the PER process certainly did not allow anything like that in terms of early consultations which, I argue, are more important.

I repeat: the Democrats have tried to make the best of what was a bad lot. We hope that the process put together will lead to the best possible result, considering the site to be used, one that will ensure that we have a National Wine Centre of which we are proud and which at the same time will be complementary to its location and not derogate from its location in any significant fashion. A number of issues have been identified. The Minister has referred to the impact on the conservatory and the desire of the Botanic Garden to have an eastern entrance from Hackney Road, and those elements will be seen as objectives of the steering committee and the design team. I have as much confidence as you can have in these sorts of processes. Clearly, on the one hand, if the consultative process is allowed to turn into a farce, it would have the capacity to blow up in the Government's face. On the other hand, if it is treated seriously—and I feel confident that it will be—it could set a useful precedent for other developments, although in a more formalised fashion than with this development.

The Hon. R.I. LUCAS: I move:

That the Council do not insist on its amendment but agree to the alternative amendment made by the House of Assembly.

Motion carried.

The Hon. P. HOLLOWAY: I move to amend the House of Assembly's alternative amendment, as follows:

Clause 6, page 4, new subclause (2)—Leave out 'the erection of a new building, or the use of an existing building,' and insert 'development'.

Will the Minister confirm that this new amendment will effectively override the provisions of the Heritage Act, particularly that part that refers to section 49 of the Development Act? In other words, if this is carried, could the Government demolish the Goodman building and any other buildings on the National Wine Centre site before the public consultation period comes into play?

The Hon. R.I. LUCAS: The Government's position is that no decision has been made at this stage in relation to demolition of any building. So, it ought to be clear. My advice is that section 49 to which the honourable member refers does give the power to undertake activities of the nature to which the honourable member has referred.

The Hon. P. HOLLOWAY: The second matter follows from that. This amendment, if carried in the form in which it comes from the other place, would, if I read it correctly, allow public consultation only in relation to the new building that would be erected there. If I am reading it correctly, it would not allow any consultation in relation to what might happen prior to the site's being ready for a new building. Am I correct in my interpretation?

The Hon. R.I. Lucas: Can you clarify the question?

The Hon. P. HOLLOWAY: New subclause (2) provides that 'the following requirements apply in relation to any application for approval of the erection of a new building or the use of an existing building on the land of the centre'. Does that mean that any public consultation prior to the site's being ready for a new building will not be permitted?

The Hon. R.I. LUCAS: I am not sure that I have gathered the full import of what the honourable member is driving at. I am advised that, if the honourable member is linking his question to the first question in relation to demolition, any proposed demolition would be subject to an application to the Development Assessment Commission and, therefore, would be subject to or part of a public process.

The ACTING CHAIRMAN: Does that answer the honourable member's question?

The Hon. P. HOLLOWAY: Partly, Sir. I will move on to another question which relates to the 'prescribed day' that is referred to in this amendment. Will the Minister explain exactly what is envisaged in relation to this 'prescribed day' under which this process comes into play? What is the Government's intention regarding that provision?

The Hon. R.I. LUCAS: My advice is that this is to ensure that this process, which has been arrived at after long consultation, applies to this initial development process for the project. If some years down the track there was a proposal to add a room or something like that, this process would not apply thereto. The normal section 49 process would apply to such a development change.

The Hon. P. HOLLOWAY: Will the Minister indicate when he expects this process to be under way and when he expects this consultation to occur?

The Hon. R.I. LUCAS: I am advised that we do not have a definite date in mind, but the clear intention is that it would be after the project has finished. It is an issue which is governed by a regulation and, therefore, members in this Chamber and the other Chamber obviously will have an opportunity to put a point of view.

The Hon. P. HOLLOWAY: My amendment removes from the first paragraph of the Government's amendment the words 'the erection of a new building or the use of an existing building' and replaces it with the word 'development'. If this amendment goes through in its present form, the Government's powers under section 49 of the Development Act, or at least the requirements where that is modified as far as public consultation is concerned, relate only to the erection of a new or existing building. The purpose of my amendment, by making it 'development', which would include demolition, and so on, would enable that part of the process to be subject to a public consultation process. I am seeking to ensure that the public has an opportunity to be involved fully in the planning process.

It certainly will not increase the time, but it will enable the public to comment on all aspects of this development, including the demolition of any new building. Indeed, the

Minister has confirmed to us that even the Goodman Building or any other buildings on that site which are covered by the Heritage Act could be demolished without any further public consultation. The other point I wish to make in support of my particular—

The Hon. M.J. Elliott interjecting:

The Hon. P. HOLLOWAY: Yes, but I think that at best that applies to the 15 business days. I am not sure that that is covered by the full consultation period. If I am wrong, let the Minister explain it, but I do not believe I am. My other point is that the Hon. Mike Elliott has painted a rosy picture of what will take place by way of public consultation. In fact, the Minister's statement to this Council and to the other place certainly set out a very rosy picture.

The fact is that there is nothing in this amendment or this legislation that will guarantee that that will take place. I move this amendment to ensure that the public has a say in all aspects of this project. I commend the amendment to the Committee and hope that with its passage we can get on with the National Wine Centre and that the public can have its rightful say about what happens at that site.

The Hon. R.I. LUCAS: The Government opposes the amendment. I am advised that should it pass this would institute further delays in the establishment of the project. I am surprised at the position of the Australian Labor Party and the Hon. Paul Holloway on this issue. On various occasions, support for the establishment of the National Wine Centre has been professed yet, again, the Labor Party, through the Hon. Paul Holloway, seeks to delay the establishment of the National Wine Centre project.

As I said on another occasion—and I will not belabour the point—one can see from an Opposition's viewpoint the requirement to delay what is an important State development project at a time when, of course, the electoral cycle is near an impending State election.

I am disappointed that, potentially, those sorts of issues are impacting on the decision-making process of Mike Rann in particular. I am sure that this would not be driven by the Hon. Paul Holloway but, clearly, the Labor Leader is a bit concerned about this issue. As I said before—and I say again—if this amendment is successful it will result in further delays. I am told that if it were to pass it would mean that the initial works such as preparation of land for the vineyard and, perhaps, decontamination of the land could not proceed. I am told that a simple workmen's hut or shed could not be erected on the site without going through a long process.

There are a number of other examples. I do not intend to belabour the point at this stage of the evening, but if this amendment were successful it would delay unnecessarily the establishment and implementation of this important project for the State. Therefore, I urge members to oppose it.

The Hon. M.J. ELLIOTT: I do not think we need to protract this much longer. The Hon. Paul Holloway fails to recognise that what he is trying to do is tinker around at the stage when, essentially, a final design has been reached and is being fine tuned. The important part of the process is when it is still quite malleable in the early design stages and where a number of options that have been put on the table are basically still made of plasticine and are going to be pushed around an awful lot.

That is the point at which public consultation will have any genuine effect. What the Opposition has already done with its original amendment under the PER was to say the Government could do whatever it liked. It agreed to pass this Bill. The PER process in no way stops the Government from doing precisely what it wanted to do, and I suggest that Opposition members read the Development Act. It is very weak in that area due to Labor's agreeing to previous amendments. So, Labor has to face up to reality. It has already agreed to the Government's doing whatever it likes. The important thing is to make sure that we have good, thorough public input. As much as that will be addressed in the time frame we are working within here, and working on that time frame because of the agreement by the Opposition to pass the Bill, I think we have achieved the best we can hope to achieve.

The Hon. P. HOLLOWAY: This will be my final contribution, I hope. I just wanted to categorically reject the Minister's claim that our position on this is in some way related to the election or that we are trying to delay the project. Nothing could be further from the truth. As I pointed out earlier, there are many views within our Party about what would be the best site for such a wine centre, but in the spirit of helping this project come to fruition, as we all hope it will do, we were happy to support this site and happy to get the project under way. But the fact is that we all hope that the National Wine Centre will be a centre of great importance for this State. We all hope it will be a centre of which the people of this State can be proud.

It is therefore important that we should have the maximum input into that planning. The whole community should be part of it. Certainly there is a lot of potential with the site at the Hackney bus depot, but it needs very careful planning. The Opposition's approach throughout this entire matter has been to ensure that the public should have its say on what happens on what, after all, will be an important public project. We would certainly wish the project well and wish it to succeed. Whatever comes out of this process this evening, it is fairly obvious where the numbers lie. At least let me put on record the fact that the Opposition will do its best to support this project. We hope it will be a very successful centre.

All I can say in conclusion is that I hope the agreements which the Hon. Mike Elliott believes he has and the processes, which he believes are there but which are not in legislation, take place. It will be most unfortunate if they do not. All we can do is put our faith in the Government. If there cannot be any faith in the legislation to ensure the level of consultation we would like to see, we can only hope that the Government will not override public opinion in this matter, and that we will end up getting the planning processes and the centre we deserve. I ask the Committee to support the amendment. Let us all hope that, whatever comes out of it, the National Wine Centre is a successful facility for this State.

Amendment negatived.

SECOND-HAND VEHICLE DEALERS (COMPENSATION FUND) AMENDMENT BILL

Returned from the House of Assembly with the following amendments:

No. 1. Page 1, lines 14 and 15 (clause 2)—Leave out clause 2.

No. 2. Page 2, lines 3 to 5 (inclusive) (clause 3)—Leave out these lines and insert:

if—

(iii) the sale was made after the commencement of the Second-hand Vehicle Dealers (Compensation Fund) Amendment Act 1997; and

(iv) the auctioneer who conducted the auction or negotiated such a sale (as the case may be) was acting as an agent only and was selling the vehicle on behalf of another person who was not a licensed dealer.

Consideration in Committee.

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

That the House of Assembly's amendments be agreed to.

They relate to the issue of whether or not there should be retrospective application of the provisions of the Bill. The Government is of the view that there should not be, but the Opposition and the Australian Democrats have so far indicated that there should be. The matter will have to be resolved by a conference.

The Hon. SANDRA KANCK: I see no reason to remove ourselves from the position that we took on this matter, and that is that these people were not entitled to that compensation, they have no expectation of receiving it, so they should not receive it.

Motion negatived.

The following reason for disagreement was adopted:

Because the Legislative Council prefers its position.

INDUSTRIAL AND EMPLOYEE RELATIONS (HARMONISATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 July. Page 1871.)

The Hon. M.J. ELLIOTT: I support the second reading. I want to make a comment about approaches that Governments seem to be adopting these days, that is, a failure to recognise that we do not live in an economy but we live in a society. That is not to say the economy is not important but it does mean that you cannot turn a blind eye to other impacts. I believe that some people fail to distinguish between means and ends and, in the push for deregulation that we are seeing, at least in the Anglo-Saxon world at this stage, there is this failure to recognise that there are alternative means to get to an end, and perhaps even a failure to realise that there certainly can be variations in the extent of deregulation, and certainly a failure to question whether or not the end that they assume or proclaim will occur from deregulation will actually occur.

I draw the attention of members to a recent article in the *New Statesman* of 27 June 1997 entitled 'Everyone's talking jobs'. The point the article is making is that, throughout Europe, countries are grappling with issues of unemployment and various other economic issues, and that there is a wide variety of approaches being adopted. Those we are most aware of are those coming out of the English speaking world, so we are very aware of what is happening in England, America and New Zealand, but Australia has a low awareness of what is happening in other modern economies. I found one quote in this article particularly intriguing. It states:

Jacques Santer, the EU President, pointedly reminded his hosts that Europe had its own model based on 'solidarity and cohesion'.

The article further states:

Still more pointedly, an unnamed European official told the *Financial Times*—

and he is talking about Americans—

'They keep telling us how successful their system is—then they remind us not to stray too far from our hotel.'

That is a very important point. The article makes comparisons of various economies and states:

There is, however, a model other than the Anglo-Saxon one. At the beginning of the 1980s, the Netherlands had the 'Dutch disease'—high inflation, high unemployment, swelling welfare costs and low productivity. The problems were often said to stem from a highly centralised bargaining system, yet the crisis so impressed itself on the political parties, the employers and the unions that their representatives on the central commissions which determine economic policy and wages concluded a pact—the Wassenaar Agreement of 1982—under which the parties committed themselves to tight monetary policies and the employers and unions to productivity increases and wages kept in line with the company's competitive position. Dutch unemployment is now around British levels, its GDP growth is stronger than any other European country except Ireland, and its inflation rate is below 2 per cent. Significantly Ireland, the one country which beats it on growth, also has a corporatist approach to wage bargaining, though in its case, it has not beaten the scourge of high unemployment.

I want to begin there and make the comment that we, as a country, have had a too narrow view about how we can solve our problems. I find it very disappointing because it appears that Prime Minister Blair in England has fallen into the same trap as his conservative predecessors. The word 'harmonisation' has been used selectively in this Bill to justify changes to some elements of our Act in line with changes made at a Federal level. As we in South Australia deal with different work environments, circumstances, awards and types of jobs—usually lower paid jobs—the question has been raised as to why we must amend our laws.

For instance, the majority of women in South Australia are employed under South Australian Acts. The South Australian Government has been inconsistent in the areas in which it has indicated it wants to change. For instance, the Government has not included the right to take action during enterprise bargaining which is present in the Federal Bill. The Liberals have foreshadowed that this will be the first in two Bills of changes to South Australia's IR laws but the only one expected before the election. The Government has said that there will be more extensive consultation on the second half which raises the question: why not earlier consultation on these measures also?

Why does it appear that harmonisation seems to be all about picking up those parts of the Federal Bill that seem to disadvantage workers and unions, and not pick up some components of the Federal Act which are better than the South Australian Act? Certainly no technical explanation has been given as to why there will be two Bills. On 6 May I held an initial briefing meeting with two of the Minister's officers to discuss the Bill now before the Parliament. During the meeting I requested to receive a package of information that would facilitate my analysis of the Bill.

The information I sought included a clear indication of urgent issues where anomalies exist between the South Australian and Federal Acts that will cause problems, as distinct from putting everything under that catch-all 'harmonisation'; a list of issues to be dealt with in phase 2 of the reforms; and a break down of the Bill on a clause-by-clause basis identifying the amendments as being policy changes, or simple wording changes that do not alter the substance of the Act. Unfortunately, that material did not arrive. I had a further meeting with the officers two weeks ago and then, on Monday night in desperation, I sent a fax to the Minister. I then ran into him on Tuesday afternoon and asked whether he had received the fax. He said that he had not. I then made an oral request for that information first sought on 6 May. If the Government is serious about wanting to achieve change without making any commitment to which changes it will agree, it could at least facilitate things a little bit by making sure that the communication channels are working properly. It simply has not done that.

I will focus first on the issue of unfair dismissal and the suggestion that changing the laws for small business would

help to promote jobs growth. The issue of unfair dismissal seems to be largely driven by the South Australian Government and not by industry itself. After I received the Bill, I made inquiries of the small business sector. It was apparent to me that the people at the upper echelons of the small business sector distinguished between Federal and State Acts. They realised that, so far as there was anger about unfair dismissal legislation, it was largely focused on the old Federal Act which had already been amended. In fact, amongst those who knew the difference between a State and Federal Act there had been no significant complaint about the State Act. I do not recall receiving any employer complaints about the South Australian legislation or the South Australian jurisdiction.

My colleague in the Federal Parliament Senator Andrew Murray in a recent speech to the Senate clearly debugged the myths that Conservative Governments here and federally are trying to promote about unfair dismissals and the need to change these laws. He makes several points which are important to repeat in this Council. First, he says that extending the unfair dismissal exemptions for small business would simply allow small business to sack employees unfairly. To do so would create two classes of workers. At a national level this means 1.6 million workers in small businesses who would have no right to challenge an unfair dismissal and 6.8 million workers who would. More importantly, scrapping safeguards for those workers would not create one single extra job.

The Federal Parliament's Fair Trading Inquiry report revealed that, under the previous Labor Administration during the decade up to 1994-95, the small business sector accounted for almost all the 1.2 million net increase in jobs. It increased its work force by an estimated 1.1 million, compared with 270 000 for large businesses and a decline in public sector employment of 150 000. So, under the laws that the Liberals claimed were restricting job growth, the small business sector grew at twice the level of the large business sector.

We now have a harmonisation Bill before the South Australian Parliament, which is purportedly trying to help small business. I found it interesting to look at the Yellow Pages small business index published in May which details the primary concerns of small businesses. The issue of regulations was quite low on the list of their concerns. When I say 'regulations' I am talking about industrial relations. That issue came in at only about 7 per cent and, as I recall, it was seventh in the list in terms of things that worry small businesses. They had much greater concerns about lack of work, lack of sales, low cash flow, consumer confidence, competition, and trading laws. Those were the things that worried small businesses—industrial relations was way behind.

The Government, realising that small business was deeply unhappy with it—fair trading and issues such as retail tenancies and those sorts of things are the real reasons why that is so—looked for an easy way to say that it was doing something. The Government knows that there is some misunderstanding in the small business community about unfair dismissal, so it tried to play upon that uncertainty. That is very dishonest politics. Earlier, when the Australian Chamber of Commerce and Industry asked its members for their ideas on ways to raise employment, changing unfair dismissal laws again ranked seventh out of a list of eight items. Both these surveys show that to create jobs there is no substitute for sound forward thinking and a confidence boosting and economic small business policy.

In the report on the South Australian retail motor industry, prepared for the Motor Trade Association for the January to March quarter this year, industrial relations again ranked seventh out of 10 factors, and unfair dismissal was only one small component which it perceived to be limiting its performance. In fact, it came seventh in the previous quarter as well. Senator Murray says that nationally only 22 per cent of small businesses believe that the Federal Government's business statement, which had unfair dismissal laws at its centre, would improve their situation. Sixty-six per cent—three times as many—said it would make no difference or it would make things worse.

I will move on to Australian workplace agreements. The bid to move to the Federal AWA system raises several constitutional questions. Can and should South Australia give up its jurisdiction to the Federal Government? Previously, the South Australian Government spent millions of dollars to stop unions accessing the Federal jurisdiction but now wants to allow companies to shop between jurisdictions, particularly in relation to AWAs. The South Australian Government has spent money educating South Australian companies about the South Australian system and setting up our enterprise bargaining system. Now it appears willing to send them off to the Federal jurisdiction. The net effect is that it enables people to by-pass the protections of the South Australian system. It would also mean a cost transfer to the feds from South Australia. There is currently one person dealing with all South Australian AWAs. The question is: will the Federal Government pay for more?

The intent of the Parliament in 1994 was for an independent and fair process. The Government must successfully argue why a lesser process should be implemented when the Parliament previously debated and rejected it. A look at the number of existing enterprise agreements which have been passed in South Australia shows the majority have come with union involvement, which the UTLC says shows that the union deals are more up to scratch and meet the requirements of the commission; in other words, they do not try to sell the workers short. The Federal Government's Employment Advocate, Alan Rowe, says that up to last week he had signed up 677 individual AWAs, involving 31 employers. He believes that, as they have not seen many small businesses involving themselves in AWAs, because the system has been running for only three months, they have not seen enough to form a pattern. He says that eventually more smaller employers will be seeking to enter into AWAs with their staff.

I make the point that the paperwork involved in AWAs is just as comprehensive as it is for enterprise agreements. Protections covered by the AWAs include a no disadvantage test introduced by the Senate, which is measured against the award and State laws. The Federal system does not have minimum standards in the same way as our laws in South Australia. Legal advice given to the Federal Employment Advocate suggests that if a new employee is offered a job with a proviso that it is under an AWA that is not deemed to be under duress. That causes me great concern. I picked that up from a direct conversation with the Employment Advocate—that, if a person is offered a job with the proviso that it is under an AWA, that is not deemed to be under duress. Mr Rowe said that, of 31 employers who had agreed to AWAs so far, few involved union participation.

One issue of concern that has been raised about the AWA system is the provision in the Federal legislation which allows the Employment Advocate to go to the Federal Industrial Commission if he is not satisfied that an AWA will

meet the no disadvantage test. Instead of going down this route, Mr Rowe has used his powers to seek undertakings from employers when approving AWAs. Mr Rowe said:

> *Prima facie* it was easier to make certified agreements than AWAs, but the Government felt that AWAs were something for the small end of the market.

I understand that in South Australia the Employee Ombudsman can sign and has already signed many enterprise agreements with individuals and sectors of small business. In fact, as at the end of June this year, 60 individual agreements have been signed—in other words, agreements where there is only one employee—and 61 agreements have been reached with four or fewer employees. So a suggestion that small businesses cannot use an enterprise agreement is a nonsense, and the Government needs to look at what it might do if it is keen for that sort of process to further educate people on that process.

A total of 17 768 workers in South Australia are now covered by State enterprise agreements, involving 340 agreements, according to figures compiled by the Department for Industrial Affairs Enterprise Agreement Unit and released on 10 July 1997. The figure represents a 58 per cent increase in the lodgement of enterprise agreements in the past 12 months. Small business has taken up the challenge with 162 agreements, which is nearly 50 per cent of the total private agreements approved. One point I will make is that every one of those agreements has to go past the Employee Ombudsman—a person who clearly has to ensure that the interests of the worker are protected. As I see it, that is not a requirement of the Employment Advocate, who is really required to represent the interests of both employer and employee—prosecutor, judge, jury, the works.

A survey of the first six months of enterprise bargaining in South Australia found that the South Australian legislation as passed in 1994 regarding enterprise bargaining and the structures established under that legislation are generally working. None of the agreements examined in the report were considered unfair. I certainly had reported to me that some small businesses complained about how much it cost. I was given an example of a small employer who was extremely happy with the enterprise agreement that he got, but was concerned that it cost him about $70 000 in getting it. I made further inquiry and discovered that this person made the mistake of bringing in an expert from Victoria to give him advice on doing his enterprise agreement in the South Australian system. Frankly, I think that he was done like a dinner. There appears to be a problem with the number of experts who set themselves up to provide advice in this area.

The Hon. R.R. Roberts: The AWU would have done it for him for nothing.

The Hon. M.J. ELLIOTT: That is right. People should realise that they can use the services of the unions. Even the employee advocate is in a position to help facilitate and that will not cost the employer a brass cent. It is about time the Government did a bit of education work out in the field.

Compiled for the Employee Ombudsman by consultant David Ruff, the report found that enterprise agreements appeared to have a positive effect on both industrial relations and on personal relationships between employers, employees and unions. In 65 per cent of the 14 workplaces surveyed, managers reporting that employees had become much more positive and flexible in their general approach to their work. Of the remaining five workplaces, one manager said that it was too early to draw firm conclusions but that the signs were good and the remaining four said that there had been no change. There were no negative reports; 65 per cent were positive and one still reserving judgment. That has to be a good report card so far.

The Employee Ombudsman was seen as valuable as he was regarded as a reliable and credible source of advice and information on all aspects of enterprise bargaining. On matters relating to the future development of the enterprise as well as provisions of the Act, he was valued by both employers and employees as a problem solver and the fact that this office existed and could be called on to prevent exploitation of employees provided the confidence necessary to enter into open negotiations with employers. The Enterprise Bargaining Commissioner was also seen as a significant contributor to the success of enterprise bargaining.

I now want to refer to bugs in the Federal system. After discussion with my Federal college it has become clear that there are several issues of concern that have arisen with aspects of the Federal legislation. First, as I stated previously, the employment advocate is only suppose to approve AWAs if there is no doubt that the AWA meets no disadvantage test, but the advocate has not referred a single AWA to the Australian Industrial Relations Commission. The Senate Estimates Committee took evidence last month and will again next month about why the employment advocate has not referred a single AWA to the AIRC, the Industrial Relations Commission, creating extreme concern.

There was also concern that it is left up to the advocate to ensure that the appropriate consultation and other approval criteria have been followed in the approval of an AWA. We can compare that with our system where we have employees always having either the union or the employee advocate in a position to look after their affairs, and then a separate body—the commission itself—having to convince itself that all proper things have happened. That is a far better process than having a single individual trying to be all things to all people. It is interesting that at this stage the employment advocate has not suffered any self doubt and has seen no need to go to the commission on any of the AWAs.

The second point is that concern has been raised about the ability of an employer under the Federal laws to offer employment with an AWA as a prerequisite for accepting the job. This is something about which I have grave reservations. The Federal Democrats allowed AWAs for prospective employees on the understanding that the freedom of association provision was strong enough in case a person is denied a job based on the issue of an AWA. In practice it appears that the freedom of association law is not strong enough not to force someone to sign an AWA to get a job.

Thirdly, collective bargaining should always be preferred over individual bargaining. Federal Industrial Relations Minister, Peter Reith, made the commitment that collective bargaining was preferred under the new Federal Act as the Industrial Relations Commission had a duty to make certified agreements. My colleagues have been concerned that, in practice, the Federal system does not reflect this sentiment. The Federal Act was supposed to say 'the Commission should facilitate collective agreements'. This has now emerged as an issue with workers in the Hunter region and with the Commonwealth Bank employees. It should not be an issue as a worker should not be forced into an individual AWA. If workers want to bargain collectively they must be allowed.

The ILO Convention, which Australia has signed in this issue, says 'we must encourage collective bargaining'. The Federal Democrats were assured that further clarification of

this in the Act was not necessary because it was clear in the way the Act was structured, but now it seems that this is being tested. Should we move to the Federal AWA system? Questions are now emerging about the Federal AWAs which should be allowed to run their course before we enter the fray. The South Australian system is working fine and employers and unions have described it as pragmatic and workable.

I have spoken to the Employers Chamber. I spoke to them before Federal legislation was enacted. They had no reservations about the South Australian system at that time. They were absolutely delighted with it. They said it was fair and that it worked, and the unions, as I understand, had exactly the same viewpoint. Any reduction in standards is not needed. Evidence before the Senate Economics References Committee Inquiry into the Workplace Relations Act, which reported last year, revealed that employers, unions, the employee advocate and others expressed satisfaction with the South Australian system.

It is not necessary to bring South Australia in line with the Federal system as the South Australian system already meets all Federal standards, and I have been assured that the South Australian system meets all Federal standards. Therefore, there is no demand for us to have to do so. Under the Federal Act the State enterprise agreement can only override a Federal award if it meets the Federal no disadvantage test. South Australia already meets that test, unlike other States. For example, in Western Australia the Government was forced to amend its laws, as were Queensland and Tasmania. This was also the reason why Victoria handed over its jurisdiction to the Federal Government as it did not meet that test.

In relation to AWAs, when I met with employee advocates and given some examples of the AWAs I was quite appalled. The first one I picked up and looked at in detail involved a negotiation where there was a conversion of all entitlements to an hourly rate and among those conversions was included the four weeks annual leave. The four weeks annual leave was converted entirely into an hourly pay and when you took your holidays you received no income whatsoever. This is a Government that claims to be family friendly. I have tried to understand what is family friendly about having a system whereby, while you might be paid more through the year—and under these agreements sometimes people are—when you get to the time when you need the money to holiday there is not a cent coming in.

It is not facing the realty of this world to expect that the money will be there. I would hate to think what would happen if you had a two income family both with AWAs. They certainly could not take their holidays at the same time. For example, if they took their holidays at Christmas, which most people do, there would be nothing in the kitty at Christmas time, not a damn thing. I find it quite amazing that the Federal system can allow the total cashing out of annual leave. That is what AWAs allow and that is what this family friendly Liberal Government wants to put into our State system. Unbelievable! It also allows the total cashing out of sick leave as well. While people can go perhaps one or two sick days without having money coming in, it would be a quite different story for any extended period of sickness. The family friendly Liberal Party thinks that that is a good idea and it thinks that these sorts of awards are great and it wants to encourage them in South Australia. What hypocrisy!

In relation to freedom of association, questions have been raised about several freedom of association amendments and the South Australian Government's selectivity in bringing in these elements. For example, the Federal provision of right of entry is not included. Why has the Government not put all freedom of association issues under this Bill rather than just those which seem to be anti-union?

I refer to the proposed constitution of the commission, which fails to adequately address problems with work loads within the commission, where the enterprise bargaining commissioner must deal with certain issues. When the Government first proposed having just an enterprise bargaining commissioner, we argued in this place that there should be one set of commissioners looking at enterprise bargaining and others. That was one of the matters that were finally not insisted upon, but certainly arguments were put in this place that separating the enterprise bargaining commissioner from the others was not a good idea—and that has certainly been borne out. I note that the South Australian Government has also scrapped section 87 conferences which require parties to re-evaluate their agreements. This is the only mechanism to ensure that they are kept up to date.

I will make one final comment in relation to the taxi industry. The taxi association has sought an amendment to the definition of 'employee' to clarify the position of taxi drivers who work under bailment of shift lease agreements. The industry states that in most cases drivers work under a bailment agreement or shift lease agreement. In these cases, they determine that the bailee—someone who agrees to rent from the owner for a fee—or a shift lessee is an independent operator, not an employee. Common law protection would remain in place for drivers still deemed to be employees.

In concluding my remarks, I will repeat where I began. Economic rationalist Governments are really losing sight of where they are going. In viewing the economy not as a means but as an end, they fail to recognise the broader impacts and they fail to recognise that there are alternative routes. I do not want to be in a position in a few years where I may have to tell a visitor to Australia how good our economy is going but not to go outside the hotel tonight.

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their contributions on the Bill. Some matters need to be further addressed in Committee, and I propose to do it at that stage.

Bill read a second time.

In Committee.

Clause 1.

The Hon. R.R. ROBERTS: I hope my few opening remarks will shorten the process of the deliberations in Committee. I am encouraged by comments in the Hon. Michael Elliott's second reading contribution. We are talking about three major areas. If the labour market could be fair and just, there would not be a need for industrial legislation at all, but the difficult times facing South Australian employees now still require similar policy responses, as was stated by Justice Henry Bourne Higgins, who said that the terms and conditions of employment cannot be left to the 'unequal contest, the haggling of the market for labour, with the pressure for bread on the one side [of the equation] and the pressure for profits on the other'.

In the South Australian jurisdiction, the overwhelming majority of employees are at the lower end of the labour market and, in many unskilled occupations, casual and part-time work; and 46 per cent of these employees earn only $16 000 a year. There are women, people of non-English speaking background, young people and many not organised in employee associations who are constantly under pressure

with high levels of job insecurity. These employees require from a public industrial relations institution what Professor Otto Kahn-Freund referred to over 25 years ago when he stated:

> The purpose of labour law has always been and, I venture to say, will always be a countervailing force to counteract the inequality of bargaining power which is inherent and must be inherent in an employment relationship.

Whilst it is unfashionable in some circles to adhere to this viewpoint, the truth is that most employees possess far less bargaining power than do their employers. Of course, a minority of employees do possess an equality, or near equality, of bargaining power with employers with respect to wage rates, etc. However, within the labour relations realm of the late twentieth century, inequality must be examined in a broader context. Even when employees possess significant bargaining power, they will still remain at the mercy of the bureaucratic powers inherent in the structure of modern enterprise, be that public or private. The modern labour law system must protect employees from the arbitrary and unjust wielding of power.

This is in the context of the recognition of the poor economic position of South Australia, the high levels of unemployment, the worry of job insecurity and the attacks from some employers to drive down wages costs and to undermine the ability of the rights of employees to combine together at work or in union. In terms of the design of new labour laws, the primary stakeholders are employees and it is essential to examine what they desire the law to do for them. This is not only the ability to gain fair wages and conditions but most importantly to be able to seek redress against harsh and arbitrary power and to have access, as has been the case in the past, to South Australia's well regarded system of unfair dismissal.

To maintain a good system aids the development of job security. The amendments we are talking about from the Liberal Party hand power over to the employers who can act in a harsh and unreasonable manner without fair redress for employees. The Liberal amendments do nothing other than to increase the widespread feeling of job insecurity. Employees already encounter difficult times with high levels of redundancies and high unemployment, with little chance of gaining work, so there is no need to make it worse for the employees but there is need to seek legislative protection to enhance their stability and security at work. This applies particularly to women who far too often are subject to forms of discrimination and arbitrary conduct from unscrupulous employers. It is necessary to ensure that the increasing numbers of employees on the edge of the system should be protected and not excluded.

The other area on which I wish to make a brief contribution is freedom of association. On this side of the Chamber we are strongly opposed to the range of amendments from this Liberal Government under the so-called heading of 'enhancing freedom of association'. The basic advantage is for the fostering of collectivism as a key feature of the system. This was to encourage the formation of unions and not to marginalise unions in the market where the industrial laws were also designed to bolster the rights of the non-unionist backed by the power and interest of the employer. However, being so-called even handed, in the real world it means that the power of the employer prevails. The so-called freedom of association provisions in the existing legislation are themselves already in practice working against the interest of the individual wanting to fully participate in collective bargaining through unions.

What these freedom of association laws should be doing is to encourage collectivity on the part of employees. I say this for the benefit of the Attorney-General: the Opposition will be moving only one amendment and that will be in respect of the taxi industry. After long consultation and negotiations between my colleagues from the trade union movement and affiliates of the Australian Labor Party, and between the Hon. Mr Elliott and the Labor Opposition, to try to speed up the Committee stage of the Bill, it is our intention to work off the amendments that the Hon. Mr Elliott will move. As I say, most of those positions have been established by the credible attitude he has to the enterprise bargaining scheme in South Australia.

That includes their experiences in the Federal sphere and against the negotiation that the honourable member has obviously had with the Employee Advocate in South Australia and with my colleagues in the trade union movement. We will be working from the honourable member's amendments, and supporting almost every area of the amendments proposed by the Hon. Mr Elliott. We will make some comments on them as we move through.

Clause passed.

Clause 2 passed.

Clause 3.

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

> Page 1, lines 24 to 27—Leave out proposed subparagraph (ii) and the footnote and insert:
>
> (ii) ensuring industrial fairness; and

In the clause the Government refers to a 'fair go all round' and then notes that it was used in the case of *Loty and Holloway v. Australian Workers Union*. I do not think that is a particularly useful way of defining what the Government is on about. Rather than talking about employers and employees being accorded a 'fair go all round', my amendment seeks to use the phrase 'ensure industrial fairness' and later to define 'industrial fairness' itself. Perhaps I might discuss those two amendments together, which will save a little time later. My definition of 'industrial fairness' in clause 4 is a more satisfactory way of describing rights than simply talking about 'a fair go all round' and referring to a court case.

The Hon. R.R. ROBERTS: We support the amendment, although we do not like the expression 'fair go all round'. We have had unfair dismissal jurisdiction in this State for 25 years and have a full body of law as to what 'industrial fair play' means. In South Australia the meaning of 'industrial fair play' is well understood within the industrial community, having been arbitrated upon on numerous occasions. It seems ridiculous to the Opposition to incorporate New South Wales terminology via the Commonwealth Act when our own system is working, is understood and, indeed, works well. This rhetorical flourish is not only unnecessary but it is also drawn from a New South Wales decision on a different regime. We oppose the Government's proposition and support the Hon. Mike Elliott's amendment.

The Hon. K.T. GRIFFIN: The Government does not support the amendment. I am informed that the terminology used in the Commonwealth Act is 'a fair go all round' which, as members have picked up, is an expression used in the New South Wales case referred to in the footnote. The Government is of the view that, because of the desire to ensure harmony between the State and Federal legislation, using different terminology in this context would be unfortunate and might

lead to an inconsistent interpretation between the Commonwealth and the State legislation.

The Hon. Ron Roberts has talked about 'industrial fair play', which is terminology being used by Mr Justice Olsson. Whilst we prefer the description in the Bill, I draw the honourable member's attention to the fact that 'industrial fair play' is not, in fact, the terminology used in the Hon. Mr Elliott's amendment. I also indicate, as a matter of process, that I will not be dividing on each amendment on the basis that I can understand where the numbers lay.

The Hon. M.J. ELLIOTT: At one stage in the drafting I did have the terminology 'industrial fair play'. As a non-practitioner in the area, I think that may have been a better term to have used. It is quite clear that we will revisit a few items in this Bill in one way or another, so that is something at which we might look later.

Amendment carried; clause as amended passed.

Clause 4.

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

Page 2, lines 15 to 20—Leave out paragraph (c) and insert:
(c) by inserting after the definition of 'industrial dispute' the following definitions:

'industrial fairness' means fair and reasonable conduct between employer and employee that achieves a reasonable balance between managerial powers and discretions on the one hand, and the interest of employees on the other;

Examples—

The following are examples of conduct that is contrary to the principles of industrial fairness—

- Conduct involving nepotism or patronage;
- Conduct that is arbitrary or capricious;
- Conduct involving unlawful or unjustifiable discrimination.

'industrial instrument' means—

(a) an award or enterprise agreement under this Act; or

(b) an award or certified agreement (but not an Australian work place agreement) under the Commonwealth Act;

Mr Chair, two matters are covered here but I am not sure how you want to treat them. The first part, 'industrial fairness', is consequential on an amendment that has already been passed. The second is a changed definition of 'industrial instrument', and that is necessary because I will be opposing the introduction of AWAs under the South Australian Industrial Employees Relations Act. In those circumstances, an amendment to the 'industrial instrument' definition is necessary. I will treat this industrial instrument clause as a test clause on whether or not AWAs stay in the Bill.

I spoke at some length on the question during the second reading stage, and I do not believe that the need for AWAs has been justified. There is ample evidence that small businesses are able to access enterprise agreements and that the Government can do things to facilitate and make it easier for them to do so. Might I add that AWAs, in terms of paperwork and other requirements, are no easier to get than an enterprise agreement. As I understand it, the rigmarole is the same from a employer's perspective but, if there is a significant difference, it does not involve the same level of protection for employees. For instance, you do not have an equivalent to the Employee Advocate and the role that he plays in enterprise agreements, and AWAs allow the total trading away of, amongst other things, annual leave, and that clearly is not something that we should be supporting. So, AWAs are inferior to enterprise agreements and they do not offer anything extra to anybody who is talking about genuine industrial fair play.

The Hon. R.R. ROBERTS: We will support the amendment proposed by the Hon. Mr Elliott. Although we realise that the Government will argue that this brings our Act into line with the Federal Act, we see this as an excuse to provide, through the objects of the Act, for employers to be able to argue before the commission and to compel part-time employment within awards that might not have it, or bring in part-time employment on conditions that are less restrictive than currently apply under a number of awards. We support the amendment.

The Hon. K.T. GRIFFIN: The Government opposes the amendment. The Government prefers that if we are to have reference to 'industrial fairness' there not be an attempt to define what that means. Any codification of that is likely to introduce a measure of litigation and debate in relation to what that may mean. At least in the context of South Australia, 'industrial fair play' has been previously defined. The Government is concerned about the codification of such a term. There is also concern that introducing the examples in themselves may open up the matter for even further debate and litigation. Whilst in common parlance we all believe that we understand what is meant by nepotism or patronage, there is a concern that the introduction of that simple terminology may create additional problems of interpretation.

In relation to an industrial instrument, the concern is that the exception in paragraph (b) does not include an Australian workplace agreement. Of course, that is significant because, if Australian workplace agreements are excluded, employees will be deemed non-award employees and thus excluded from the unfair dismissal provisions, particularly if a salary is high. In other words, there is a salary cap. It may be that this is an oversight on the part of the Hon. Mr Elliott, but it is something that probably will be sorted out when this matter finally gets to a deadlock conference.

Amendment carried.

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

Page 2, lines 22 and 23—Leave out definition of 'taxi' and insert—

'taxi' means a vehicle—

(a) licensed or exempted from the requirement to be licensed under Part 6 (Taxis) of the Passenger Transport Act 1994; and

(b) with seating accommodation for not more than 12 passengers; and

(c) used predominantly for the transport of passengers rather than the transport of goods or other freight;

I am advised that this relates to the taxi industry and is an extension of the proposal put by the Minister for Industrial Affairs in respect of the taxi industry. I also understand that the Hon. Mr Elliott has had some discussions with the taxi industry. I am advised that this amendment extends slightly the coverage of this clause, which makes very clear that this measure will cover vehicles used predominantly for the transport of passengers rather than the transport of goods or other freight. I believe that there have been discussions with my colleague in another place and that there is agreement. I ask members to support the amendment.

The Hon. K.T. GRIFFIN: I do not have any objection.

Amendment carried; clause as amended passed.

Clauses 5 and 6 passed.

Clause 7.

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

Page 3, after line 5—Insert new paragraph as follows:

(ab) by inserting after the first dot point in subsection (1)(a)(ii) the following:

- if the agreement supersedes an earlier enterprise agreement, to identify the differences in the terms of the agreements; and

In carrying out negotiations for an enterprise agreement, one of the requirements under the Act is that there be an identification of, if you like, those things that are being traded away; in other words, the variations from the award the enterprise is creating. That is quite useful when you enter into the first enterprise agreement. One would always want to measure an enterprise agreement against one's award entitlements.

Clearly, after the end of the first enterprise agreement and going into a second, there is also value in an awareness of what is in this enterprise agreement compared with the previous one. So, with the second and subsequent enterprise agreements, you have a comparison not only with the award but also with the enterprise agreement which is expiring. That is fairly straight-forward and reasonable.

Although I have two amendments on file to clause 7, I will not be proceeding with the second of those. I have had a constant battle with this clause; if ever there has been a clause that has caused me a headache, it is this one. There is a problem, which both the Government and the unions are seeking to address. There is not a difference of opinion about a need for the use of ballots in some circumstances. In the public sector, in some cases where there are multiple sites, large sites and large numbers of sites, to organise an enterprise agreement apparently can be extraordinarily difficult. A technique that was adopted or attempted to be adopted was the use of a ballot. Even then there was a large number of non-participants.

The Government is attempting to address that issue in clause 10, as I recall. As I said, the general principle is supported by the union movement, but the question is the form of words that will achieve the right result. What I have sought to do and would still like to see in the final analysis is to have an amendment incorporated in section 79 of the principal Act which is about the approval process. It is there that, if ballots are to be used, they should be referred to. Then later section 84, which refers to amendments to an enterprise agreement, would also be subject to the same tests contained within section 79.

I have battled to draft the measure in such a way that it does not suggest that a ballot should be held. A ballot should be held when it is the only practical option, that is, a ballot should be the exception rather than the rule. I do not think that the drafting of my amendment does that adequately. Recognising that the Government has already said that it intends to take this to a conference, I believe that the best thing to keep the issue alive is not to move my amendment but to oppose clause 10. The question of putting a ballot clause back into the legislation will come up during the conference and I hope that, with a few more minds working on it, the issue will be eventually sorted out.

The Hon. K.T. GRIFFIN: The Government has no objection.

The Hon. R.R. ROBERTS: We support the amendment.

Amendment carried; clause as amended passed.

Clause 8.

The Hon. M.J. ELLIOTT: I oppose this clause, first because it is unnecessary and, secondly, because I am concerned that a court would try to find some reason for its being there. The footnote states:

> . . . section 152(3) of the Workplace Relations 1996 provides that a State employment agreement may displace the operation of a federal award regulating wages and conditions of employment.

That is a statement of fact but it is totally unnecessary. One cannot help but ask why it has been put in at section 81(3). A court would question the purpose of it and try to find some purpose for it. Some constructions have been put on it which are of concern. It is unnecessary and it does nothing in a positive sense to improve the legislation, so it should be removed.

The Hon. R.R. ROBERTS: The Opposition is not convinced that it adds anything to the operation of the legislation and we also oppose this clause.

The Hon. K.T. GRIFFIN: That is a disappointment because a footnote does not do anything except provide information. It is not part of the substantive provisions of the legislation. It merely reflects what is the legal position so it provides a useful guide to those who may not know their way around the law but who find assistance from footnotes. I am disappointed at the way in which members are approaching this issue.

Clause negatived.

Clause 9 passed.

Clause 10.

The Hon. M.J. ELLIOTT: I have indicated that there is general support for some sort of ballot procedure but I am not convinced that this is the way to go. I oppose this clause, recognising that I expect that some provision will be reinserted in the Bill which will pick up the concept of a ballot of a group of employees. That will probably have the support of all parties and it is a matter of getting the words into a satisfactory form.

The Hon. R.R. ROBERTS: The Opposition opposes the clause.

The Hon. K.T. GRIFFIN: I obviously support the clause and take some heart from the indications of the Hon. Mr Elliott that he will ultimately support something. We will wait and see what it is.

Clause negatived.

Clause 11.

The Hon. M.J. ELLIOTT: I have already indicated that the introduction of AWAs is not supported. It is unnecessary. They do not offer the sorts of protections that enterprise agreements offer. We oppose this clause.

The Hon. R.R. ROBERTS: The Opposition opposes this clause.

The Hon. K.T. GRIFFIN: The Government expresses disappointment at that point of view. The Government believes that Australian Workplace Agreements are an important facility recognised in this legislation, but I note the numbers.

Clause negatived.

Clause 12 passed.

Clause 13.

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

> Page 5, lines 22 to 25—Leave out definition of 'remuneration'.

The term 'remuneration' is already defined in clause 3 of the Bill. The insertion of an amendment to define 'remuneration' is just an attempt to move the boundary a little in terms of who falls on either side of the line, and makes more people capable of being dismissed without being able to claim unfair dismissal. That is its effect. That is why we have the second definition of 'remuneration'. The Government is simply trying to expose more people to dismissal without making that claim.

The Hon. R.R. ROBERTS: The Opposition supports the amendment.

The Hon. K.T. GRIFFIN: If the provision in the Bill is excluded it will mean less consistency with the Commonwealth legislation. The amendment in the Bill is used for two

purposes: to calculate those who come within the coverage of the provisions, and for the purpose of calculating the amount of compensation. I oppose the amendment.

Amendment carried.

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

Page 5, lines 30 and 31—Leave out '(to be calculated in accordance with the regulations) exceeds a rate fixed in the regulations' and insert 'exceeds $66 200 (indexed) or more a year'.

There was no need to fix a rate in regulations because we now have a rate that already exists. It is effectively giving the Government, by passage of this amendment, a chance to change it. A rate is already in existence. Under State legislation, indexation brings it up to $64 000, and that amount would match the current regulated level. The sum of $66 200 would match the Federal legislation, and that is the figure I adopted because I am supporting the Government's move for harmonisation in this case.

The Hon. R.R. ROBERTS: The Opposition philosophically does not agree with a fixed figure in this matter. If an employee is unfairly dismissed, he ought to get what he is entitled to, and there should be no capping on that. It is an argument we lost somewhere else, and we will be supporting the amendment of the Hon. Mr Elliott.

The Hon. K.T. GRIFFIN: The Government opposes the amendment on the basis that at the Federal level the amount is fixed by regulation. I suppose the consequence of the amendment being carried—as it will be—with the amount embodied in the legislation, if there is a growing disparity between State and Federal figures the matter will obviously have to come back to Parliament.

Amendment carried.

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

Page 6, lines 1 to 15—Leave out all words on these lines and insert:

(a) employees serving a period of probation or a qualifying period providing that the period is determined in advance, is reasonable having regard to the nature and circumstances of the employment and conforms to any relevant statutory limitation—or if there is no such limitation, does not exceed 3 months; or

(b) employees engaged on a casual basis for a short period except where—

(i) the employee has been engaged by the employer on a series of occasions extending over a period of at least six months; and

(ii) the employee has, or would have had, a reasonable expectation of regular employment by the employer; or

(c) employees whose terms and conditions of employment are governed by special arrangements giving rights of review of, or appeal against, decisions to dismiss from employment at least as favourable as the provisions of this Part; or

(d) employees in relation to whom the application of this Part or the specified provisions of this Part causes or would cause substantial difficulties because of—

(i) their conditions of employment; or

(ii) the size or nature of the undertakings in which they are employed;

(e) employees of any other class.

(3) To the extent that a regulation under subsection (2) is inconsistent with the Termination of Employment Convention it is invalid.

(4) A regulation under subsection (2) cannot take effect unless it has been laid before both Houses of Parliament and—

(a) no motion for disallowance is moved within the time for such a motion; or

(b) every motion for disallowance of the regulation has been defeated or withdrawn, or has lapsed.

In the first part of the amendment paragraphs (a) to (e) define those employees about whom the regulation may be made. It largely picks up components of what is contained within regulations themselves under the current Act. Subclause (3) makes quite plain that, for all categories of employees contained within subsection (2), a regulation cannot be inconsistent with the Termination of Employment Convention. The Government, as it had originally drafted its legislation, had applied the Termination of Employment Convention only to those employees within paragraph (f) of its clause 105. I do not know whether that was a drafting oversight or deliberate. However, the Termination of Employment Convention should apply to any body, and that is why I removed that Termination of Employment Convention from subclause (2), where it applied just to one subcategory, and put it into subclause (3) and applied it to the whole lot.

The Government has an unfortunate habit of proclaiming regulations and, if they get knocked out, reproclaiming them and repeating the procedure. However, chickens come home to roost eventually, and there is one here. Subclause (4) makes plain that a regulation under subsection (2) cannot take effect unless it has been laid before both Houses of Parliament, and no motion for disallowance is moved within the time for such a motion or every motion of disallowance of the regulation has been defeated, withdrawn or has lapsed.

Regulations work that way in the Senate as a matter of convention. The sorts of things that happen in South Australia cannot happen as a matter of course in the Federal Parliament. In future, in this Parliament we need to look at it regulation by regulation and decide whether it is the sort of measure that needs to be able to have immediate application, or whether it is one the Parliament needs to have under its purview before it formally becomes law. Very clearly, this is the latter category and that is why subclause (4) is contained in the amendment.

The Hon. R.R. ROBERTS: We will be supporting this amendment. This amendment brings exclusions currently made by regulations back into the body of the statute and it is consistent with the international convention on termination of employment. Unlike the Government's proposal, the amendment will limit the Government's capacity to make regulations excluding any class of worker. The Opposition has come to the view that when it comes to putting this type of legislation into regulation or into law, given the disrespect shown by this Government to this House of Parliament, in particular in respect of regulations, we are enamoured with the fact that we ought to cover it within the body of the legislation. We support the amendment.

The Hon. K.T. GRIFFIN: I very vigorously and strongly oppose the amendments which are much more restrictive than what is in the present law and also ensures that, ultimately, there may not be consistency and harmony between the State and Federal provisions.

Amendment carried.

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

Page 7, lines 33 to 35—Leave out proposed subsection (2) and substitute:

(2) A dismissal is harsh, unjust or unreasonable if the Commission, having regard to—

(a) the circumstances surrounding the dismissal (including—if relevant—the nature and quality of the employee's work); and

(b) the rules and procedures for termination of employment prescribed by or under schedule 8; and

(c) any other relevant factors,

is satisfied that the employer contravened the principles of industrial fairness in dismissing the employee.

I will not speak to this at great length. The definition that I am inserting here more adequately covers the situation.

The Hon. K.T. GRIFFIN: The Government opposes the amendment. The provision in the Bill reflects the Federal provision and in the Government's view it is adequate. It is also the Government's view that in this area it is very important that there be consistency of approach as well as consistency of law at both State and Federal levels.

Amendment carried.

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

Page 8, lines 13 and 14—Leave out proposed paragraph (a) and insert:

(a) industrial fairness;

The amendment does two things. First, it deletes existing paragraph (a), which I do not think is appropriate to take into account. The issue is not just about penalty: it is also about compensation, and I do not think that compensation should be denied if it is considered to be a right. That is effectively what paragraph (a) does. Having deleted that, I do think that there is a need to have regard to industrial fairness, or perhaps we may later insert the words 'industrial fair play'. However, I do think that is a proper consideration which should be included.

The Hon. R.R. ROBERTS: We agree with this amendment. It means that the commission would be required to have regard to the notion of industrial fairness rather than considering the effect of the remedy on the viability of the employer's business. When we come to the clauses on freedom of association there will be no sympathy from the Government for unions' viability when inflicting penalties; there will be no exemptions if the union cannot afford to pay the $20 000 fines. Therefore, we oppose this notion of the Government's that it does not matter what the crime is; if it will affect employers' viability they ought to escape liability. Industrial fairness is what we are about in this situation.

The Hon. K.T. GRIFFIN: The amendment is opposed.

Amendment carried.

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

Page 8, line 32 to page 9, line 6—Leave out proposed subsection (4) and insert:

(4) The Commission must not order compensation exceeding 6 months' remuneration at the rate applicable to the dismissed employee immediately before the dismissal took effect, or $33 100 (indexed), whichever is the greater.

The effect of what the Government proposes here is to cut back rights. My amendment seeks to reinsert the original subclause of the Act, the only change being recognition that the Federal figure has now moved to $33 100, so I have inserted that figure into the clause, once again for the sake of harmonisation.

The Hon. R.R. ROBERTS: Again, I have canvassed this issue in other areas. We support this amendment.

The Hon. K.T. GRIFFIN: This amendment is opposed. I understand that the amendment seeks to reflect what is in the present Act but, again, it results in a potential for inconsistency with the new Federal legislation.

Amendment carried.

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

Page 9, lines 7 and 8—Leave out proposed subsection (5) and insert:

(5)An order for the payment of a monetary amount under this section may provide for payment by instalments if—

(a) the commission is satisfied that exceptional circumstances exist justifying the making of the order; and

(b) in so far as the order compensates loss of remuneration—the instalments of compensation are at least as favourable to the employee as the payments of remuneration (to which the order relates) would have been if the employment had continued.

This amendment is a compromise, recognising that there may be some exceptional circumstances. I refer to the words 'exceptional circumstances' in the subsection under which payment by instalment might occur. I make it plain that any form of instalment payment should not be in dribbles. At the very least, once exceptional circumstances have been established, the payments must be made at a rate no less than the rate of pay of which the person would have been in receipt. Certainly, if a couple of months elapsed between when the unfair dismissal occurred and the determination was made, any payments due up to that time would be made. It is a compromise which recognises that there may be some circumstances when instalments might be appropriate. However, they certainly should be coming at the rate that the employee, if still employed, would have been receiving.

The Hon. R.R. ROBERTS: We agree that this is a compromise outcome. The amendment will reduce the effect of payment by instalments on dismissed workers so that workers are no worse off than they would have been at work for the period of the payment. We support the amendment.

The Hon. K.T. GRIFFIN: The Government opposes the amendment because it restricts the commission in the way in which it can deal with a payment, particularly a payment by instalments.

Amendment carried; clause as amended passed.

Clause 14.

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

Page 9, line 37 (new section)—Leave out 'A person acts for a prohibited reason if the person discriminates against another' and insert 'An employer acts for a prohibited reason if the employer discriminates against another person'.

A couple of amendments are of a similar nature. As I understand it, the Government has lifted a section from the Federal Act (Part 10A in Division 3) and, having lifted out of its original context, the Federal provisions generally relate to conduct by employers and not by persons and deal extensively with independent contractors. My amendments are consistent with the principle of freedom of association and give a person the right to be a member or not to be a member of an association.

It could be argued in some cases that the Government's proposals are not achieving harmonisation of State and Federal legislation. There will be some cases where we are talking not about a person but about an employer, and this amendment is in that category. Some of the confusion has arisen in the translation and taking out of context sections of the Federal Act.

The Hon. R.R. ROBERTS: If I say something about freedom of association in general, on all the amendments, it may save some time. The ALP opposes the changes to the freedom of association provisions and, as outlined in my second reading speech, is amazed that this Government has decided to follow the lead of the Federal Government and introduce badly drafted amendments that are too complex and confusing. I draw members' attention to the fact that Australia has ratified a number of international conventions in this area, including the International Labour Organisation Conventions. Of particular relevance to the debate are two such International Labour Conventions, namely, the Freedom of Association and Protection of the Right to Organise Convention, 1949 (No. 87); and the Right to Organise and Collective Bargain Convention, 1949 (No. 98). Australia has ratified these conventions and is legally bound by them.

ILO Convention No. 87 is on point to these amendments and states in article 2 that workers and employers without distinction whatsoever have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation. The point here is that the right is accorded to both workers and employers, and that this article is not to protect workers against attempts by employers to prevent them organising, but to ensure that there is freedom for all to exercise the right to organise. This right to organise extends to both forming and joining an organisation. Although this point has been lost on both Premier Dean Brown and Premier John Olsen, it was not lost on their Federal colleague the Hon. Peter Reith.

What we have in this Bill is not the right to join and remain in a union, that is, genuine freedom of association, but freedom of disassociation, that is, the right not to join and remain in a union. This defect was also part of the Industrial and Employee Relations Act inspired by the then Minister Graham Ingerson. Mr Reith met his international legal obligations and the sentiment of the ILO Conventions is reflected in the Workplace Relations Act. What we have here is a mumbo jumbo approach. We have a bit out of the existing State Industrial and Employee Relations Act; a bit, but out of context, of the Workplace Relations Act; and a bit of inspired 'new thought'—and I say that with tongue in cheek.

This is a mess. For example, in this Bill we have a reference to a 'person' and a shopping list of prohibited actions directed against this person. But is this 'person' an employer, employee, contractor or natural person—all of whom have different legal powers, obligations and limitations? This Bill does not provide for the amendment of freedom of association and does not reflect Australia's international obligations. It is badly drafted and unclear and, for all these reasons, we oppose totally this raft of amendments outlined in the Bill. However, we are aware of the situation and must look at the legislation in its context. At this stage of the debate, we do not want to go into any philosophical argument other than that which I have just recounted to the Committee. Therefore, we will be supporting this series of amendments by the Australian Democrats. We support the amendment.

The Hon. K.T. GRIFFIN: We will deal with them one at a time. The Government opposes this first amendment whereby the proposal is to change the emphasis from a 'person', which may be an employer or employee, to put it on an 'employer'. The Government takes the view that these provisions ought to apply in general terms to persons and not be limited only to employers.

Amendment carried.

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

Page 11, (new section 116), after line 12—Insert subsection as follows:

(2) A provision of a contract of employment, or an associated undertaking, to become or remain, or not to become or remain, a member of an association is void.

Under the previous Act there was a provision similar to this one. There was an experience where an employer in this State was signing employees up to contract and as part of the contract was requiring that they not join a union. Freedom of association goes all the way around, and the Government at that stage acknowledged that not only was it wrong for unions to insist on closed shops but that it was also wrong for an employer to insist that a shop not allow people to join a union. That was precisely what one employer in South Australia was doing, and the Government agreed that at that stage that should not occur. Such an amendment as this was accepted into legislation, and I believe that such an amendment should be included again.

The Hon. R.R. ROBERTS: We support the amendment.

The Hon. K.T. GRIFFIN: This is one amendment we do support.

Amendment carried.

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

Page 11, line 14 (new section 116A)—Leave out ' A person must not' and insert 'An employer must not'.

I indicated that there were several clauses where I was seeking to change the word 'person' to 'employer'. As an example, subparagraph (c) provides:

. . . induce another. . . in any other way to become. . . a member of an association

In other words, as I read it the act of trying to recruit a person to become a member of a union would be an offence. It appears to me that this provision is one which quite properly applies to employers.

The Hon. R.R. ROBERTS: We support the amendment.

The Hon. K.T. GRIFFIN: The Government opposes the amendment. The word 'person' is used in the existing section 115. With respect to the provisions of the Bill, paragraph (a) is identical to the existing section 115 (3)(a). Paragraph (b) of the relevant clause in the Bill is the same as paragraph (b) of the existing clause. Paragraph (c) is similar with the addition of words clarifying what is meant by 'induce' and, in particular, provides that inducement can be by threats, promises or in any other way. Paragraph (d) is new drafting and partly replaces the requirement presently contained in section 115(2) by continuing to require that no person may be induced to cease holding office of an association. The new provision goes further by making it a similar offence to induce a person to cease being an officer of an association.

The Hon. M.J. ELLIOTT: I cannot help but think that the most advisable thing the Government could have done in this section on right of freedom of association would have been to stick with the current Act, and if it wanted to move some minor amendments to that to create harmonisation it could have followed that path. That is not the path it has followed. In the jumble that it has created it is picking up some of the consequences. I think that it went around this the long way. There was never any need to go through a total rewrite of some sections of this Act. For the life of me I do not understand why that was done either in relation to freedom of association or in relation to unfair dismissals. The Government has created a rod for its own back. It had systems both in relation to unfair dismissal and in relation to freedom of association that were working. If there were any minor glitches, they would have been capable of being handled with a couple of subclause amendments, but that is not the path the Government chose to follow. I do not understand that at all.

Amendment carried.

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

Page 12, lines 8 to 22 (new section 116C)—Leave out proposed new section 116C.

These proposals are pretty unreasonable and may have a real impact on a worker's right to act for the maintenance and improvement of working conditions. I do not think that the Government has produced any justification for it.

The Hon. R.R. ROBERTS: We support the amendment.

The Hon. K.T. GRIFFIN: The Government opposes the amendment.

Amendment carried.

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

Page 12, lines 23 to 33, page 13, lines 1 to 6 (New section 117)—Leave out proposed new section 117 and insert:

Prohibition of discrimination in supply of goods or services

118. (1) A person who carries on a business involving the supply of goods or services must not discriminate against an employer by refusing to supply goods or services, or in the terms on which goods or services are supplied, on the ground that the employer's employees are, or are not, members of an association.

Maximum penalty: $20 000.

(2) A person must not, on the ground that an employer's employees are, or are not, members of an association—

(a) attempt to induce a person who carries on a business involving the supply of goods or services to discriminate against an employer by refusing to supply goods or services, or in the terms on which goods or services are supplied; or

(b) attempt to prevent a person who carries on a business involving the supply of goods or services from supplying goods or services to the employer.

Maximum penalty: $20 000.

The amendment seeks to reinsert into the Bill provisions from the principal Act. As I have said, there are sections of the principal Act that do not have any problems, so 'if it ain't broke, don't fix it', and that applies to this provision.

The Hon. R.R. ROBERTS: I support the amendment.

The Hon. K.T. GRIFFIN: I hope that the Hon. Mr Elliott will consider this further. The advice to the Government is that the existing provision does not deal with some behaviour which is discriminatory and which among other things involves the purchase of goods or services. For that reason I oppose the amendment.

Amendment carried.

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

Page 13, lines 7 to 13 (new section 118)—Leave out proposed new section 118.

This is a real nonsense provision. This piece of legislation provides for freedom of association. No-one can be compelled to join or not to join an association, yet the Bill contains a provision about conscientious objection. If a person conscientiously objects, that person does not have to join. They have total right and freedom not to join. That is what the whole section of the Act is about. It is a totally superfluous clause, and I am not sure what sort of nonsense led to its insertion. It is unnecessary and I propose that it be deleted.

The Hon. R.R. ROBERTS: My sentiments exactly.

The Hon. K.T. GRIFFIN: I suppose what the Hon. Mr Elliott is suggesting makes a lot of sense. The difficulty is that the conscientious objection provisions have been in the law for a long time. Currently, 73 conscientious objection certificates have been issued. I suppose the rationale for the Government leaving it in the legislation was really to provide comfort for those who believe that they still need it. So, it does not cause any difficulty. There might be some logic in what the Hon. Mr Elliott says but we would prefer to see it left in the Bill and, for that reason, I indicate opposition to the amendment.

Amendment carried; clause as amended passed.

Clause 15.

The Hon. M.J. ELLIOTT: No justification has been put forward for the changes under both clauses 15 and 16. There are no problems with the current Act. The Government has not made a case for change and, on that basis, I oppose clause 15, which will mean that the original section 119 of the Act will remain.

The Hon. R.R. ROBERTS: We oppose clause 15. I do not wish to go over all the arguments, although I have been comprehensively briefed on it. There is no incentive whatsoever for any union to be registered under the State system. All you incur being registered under the State system is all the requirements and responsibilities of the Act without any of the benefits, because non-registered associations with any rules are not subject to any Industrial Commission challenges, whether those rules are harsh or oppressive. Those non-registered associations can negotiate and enter into enterprise agreements for a whole range of things and, in any event, the provisions allowing for unions to be formed with 100 employees have been amended under this Bill to provide for 50 employees. I do not wish to expand further. We oppose the clause.

The Hon. K.T. GRIFFIN: For the reasons previously expressed in the second reading debate, the Government does not support the Democrats' position.

Clause negatived.

Progress reported; Committee to sit again.

LOCAL GOVERNMENT (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

ELECTRICITY (VEGETATION CLEARANCE) AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos 3, 6, 9, 10, 12, 13, 14, 15 and 16, had disagreed to amendments Nos 2, 4, 5 and 11, and had disagreed to amendments Nos 1, 7 and 8 and had made alternative amendments in lieu thereof.

SECOND-HAND VEHICLE DEALERS (COMPENSATION FUND) AMENDMENT BILL

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

Consideration in Committee.

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

That the Legislative Council do not insist on its disagreement to the House of Assembly's amendments.

Motion negatived.

A message was sent to the House of Assembly requesting a conference at which the Legislative Council would be represented by the Hons Trevor Griffin, Sandra Kanck, Anne Levy, Paolo Nocella, and Caroline Schaefer.

INDUSTRIAL AND EMPLOYEE RELATIONS (HARMONISATION) AMENDMENT BILL

In Committee.

Clause 16.

The Hon. M.J. ELLIOTT: I oppose this clause. I do not think that a case has been made for this change. I have not been aware of any problems in this area, and I do not believe in change simply for the sake of change.

The Hon. R.R. ROBERTS: The Opposition is also opposed to clause 16 in respect of registration of associations. As mentioned previously, the registration of unions under the

State system provides a union with all the responsibility and, if this Government has its way, with no benefit. This Chamber replicates the Federal Act but it seeks to undermine the established *bona fide* trade union movement. In effect, non-registered associations have no responsibility and do not have to be accountable, in that there is no requirement to send audited financial returns to members every 12 months. They do not need officers to be elected every four years. They have the patronage of conservative governments: they have been encouraged, but fortunately they have failed to survive. They are, in fact, illegitimate unions—in my submission, in every sense of the word.

The Hon. K.T. GRIFFIN: The Government maintains its strong support for the provision. This clause is not anti-union, as the Hon. Ron Roberts suggests—far from it.

Clause negatived.

Clause 17.

The Hon. M.J. ELLIOTT: I oppose this clause. As I understand it, unions are incorporated associations. Why should one particular type of an incorporated association have a restriction placed on it that no other incorporated association suffers? I did not hear a case made for that when the Government presented this clause.

The Hon. R.R. ROBERTS: The Opposition also opposes this clause. We feel that unions should be treated in the same manner as any other incorporated association. The existing legislation allows a union to sue for unclaimed arrears for six years. This was also the case under the old Federal Act before it was changed by Peter Reith. The statute of limitations for seeking moneys owing is six years. In an administrative sense this would not be difficult for unions to do given that there are processes in place for the sending out of notices, etc. However, this change is opposed in principle. If it is all right for every other business to go back to six years under the statute of limitations why can unions do it only if they commence action within 12 months of the liability becoming due? Clearly, this is another union bashing clause put into legislation by conservative governments.

The Hon. K.T. GRIFFIN: That is not correct. There is a distinction between a business and a union. Over the years, a number of cases have been drawn to my attention where a person has been a member of a registered association, has actually forwarded a notice of resignation, but has not followed the precise form of resignation required by the rules of the association, So, whilst that person believes that they have ceased to be a member, technically they have remained a member, membership fees have continue to accrue, and action has been taken after four or five years to recover a significant amount. It is an oppressive approach. Any association ought to pursue its membership for arrears within a reasonable period of time rather than allowing the arrears to accumulate.

The Hon. R.R. ROBERTS: The rules of those associations the Attorney is talking about pass a very rigorous test and have to go before the Industrial Relations Commission to be approved before they come into action. In most genuine cases such as that, it is not the practice of trade unions to pursue those fees. It has been my experience that, in most cases where there is a genuine mistake, they sort it out over the desk of the trade union.

Clause negatived.

Clauses 18 and 19 passed.

Clause 20.

The Hon. M.J. ELLIOTT: I oppose the clause. I invite the Government to look at sections 130(1)(c), 135 and 225 of the current Act, which appear to provide some equivalent provisions, before seeking to justify this clause.

The Hon. R.R. ROBERTS: We support the Democrats in relation to this matter. The existing Act has a number of provisions which deal with these issues. Proposed section 223A is unnecessary and, therefore, should be deleted.

The Hon. K.T. GRIFFIN: Perhaps it may be misplaced, but I take a little heart from what the Hon. Mr Elliott has indicated. It maybe that this is an issue that could be further discussed in the context of a deadlock conference. The Government and I continue to support this clause.

Clause negatived.

Schedule and title passed.

Bill read a third time and passed.

EQUAL OPPORTUNITY (SEXUAL HARASSMENT) AMENDMENT BILL

The House of Assembly intimated that it had agreed to the recommendations of the conference.

SECOND-HAND VEHICLE DEALERS (COMPENSATION FUND) AMENDMENT BILL

A message was received from the House of Assembly agreeing to a conference, to be held in the Plaza Room at midnight on Thursday 25 July.

LONG SERVICE LEAVE (MISCELLANEOUS) AMENDMENT BILL

In Committee.

Clause 6.

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

Page 2, lines 32 to 37 and page 3, lines 1 to 4—Leave out proposed subclause (4) and insert—

(4) Despite the preceding provisions of this section, an employer and a worker may agree on—

(a) the deferral of long service leave;

(b) the taking of long service leave in separate periods;

(c) the granting and taking of long service leave on less than 60 days notice;

(d) the taking of long service leave in anticipation of the entitlement to the leave accruing to the worker.

I indicated when last we considered the Bill that there would be a need to recommit this clause. It is consequential on other amendments that have been made and essentially is a tidy up.

The Hon. R.R. ROBERTS: I accept that it does need tidying up as a consequence of the amendments that were made to the Bill when we first went through Committee. The Opposition supports the amendment.

The Hon. K.T. GRIFFIN: I support the amendment.

Amendment carried; clause as amended passed.

Bill read a third time and passed.

ENFIELD GENERAL CEMETERY (ADMINISTRATION OF WEST TERRACE CEMETERY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 July. Page 1869.)

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank members for their second reading contributions. The Hon. Paul Holloway asked some questions and I will address some of them in my second reading response. If I have missed any or, indeed, any of the

questions that the Hon. Mr Elliott has raised in the second reading debate, I will be delighted to address them in Committee. The questions and answers are as follows:

1. What undertakings have been given to the Enfield Cemetery Trust about changes in policy that may affect the costs or liabilities of the West Terrace Cemetery in the future?—There have been discussions with Enfield Cemetery Trust, which is preparing a business plan for its operations. A revised business plan will be prepared for the combined cemetery operations on the passage of the Bill. No undertakings have been given.

2. How fully has that been explained to Enfield Cemetery Trust, and what assurances have been given?—Extremely fully. See the answer to question 1 above.

3. Has the trust been supplied with full details of the present and expected future income and expenditure requirements of the West Terrace Cemetery following the transfer?—No. This will be properly dealt with in the business planning process. The cemetery currently receives fees from services and payments from lease renewals. These revenues are insufficient to meet the costs, including that for the maintenance of heritage listed graves of the cemetery, and a substantial subsidy of about $430 000 per annum is required. This is provided publicly through the State budget.

4. Can the Minister indicate how many unused burial sites remain at the West Terrace Cemetery?—At this stage I am advised that it is a full house; no unused graves are available for general use at the cemetery. A limited number of sites in specific areas is set aside for specific religious denominations.

5. What is the position in relation to leases of sites which are currently not being used at the West Terrace Cemetery?—At this stage I am advised that there are no unused leases other than in the areas mentioned above.

6. What is the source of this insufficient revenue which currently is received by the West Terrace Cemetery?—See 3 above.

7. What are its current and expected future maintenance commitments?—The current maintenance expenditure for this year is $250 000, but this may need to be increased in the future.

There are a number of other issues, which we can address in Committee.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4.

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

Page 1, line 23—Leave out 'nine' and insert 'ten'.

All my proposed amendments to this Bill recognise that cemeteries generally are important from a historical perspective. That is the reason for this amendment, which increases the number of people on the board by one. A later amendment ensures that the extra person, who is appointed to the board on the nomination of the Minister, will be a person with extensive knowledge of the historical significance of cemeteries. A later amendment will also address the preparation of a plan of management for the West Terrace Cemetery, and that is the reason for the whole Bill. Again, this amendment is the first of a couple which changes the composition of the board, adding one person with knowledge of historical significance of cemeteries.

The Hon. R.I. LUCAS: The Government opposes the amendment. As the Hon. Mr Elliott knows, we are a small Government and we much prefer nine members to 10 members on the board. I am advised that the Government believes that the concerns of the Hon. Mr Elliott are addressed through the existing Acts that remain unaltered, and the Government's position is that it prefers the board to stay at an odd number and smaller number of nine members rather than 10 members.

The Hon. P. HOLLOWAY: The Opposition supports the amendment. We believe the addition of a person with extensive knowledge of the historical significance of cemeteries would be of benefit to the management of the new cemetery. This Bill is all about bringing the West Terrace Cemetery under the control of the Enfield Cemetery Trust. Because it is one of the most significant historical cemeteries in this country, we are happy to see someone appointed to the board who would be well aware of that fact and be able to ensure that the new cemetery is managed in the appropriate way. We support the amendment.

The Hon. M.J. ELLIOTT: If the Government's major difficulty is the size of the board, I do not care whether it is nine or 10: the important thing is that one of those people has this level of knowledge. I appreciate the support of the Hon. Mr Paul Holloway on behalf of the Australian Labor Party.

Amendment carried.

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

Page 1, lines 24 and 25—Leave out proposed paragraph (a) and insert:

(a) five members appointed on the nomination of the Minister (one of whom is to be a person with extensive knowledge of the historical significance of cemeteries);

This is a consequential amendment.

Amendment carried; clause as amended passed.

Clause 5 passed.

Clause 6.

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

Page 2, after line 16—Insert proposed subsection as follows:

(3) The Minister is to designate one of the persons nominated by the Minister as the chairperson.

This amendment is consequential on the previous two amendments.

The Hon. P. HOLLOWAY: We support the amendment.

Amendment carried.

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

Page 2, after line 26—Leave out 'Five' and insert 'Six'.

This amendment is consequential and changes the size of the quorum.

Amendment carried; clause as amended passed.

Clause 7.

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

Page 3, after line 17—Insert proposed subsections as follows:

(3) The trust must, in accordance with this section—

(a) prepare plans of management for West Terrace Cemetery; and

(b) present the plans at public meetings convened by the trust.

(4) The plans of management must be prepared and presented as follows:

(a) the first plan must cover a five-year period and be prepared and presented within 12 months after the commencement of this section;

(b) subsequent plans must cover subsequent five-year periods and each plan must be prepared and presented at least six months before it is to take effect.

(5) A plan of management must take into account the historical significance of the cemetery and establish policies relating to the following matters:

(a) retention or removal of existing headstones;

(b) reuse of burial sites;

(c) the scale and character of new memorials or monuments;

(d) planting and nurturing of vegetation in the cemetery.

(6) In preparing a plan of management the trust must consult with the State Heritage Branch of the Department of Environment and Natural Resources and other persons who, in the opinion of the trust, have a particular interest in management of the West Terrace Cemetery.

(7) The trust must, at least two weeks before the date of a public meeting to be convened under this section, publish a notice of the date, time, place and purpose of that meeting in a newspaper circulating generally throughout the State.

(8) The trust may revise and update a plan of management at any time.

(9) The trust may keep a copy of the current plan of management available for inspection by members of the public, without charge and during normal office hours, at a place determined by the Minister.

This amendment recognises that, in taking over the West Terrace Cemetery, the Enfield council has a very significant responsibility. If they are to operate the West Terrace Cemetery, it should be subject to a plan of management. The amendment will provide them with a 12-month period in which they can develop a plan of management. That plan should then be in place for the next five years, although during any stage of that five years they can amend the plan. In any event, it would be expected that once every five years there would be a major review.

Subclause (5) considers the things the plan would cover, including policies relating to the retention or removal of existing headstones; the re-use of burial sites; the scale and character of new memorials or monuments; and the planting and nurturing of vegetation in the cemetery. They are all questions of great significance in any cemetery, and particularly so in the West Terrace Cemetery which, as I noted during the second reading, is considered to be the most important capital city cemetery in Australia in regard to historical significance. Other cemeteries from a similar era have already been destroyed. I do not think there is a general appreciation in South Australia about how significant the West Terrace Cemetery is and it would be most remiss of us, as we turn over control of the cemetery from the direct control of the State Government to another body, not to ensure—

The Hon. T.G. Roberts interjecting:

The Hon. M.J. ELLIOTT: We will not dig too deep into that right now. It is appropriate that we put those sorts of protections in place. I had a conversation with the Minister, who said they were already considering a plan of management. He was a bit reluctant to put it in legislation but, frankly, that is precisely where it should be. I have a concern that there could be a later attempt to hand the whole thing over to private management and I would be very happy if a plan of management was well and truly entrenched by way of legislation, which meant that the West Terrace Cemetery was clearly going in the right direction. I note that there has been concern about the Cheltenham Cemetery, which has been taken over already by the Enfield Cemetery. There have been complaints about the impact of work done. With that concern having been raised with me, I do not want to leave anything to chance.

The Hon. R.I. LUCAS: The Minister's and the Government's position is, as the honourable member indicated, that the Minister would prefer that the amendment not be passed. There is no quibble about the importance of the cemetery; there is no quibble with the fact that there needs to be a management plan. There is intended to be a management plan but the position of the Minister and the Government is that introducing it into legislation with the restrictions incorporated into the drafting of the legislation will reduce the degree of flexibility over a period of time.

The Hon. M.J. Elliott: They can amend it at any time.

The Hon. R.I. LUCAS: You know how it is hard to get an amendment through this place. It is now 12.30 in the morning. The form of management plan preparation that the honourable member supports at the moment, which obviously given the numbers will enjoy majority support in this Chamber, five, 10 or 20 years down the track may not do so. Given the lateness of the hour, I do not intend to prolong or belabour the point, other than to say the Minister's position is that we would prefer not to see this amendment introduced into the legislation.

The Hon. P. HOLLOWAY: The Opposition supports the amendment, certainly in principle. There are a number of details that one might have quibbles with, although I note that the Hon. Mr Elliott has made some amendments to an earlier draft about which I had concerns that it might have imposed unnecessary bureaucracy.

That appears to have been fixed up in this latest draft. The Minister indicated in his answer to my questions before the second reading reply that it was the intention of the new trust running the cemetery to prepare a management plan, so we do not see any problem with putting that in the legislation. We have seen the way that this Government treats subordinate legislation and has no respect for this Parliament's disallowing legislation; it reintroduces it straight away.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: It is a fact. That is what this Government does. An inevitable consequence of that is that more detail will be put into legislation to curtail the Government's attempts to do so. In this instance we see no problem at all with requiring this new board to prepare a management plan for the West Terrace Cemetery. As the Hon. Michael Elliott said, it is an important part of our heritage, and a plan can only be to the good of the future running of the cemetery.

Amendment carried; clause as amended passed.

Schedule and title passed.

Bill read a third time and passed.

SECOND-HAND VEHICLE DEALERS (COMPENSATION FUND) AMENDMENT BILL

The Hon. R.I. LUCAS (Minister for Education and Children's Services): On behalf of my colleague the Attorney-General, I move:

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

Motion carried.

STATUTES REPEAL AND AMENDMENT (DEVELOPMENT) (ENVIRONMENTAL IMPACT STATEMENTS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1979.)

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank the Hon. Terry Roberts for his eloquent, articulate and supportive contribution to the second reading.

Bill read a second time.

In Committee.

Clause 1.

The Hon. M.J. ELLIOTT: I understand that only two EISs are affected and that they relate to two dumps to the north of Adelaide. I want the Minister to put on the record that that is the case and that there are no other EISs, other than those two, relating to landfills to the north of Adelaide that will be affected by this Bill.

The Hon. R.I. LUCAS: My advice is that under the Development Act the information that has been provided to the honourable member is correct in that two dump sites will be affected. However, under the Planning Act there are a number of proposals or projects which, potentially, might be affected as well. Examples of proposals in that category include the Port Vincent and Tumby Bay marinas and the Spencer Gulf ferry. These are examples of proposals under the Planning Act which might be affected by the provisions in the legislation.

The Hon. M.J. ELLIOTT: How old are some of these environmental impact assessments that will be picked up and given recognition under this Bill?

The Hon. R.I. LUCAS: I am advised that the examples that I have used are all 1992 assessments. My advice is that 1991 might be the earliest.

Clause passed.

Remaining clauses (2 and 3) and title passed.

Bill read a third time and passed.

ELECTRICITY (VEGETATION CLEARANCE) AMENDMENT BILL

A message was received from the House of Assembly intimating that it had disagreed to certain amendments and made alternative amendments in lieu thereof:

(Schedule of the amendments made by the Legislative Council to which the House of Assembly has disagreed.)

No. 2. Clause 6, page 3, lines 11 to 13—Leave out 'require the electricity entity to inspect and clear vegetation more frequently than is required under the principles of vegetation clearance or otherwise'.

No. 4. Clause 6, page 3, lines 23 and 24—Leave out paragraph (d) and insert new paragraph as follows:

(d) it may modify the regulations dealing with the clearance of vegetation from, or the planting or nurturing of vegetation near, public and private powerlines subject to the scheme;

No. 5. Clause 6, page 3, lines 33 and 34—Leave out proposed subsection (3).

No. 11. Clause 6, page 6, after line 14—Insert new paragraph as follows:

(fa) recognised electrical safety standards;

(Schedule of the amendments to which the House has disagreed and made alternative amendments in lieu thereof)

Legislative Council Amendment No 1:

Clause 3, page 1, after line 18—Insert new paragraph as follows:

(ab) by striking out the definition of "powerline" and substituting the following definition:

"powerline" means—

(a) a set of cables for the transmission or distribution of electricity and their supporting or protective structures and equipment; and

(b) associated equipment for the transmission or distribution of electricity,

but does not include a telecommunications cable or associated equipment;;

(ac) by inserting in the definition of "principles of vegetation clearance" ", as modified by a vegetation clearance scheme" after "powerlines";

House of Assembly's alternative amendment in lieu thereof:

Clause 3, page 1, after line 18—Insert new paragraph as follows:

(ab) by striking out the definition of "powerline" and substituting the following definition:

"powerline" means—

(a) a set of cables for the transmission or distribution of electricity and their supporting or protective structures and equipment; and

(b) associated equipment for the transmission or distribution of electricity,

but does not include a telecommunications cable or associated equipment;;

Legislative Council Amendment No 7:

Clause 6, page 5, lines 23 to 25—Leave out paragraph *(b)* and insert new paragraph as follows:

(b) in a case where the Technical Regulator is satisfied that it is appropriate to do so in view of significant and persistent failure by the council or the electricity entity to carry out properly, or at all, vegetation clearance work in relation to the powerlines after the commencement of this section and the reasons for the failure.

House of Assembly's alternative amendment in lieu thereof:

Clause 6, page 5, lines 23 to 25—Leave out paragraph *(b)* and insert:

(b) in a case where the Technical Regulator is satisfied that it is appropriate to do so in view of significant failure by the council or the electricity entity to carry out properly, or at all, vegetation clearance work in relation to powerlines in the area and in view of the reasons for the failure.

Legislative Council Amendment No 8:

Clause 6, page 5, lines 26 to 28—Leave out subsection (3) and insert new subsection as follows:

(3) The Technical Regulator may confer a duty on a council in accordance with subsection (2) only in respect of particular powerlines in respect of which the Technical Regulator is satisfied the conferral of the duty is justified.

House of Assembly's alternative amendment in lieu thereof:

Clause 6, page 5, lines 26 to 28—Leave out proposed subsection (3) and insert:

(3) The Technical Regulator may confer a duty on a council in accordance with subsection (2) only in respect of particular powerlines in respect of which the Technical Regulator is satisfied the conferral of the duty is appropriate.

Consideration in Committee.

The Hon. R.I. LUCAS: The Hon. Paul Holloway asked some questions about this legislation during debate at an earlier stage and I omitted to place on the record the answers to his questions. I do not have the honourable member's questions, but I have the answers and I will place them on the record. With respect to question No. 1, telecommunications cables are not covered by the Act. We are happy to clarify this by agreeing to the amendments proposed in this regard. With respect to question Nos 3 and 4 as to the concern about an unnecessarily large area of responsibility being transferred, the Technical Regulator has the power to transfer it in relation to the problem areas only if this is appropriate.

In answer to question 4A, as to the concern about retrospectivity, a transfer of duty cannot take effect retrospectively. With respect to question 4B, regulation 11 of the vegetation clearance regulations was made to accommodate commercial fruit producers who, in any event, annually trim their trees. ETSA inspects these orchards annually before the start of each bushfire season to check that the trees have been adequately pruned. This is a condition of their exemption. With respect to 5, as to restricting legal representation before the Technical Regulator, we are happy to accommodate an amendment to achieve this outcome.

With respect to question 6 regarding confidentiality and the desirability of ensuring that any hearings before the Technical Regulator are in public, we are willing to accept the amendments proposed. In answer to question 7, we believe that the Bill ensures that the Technical Regulator becomes involved only when lengthy negotiations have failed to resolve the dispute. With respect to question 8, as to rental of poles, the net rent from both carriers is potentially up to $2 million per annum depending on their rate of take up. South

Australia uniquely has allocated this income to councils as 'seed money' to contribute to undergrounding programs.

As I indicated earlier, there has been a series of discussions between the Minister and his advisers and the Hon. Sandra Kanck and the Hon. Paul Holloway, and we now have a further series of amendments by the House of Assembly to the amendments moved by the Legislative Council. Before I formally move these amendments, it might be appropriate for members to express their passionate support for what the Government has done or something else if that takes their fancy.

The Hon. SANDRA KANCK: I have had a look at the House of Assembly's amendments. Obviously I am disappointed that a number of the amendments that we succeeded in getting in the Legislative Council have been altered by the House of Assembly. On balance, I am prepared to accept what has been done rather than go to a deadlock conference which I doubt will achieve anything further at this time. This issue has literally been going on for years. During the past six months there has been an enormous amount of discussion and toing and froing. In fact, during the past week I have lost count of the number of hours I have spent talking to people and cross-checking facts and allegations.

As I say, I do not think there would be much point in taking this Bill to a deadlock conference. The point on which there is the biggest disagreement concerns the derogation from the native vegetation clearance principles. That point is basically non-negotiable for the Government. If we were to pursue it, it would probably cause the Government to withdraw the Bill. Given the amount of time that I have put into this measure during the past six months, I would not want to see that happen, because I believe we have made some progress.

Principally, we have a third person, a slightly disinterested party in the form of the Technical Regulator, to intervene. That is something that we have not had during the eight years when this issue has been discussed between the LGA and ETSA. I indicate my disappointment with these amendments, but I do not know whether we can progress the matter further. It is a case of either the legislation falls or we accept it with the amendments the Government has made. On balance, the latter position is the one I choose.

The Hon. P. HOLLOWAY: The Opposition's assessment of the situation is similar to that of the Democrats. A large number of the series of amendments that we passed earlier this evening have been accepted by the House of Assembly. The only disagreement relates to a number of clauses which involve essentially one issue, and that is whether the Technical Regulator should be able to derogate from the vegetation clearance principles. Essentially, that is the only area of contention. The Opposition's assessment is the same as that of the Democrats. We believe that there would be no point in pushing this issue further, because I think it is quite clear that the Government would not accept it. It has taken since about November last year for the most recent phase of this process to evolve.

We are talking about a process that began with Ash Wednesday 1983. A lot of time and effort has been spent on trying to resolve this vexed issue of vegetation clearance under powerlines. The assessment of the Opposition is that the best course of action for us would be to accept the position of the House of Assembly in relation to the derogation of the principles of vegetation clearance. We at least have a number of other amendments that I believe will make this Bill a better Bill, and they should go a considerable way towards satisfying the genuine concerns of some of the councils that are in the front line of this vegetation clearance issue. That is the position that the Opposition will adopt.

I would like to thank all those people who have been involved in this process. I know that the Hon. Sandra Kanck has spent a lot of time in dealing with these issues. I would also like to thank the advisers of the Government, the LGA and the councils, particularly St Peters council, which has raised a number of genuine concerns. A large part of what it has put forward has been able to be translated into these legislative changes, and that will be to the betterment of us all. As we now accept these amendments, what we have before us will become law, and I guess it is now up to ETSA and the councils themselves to make the system work. All I can say is, let us hope it does. This issue has been around for a long time. Let us hope that out of this process will come something that will work to the satisfaction of the councils and the communities that want to keep their trees, while at the same time recognising the problems that ETSA faces in trying to provide an efficient electricity distribution system. Let us all hope it works.

The Hon. R.I. LUCAS: I thank members for their indications of support.

Amendment No. 1:

The Hon. R.I. LUCAS: I move:

That the Legislative Council do not insist on its amendment No. 1 and that the alternative amendment made by the House of Assembly be agreed to.

Motion carried.

Amendment No. 2:

The Hon. R.I. LUCAS: I move:

That the Legislative Council do not insist on its amendment No. 2.

Motion carried.

Amendments Nos 4 and 5:

The Hon. R.I. LUCAS: I move:

That the Legislative Council do not insist on its amendments Nos 4 and 5.

Motion carried.

Amendment No. 7:

The Hon. R.I. LUCAS: I move:

That the Legislative Council do not insist on its amendment No. 7 and that the alternative amendment made by the House of Assembly be agreed to.

Motion carried.

Amendment No. 8:

The Hon. R.I. LUCAS: I move:

That the Legislative Council do not insist on its amendment No. 8 and that the alternative amendment made by the House of Assembly be agreed to.

Motion carried.

Amendment No. 11:

The Hon. R.I. LUCAS: I move:

That the Legislative Council do not insist on its amendment No 11.

Motion carried.

NON-METROPOLITAN RAILWAYS (TRANSFER) BILL

Consideration in Committee of the House of Assembly's amendment:

No. 1. Page 3, after line 4—Insert new clause 9 as follows:
Exemption from rates and taxes

9. For a period of five years from the effective date of the Railways Agreement, land transferred under the Railways Agreement and used for the operation of a railway is exempt from—
(a) land tax under the Land Tax Act 1936; and
(b) rates and other imposts under the Local Government Act 1934.

The Hon. DIANA LAIDLAW: I move:

That the House of Assembly's amendment be agreed to.

It relates to the exemption from rates and taxes and was a clause in the original Bill, but we could not debate it earlier, its being a money clause. It has been approved by the House of Assembly and I ask that it be accepted here.

The Hon. SANDRA KANCK: The one comment I have to make about this is that the local government people were a bit miffed that they had not got a copy of this Bill and had not had a chance to put it to their legal people. They told me yesterday morning that they had had a brief look at it and it seemed okay, but they would have appreciated more time on it. They said that they were generally accepting of the concept. They knew that the new operator needed a push start but hoped that at the end of the time period normal rates and taxes would apply. I am not 100 per cent in agreement with them, and I put on record in my second reading speech that none of these imposts occur with road traffic and it seems unfair to put any on rail transport. I am conveying a message because they were a little miffed.

The Hon. T.G. CAMERON: I am somewhat surprised that the Local Government Association was miffed. I thought everyone was aware of the fact that the Government wanted this legislation through as quickly as possible. I have had no contact from them.

Motion carried.

RAILWAYS (OPERATIONS AND ACCESS) BILL

Consideration in Committee of the House of Assembly's amendment:

No. 1. Page 7, after line 9—Insert new clause 16 as follows:
Exemption from rates and taxes
16. A rail corridor is exempt from
(a) land tax; and
(b) rates and compulsory charges under the Local Government Act 1934.

The Hon. DIANA LAIDLAW: I move:

That the House of Assembly's amendment be agreed to.

Motion carried.

INDUSTRIAL AND EMPLOYEE RELATIONS (HARMONISATION) AMENDMENT BILL

The House of Assembly intimated that it had disagreed to the Legislative Council's amendments.

Consideration in Committee.

The Hon. K.T. GRIFFIN: This is one of the steps on the way to the conference on this Bill. I will not therefore debate the motion which I now move:

That the Legislative Council do not insist on its amendments.

The Hon. R.R. ROBERTS: I oppose the motion.

Motion negatived.

LONG SERVICE LEAVE (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

INDUSTRIAL AND EMPLOYEE RELATIONS (HARMONISATION) AMENDMENT BILL

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Legislative Council agreed to a conference, to be held in the Plaza Room at 9 a.m. tomorrow, at which it would be represented by the Hons M.J. Elliott, K.T. Griffin, R.R. Roberts, T.G. Roberts and Caroline Schaefer

[Sitting suspended from 2.5 to 11 a.m.]

INDUSTRIAL AND EMPLOYEE RELATIONS (HARMONISATION) AMENDMENT BILL

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

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

Motion carried.

SECOND-HAND VEHICLE DEALERS (COMPENSATION FUND) AMENDMENT BILL

The following recommendations of the conference were reported to the Council:

As to Amendment No. 1:
That the Legislative Council do not further insist on its disagreement thereto.
As to Amendment No. 2:
That the Legislative Council do not further insist on its disagreement thereto.

EQUAL OPPORTUNITY (SEXUAL HARASSMENT) AMENDMENT BILL

The following recommendations of the conference were reported to the Council:

As to Amendment No. 1:
That the Legislative Council do not further insist on its disagreement thereto.
As to Amendment No. 2:
That the Legislative Council do not further insist on its disagreement thereto.
As to Amendment No. 3:
That the Legislative Council do not further insist on its disagreement thereto.
As to Amendment No. 4:
That the House of Assembly do not further insist on its amendment but makes the following alternative and additional amendment in lieu thereof:
Page 2, lines 27 to 36 and page 3, lines 1 to 22 (clause 4)—Leave out paragraphs (a) to (g) and insert new paragraphs as follow:
(a) the Commissioner must refer the complaint to the appropriate authority;
(b) if the appropriate authority is of the opinion that dealing with the complaint under this Act could impinge on judicial independence or parliamentary privilege, as the case may be, the appropriate authority will investigate and may deal with the matter in such manner as the appropriate authority thinks fit;
(c) on the appropriate authority giving the Commissioner written notice that a complaint is to be dealt with under paragraph (b)—
(i) no further action can be taken under any other provision of this Act on the complaint; and
(ii) the Commissioner must give the complainant and the respondent written notice that the complaint will be dealt with by the appropriate authority;
(d) on the appropriate authority giving the Commissioner written notice that a complaint will not be dealt with

under paragraph (b), the Commissioner may proceed to deal with the complaint under this Act;

(e) a notice must be given under paragraph (c) or (d) by the appropriate authority no later than one month after the referral of a complaint to the appropriate authority;

(f) the Commissioner may at the request of the appropriate authority—

(i) assist the authority in investigating a complaint that is to be dealt with under paragraph (b); or

(ii) attempt to resolve the subject matter of such a complaint by conciliation;

(g) if the Commissioner is to act under paragraph (f), the appropriate authority must give the complainant and the respondent written notice that the Commissioner is to so act;

(h) if the Commissioner attempts to resolve the subject matter of a complaint by conciliation but is not successful in that attempt, the Commissioner may make recommendations to the appropriate authority regarding resolution of the matter;

(i) if, after investigating a complaint under paragraph (b), the appropriate authority considers that the complaint can be dealt with under the Act without impinging on judicial independence or parliamentary privilege (as the case may be), the appropriate authority must remit the complaint to the Commissioner, and, in that case, the Commissioner may proceed to deal with the complaint under the Act;

(j) if a complaint is remitted to the Commissioner under paragraph (i), the Commissioner must give the complainant and respondent written notice that the complaint is to be dealt with by the Commissioner;

(k) the appropriate authority must give the complainant and the Commissioner written notice of the manner in which the appropriate authority has dealt with a complaint under paragraph (b).

Page 3 (clause 4)—After line 34 insert new subsections as follow:

(5a) The Minister must, as soon as practicable after the second anniversary of the commencement of this section, cause an examination to be made of the operation of this section and prepare and complete a report of the results of that examination within six months after the second anniversary of that commencement.

(5b) The Minister must, within 12 sitting days after the report is completed, cause copies of the report to be laid before each House of Parliament.

And that the Legislative Council agrees thereto.

As to Amendment No. 5:

That the Legislative Council do not further insist on its disagreement thereto.

Additional Amendment:

That the House of Assembly makes the following further amendment to the Bill:

New clause, page 1—After line 13 insert new clause as follows:

Commencement

1A. This Act will come into operation on a day to be fixed by proclamation.

And that the Legislative Council agrees thereto.

Consideration in Committee of the recommendations of the conference.

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

That the recommendations of the conference be agreed to.

The amendments are extensive, but it is an outcome from the conference which one could probably describe as historic, and it relates to the application of the Equal Opportunity Act so far as sexual harassment is concerned to members of Parliament and the relationship with employees in particular. It deals also with the application of the Equal Opportunity Act in respect of sexual harassment to members of the Judiciary in relation to their staff in particular and also to members of councils or local governing bodies in relation to staff of local government. So, it is an important development in the law which has now been agreed by the Parliament.

There were differences of view as to the appropriate mechanism for achieving this outcome. On the one hand, the Government took the view that there should be an appropriate recognition of the principles of judicial independence insofar as the Bill related to members of the Judiciary and, in respect of members of Parliament, that there should be appropriate recognition of the constitutional principle of parliamentary privilege, in particular by reference to parliamentary proceedings. On the other hand, there was a view that, in respect of the matters covered by the Bill, the Commissioner for Equal Opportunity should have the primary responsibility for dealing with complaints in respect of members of Parliament as well as members of the Judiciary.

I have made the point previously that the Commissioner for Equal Opportunity is an officer of the Executive arm of Government and that it is inappropriate to give to the Commissioner, as an officer of the Executive arm of Government, the final responsibility in relation to allegations of sexual harassment against members of Parliament, in particular; nevertheless in legislation there should be a recognition of the appropriate principle that members of Parliament and members of the judiciary should not be outside the law as it relates to sexual harassment.

It should be noted that members of Parliament are not the employers of the staff who work in their electorate offices or of staff who work within the precincts of Parliament House. In relation to judges and magistrates, they are not the employers of staff who work for them specifically or within the courts. They are both within the category of what we might describe as statutory office holders and at no time have they been covered by the Equal Opportunity Act. When this Bill is enacted by Parliament, for the first time it will apply the law relating to sexual harassment to those respective statutory office holders.

As a result of the conference, the framework which was established by the Government and proposed in the Bill was adopted with some modifications, because there had been consultations by me with the Hon. Carolyn Pickles over a long time. She may have been somewhat frustrated by the length of time during which those discussions occurred; nevertheless, from the Government's perspective, there has been a very acceptable outcome to those discussions. I thank her for the way in which she has contributed to the development of this legislation, although not within the same framework that she would have wished. I put on record my appreciation of the way in which she has dealt with me in respect of this piece of legislation.

The framework which the Government proposed was essentially this: that, in respect of members of Parliament, if there was an allegation of sexual harassment and it was within the context of parliamentary proceedings or parliamentary privilege, it would essentially be dealt with by the relevant Presiding Officer. In respect of the judiciary, the Chief Justice was the principal officer who would deal with allegations of sexual harassment in the context of the principle of judicial independence.

As a result of the discussions which have occurred over the past few months, we have built into the legislation a framework which enables the Commissioner for Equal Opportunity to be involved in two ways where parliamentary privilege, for example, is at issue. The Presiding Officer will make the decision in relation to whether or not a matter falls within the ambit of parliamentary privilege. If that occurs, the Presiding Officer may invite the Commissioner for Equal

Opportunity to act as the delegate of that Presiding Officer and to undertake the necessary investigations.

The Commissioner for Equal Opportunity has a range of experience in this area which the Government believed should be available to the Presiding Officer, and I would expect that, where an allegation involving a member of Parliament fell within the context of parliamentary privilege, the relevant Presiding Officer would have consultations with the Commissioner.

The important factor to recognise is that it is then the Presiding Officer. There is no question of an executive officer of Government wielding power over the Presiding Officer or the Parliament. One would expect a compatible and effective working relationship between the Presiding Officer and the Commissioner for Equal Opportunity when dealing with any allegation that arises. If an issue of parliamentary privilege arises, and as the Presiding Officer investigates either with or without the assistance of the Commissioner for Equal Opportunity, I proposed an additional amendment to the Bill—which the conference accepted—that the Presiding Officer must then refer the matter back, if the issue of parliamentary privilege is no longer relevant, to the Commissioner for Equal Opportunity.

The other safeguard which we have built into this and which arose out of the consultations is that, if the Presiding Officer or, for that matter, the Chief Justice in relation to the judiciary, should undertake an investigation within the parameters I have indicated, ultimately the Presiding Officer should report the outcome of the investigation in writing to the Commissioner for Equal Opportunity and the complainant. That does not mean that the Presiding Officer is subservient to the Commissioner for Equal Opportunity: it is merely a notification or reporting process. So, it does not impinge upon that authority of the Presiding Officer, which is a sensitive area.

Hopefully, in that context, we will have achieved a balance that will enable allegations of sexual harassment to be properly investigated and, if there is any concern that a Presiding Officer might not be doing his or her job appropriately, then some mechanisms are in place to ensure that ultimately the issue is properly dealt with either within the public arena or by a reporting mechanism or by the Commissioner for Equal Opportunity.

The Hon. A.J. Redford interjecting:

The Hon. K.T. GRIFFIN: That is what I have already indicated: that, under the Bill and as a result of the conference, the Presiding Officer will have authority to delegate to the Commissioner for Equal Opportunity. I think that achieves, as I said earlier, the potential for an effective working relationship.

The Hon. A.J. Redford interjecting:

The Hon. K.T. GRIFFIN: Maybe. I was asked in the conference whether I would give some examples of how parliamentary privilege may or may not impinge on the effective operation of the Bill. One clear example is where a member of the staff of a member of Parliament working in an electorate office alleges sexual harassment and approaches the Commissioner for Equal Opportunity. That, in my view, does not raise any issue of parliamentary privilege. A member of the catering staff, for example, who alleges harassment by a member of Parliament in the car park would not be covered by parliamentary privilege.

A member of staff alleging sexual harassment in the refreshment room would not, I suggest, be covered by parliamentary privilege. There is an issue in relation to that, namely, the access by the Commissioner for Equal Opportunity to the Parliament, and that is under the authority of the relevant Presiding Officer. But that has always been the position, whether it is in relation to industrial relations, WorkCover, and so on.

It is the same in relation to the police. I remember a notable occasion following the last election when police officers came into the Parliament and sought to interview one of the officers of the Parliament. That issue was handled properly as a matter of procedure by the Presiding Officer giving appropriate approval to the police officers to undertake their inquiries.

So, constitutionally, there has always been that understanding of the way in which access may be gained to the Parliament. If, however, there is an allegation within the proceedings of a parliamentary committee of sexual harassment by a member, that would clearly be covered by the Bill and be within the authority of the Presiding Officer. If, on the other hand, a committee is taking evidence elsewhere in the State away from Parliament House, if overnight during a social occasion an allegation of sexual harassment is made, clearly that would not be covered by parliamentary privilege and it would be a matter for investigation by the Commissioner for Equal Opportunity. I hope that has given a picture.

The Hon. Carolyn Pickles interjecting:

The Hon. K.T. GRIFFIN: The Hon. Carolyn Pickles refers to the Chamber. If the House is sitting and there is an allegation of sexual harassment by a member of a staff person within the Chamber, that is covered by parliamentary privilege—and no-one can deny that. That is a good example of where one could say that it would be inappropriate for an executive officer of Government to investigate what occurs within the Chamber.

The Hon. Diana Laidlaw: What about in Legislative Council members' offices at Parliament House?

The Hon. K.T. GRIFFIN: I do not think that is covered by parliamentary privilege. There are all these sorts of difficult issues.

The Hon. Diana Laidlaw: Are you proposing to put out some instructions?

The Hon. K.T. GRIFFIN: I will come to that in a moment. That is the framework of the Bill as it now comes back to the Legislative Council from the conference.

The issue of practices, procedures and protocols was raised during the course of the conference. Obviously, if they relate to areas within parliamentary proceedings and parliamentary privilege, ultimately they will be the responsibility of the Presiding Officers, but I anticipate that they will work in conjunction with the Commissioner for Equal Opportunity in developing appropriate protocols, procedures and practices for both identifying sexual harassment and outlining the ways in which allegations should be dealt with. I do not think it is appropriate merely to pass a law and then rely on the old principle that ignorance of the law is no defence to satisfy the obligations of the Parliament when employers in the private sector are required to establish particular policies and practices to deal with this issue.

So, for staff who work both within Parliament House and in electorate offices, I expect that, once the legislation comes into operation—that will be on a date to be fixed by proclamation, because a lot of preparation will need to be undertaken—appropriate practices and procedures will be available.

The other issue which has been passing through my mind over a relatively long period of time—and I have talked to a number of members of Parliament about it—is that, for

members of Parliament in particular, especially the new members coming in this place, whilst some processes are available by which they can learn what does or does not happen and what are the conventions of the Parliament, I have been concerned—and I suppose it is more so late in one's political career rather than early—that not a lot of information is made available to members of Parliament in terms of familiarisation-induction type courses about all the things that happen within the Parliament, the constitutional processes and so on.

Members will know that when I became Attorney-General I established the practice of having what I described as legal open days for members of Parliament and for their staff, regardless of political persuasion, to enable them to be at least exposed to the various functions and responsibilities for which I am the responsible Minister, whether it be the courts, the Ombudsman, the Police Complaints Authority, the DPP, the Legal Services Commission and so on. The general feedback is that it has been very helpful. I would envisage that we will continue to have those for staff in particular and for members of Parliament who wish to avail themselves of the opportunity.

However, in relation to the Parliament, I would like to see something like that happen for staff, as well as for members of Parliament, particularly new members. As I move around the Public Service and meet a range of people, particularly senior officers, I am surprised at the number of people who do not really understand the parliamentary processes—the conventions, the practices and the procedures. What I would like to see—and I am doing it within my own agency, the Attorney-General's Department (not as much as I would like to, I might say)—is that they be exposed to some of the principles, conventions, and practices and procedures in relation to the Parliament.

I have noted that many officers of the Public Service have to ring my legal officers on occasions to talk about some of the issues relating to constitutional matters. That is not a criticism of the officers in various Government agencies but a recognition that there is a lack of understanding of something which is essential to performing one's duty as a public servant, particularly in the context of the parliamentary process. After the election, whenever it is—or earlier, if it is not until next year—I would like to see the development of at least an appropriate form of educational program for members, their staff and the broader Public Service. Whilst I have not discussed that issue with the Presiding Officers—it is an idea of mine; I have discussed it with some members—it would be valuable for all of us. That is the context in which I would also see equal opportunity and sexual harassment issues being addressed.

I know I have spoken at some length on the issue. It is an important issue which affects all members of Parliament, as well as the public. However, I felt it was important to put a number of these issues on the table in explanation of where we are in relation to equal opportunity and sexual harassment in the parliamentary and judicial environment.

I make one other observation. I also offered in the context of the consultations—and it has now been agreed by the conference—that, on the second anniversary of the commencement of this provision, I will cause an examination to be made of the operation of the section and prepare and complete a report of the results of that examination within six months after that second anniversary of the commencement of the section. I will lay that—presuming I am still the Minister—on the table of each House of the Parliament within 12 sitting days after the report is completed. It is important that members know what is happening, what has gone wrong and what is positive about this, with a view to ensuring that, if there are glitches in the way in which we have developed this framework, they can be addressed.

So, I thank honourable members for their cooperation. The conference was one of the better and more cordial conferences that I have attended. There was genuine cooperation in an attempt to reach a satisfactory outcome to what is a very important principle.

The Hon. CAROLYN PICKLES: As the Attorney has indicated, the conference reached an agreement on what is probably a fairly historic piece of legislation. The Attorney alluded to my sense of frustration at how long it has taken. I suppose one could say that perhaps we should have moved on this many years ago and not waited until we had unsatisfactory cases to deal with to prompt us to take action.

The Hon. Diana Laidlaw: A joint committee of the Parliament addressed the issue.

The Hon. CAROLYN PICKLES: That is exactly right. The Hon. Ms Laidlaw's refers to the Joint Committee on Women in Parliament, but one of its recommendations not accepted by the conference was that the issue of sexual harassment be extended to apply in cases between one member of Parliament and another. One would hope that, in the context of the legislation before us now and the education programs that the Minister has outlined he would like to see, and as I and the Hon. Mr Laidlaw would like to see, these sort of incidents, which always have been few and far between, will cease to exist.

My sense of frustration in the delay is that I had introduced a Bill last year which passed this Chamber in November. Nevertheless, I will not be churlish and say that perhaps we should have dealt with that Bill and amended it. I thank the Attorney for his continued effort to get some kind of satisfactory outcome. At the very least we now cover staff members in this place and the staff members in electorate offices, and that is an important step forward. We also cover the judiciary and local government.

Reservations have been expressed to me about the issue particularly of local government and one councillor to another, where I understand that sexual harassment is fairly endemic. I assume that if the Local Government Association is unhappy with the outcome of this Bill it will lobby the Attorney, me and others to see whether we can at some stage extend it to cover that area or certainly look at the problems that lie within the area of local government.

It has always been a difficult issue to deal with. We are very much in the public eye and are often subjected to allegations that may not be true. We now have a process whereby the issue will be dealt with properly. I am pleased that the conference agreed to the safeguards that will ensure that be no instance of any kind of allegations of sexual harassment will be swept under the carpet any more. Although it will be a confidential process that is dealt with properly, it will not be ignored, and we have written in safeguards which will ensure that that process is undertaken.

The kind of issues that have worried me in the past, particularly as a woman, are that many of the women who have had complaints have come to women members of Parliament, and we have often felt frustrated by the inability to deal with the issues satisfactorily. It is true that of the women who have come to me in the past with issues of sexual harassment not one is still working in this place or in an electorate office. That is enough said about that issue, but the

members of Parliament are either still around or have managed to get their pensions. It says something of the history of this issue in that it has never been dealt with satisfactorily and that the complainants have always felt aggrieved and badly done by.

The Hon. Anne Levy: And lost their jobs.

The Hon. CAROLYN PICKLES: Yes. We are now in a process of moving forward. I am pleased with the way in which the Attorney has cooperated in this issue. I am pleased, too, with the way he is committed to educating us. We all need educating: let us face it. The issues of sexual harassment are very interesting.

In recent times I had a member of Parliament make some statements to me which I am sure he made not realising that he was making some unwanted and some unwelcome sexual innuendos. We all need some kind of education about modern work practices, and that goes for women in this place, too. Not all women have indicated their total support for this kind of legislation, but they should also understand that they have a responsibility to ensure that their staff are covered and understand the implications of this legislation.

I am particularly pleased that the Attorney is indicating that the practices will be explained to all staff members and members of Parliament, particularly in the electorate offices. Staff members who work in the electorates often feel very isolated from the mainstream of what is happening in this place and often would feel very intimidated by making some kind of complaint about the member for whom they work.

It is true to say that many of these people are members of the political Party of that particular member. It is never easy to make a complaint about sexual harassment, and it is particularly difficult for people, under those circumstances, who may have a desire for a political future themselves. It ensures also that no kinds of vexatious accusations can be made because the process will be dealt with properly. In future, any one of us who is alerted to the fact that there is a claim of sexual harassment can indicate that they can now go forward and make their complaint to the Commissioner for Equal Opportunity. I believe that this will protect members of Parliament against any undue allegations and it will also protect the staff members.

I am disappointed, as I said, that it was not extended as far as I would have liked to see it, but I believe that, following the report that the Minister will table in the Parliament in about 2½ years' time, we will be able to see if there is any necessity to extend this to cover members of Parliament one to another, the judiciary or local government members. I imagine that this is a beginning of something and, hopefully, in time, the report to Parliament will be that there were no cases to answer.

The Hon. SANDRA KANCK: I think that the complexity of this issue was probably shown by the genuine queries that came by way of interjection to the Attorney-General when he was speaking. Those queries still showed the uncertainty that exists around this place; that is, there is privilege in one place and not in another. This Bill has been before us now for almost eight months, which has seemed a long time. However, the matter has been able to be progressed by virtue of the time that we did take to resolve it. It is not perfect. We still have a situation where all the laws of the land do not apply to parliamentarians when it comes to sexual harassment, but we are moving in the right direction. This is a compromise obviously, and, in the light of that compromise, I am very pleased that we have the review built into the legislation.

One of the things that we discussed last night in the deadlock conference was the need for an equal opportunity officer in this building, and I certainly hope that we see some movement on that fairly soon. I also welcome the Attorney-General's enthusiasm to set up some sort of education or orientation sessions for parliamentarians. I think it is sorely needed. It probably would be a good idea in the development of any guidelines that follow that the Attorney should involve the unions that represent staff on this site because they have considerable expertise in this area.

An honourable member interjecting:

The Hon. SANDRA KANCK: Unions. I want to thank everyone who has been involved in this for the non-confrontational way in which we reached this resolution over time. There has been a genuine desire to improve the situation. We have succeeded in doing it—albeit not as far as I might have liked it to go—and we have something better as a result of the process we have been through.

The Hon. ANNE LEVY: I wish to indicate my complete support for the recommendations. I believe that one of the most important parts of the new legislation will be that a presiding officer, where there is a case of parliamentary privilege, will have the authority to delegate to the Commissioner for Equal Opportunity. I very much appreciate the niceties of parliamentary privilege but the presiding officers in this place have usually had no experience or training for dealing with matters like this. When I was presiding officer and a case was brought to me, I hastily contacted the then Commissioner for Equal Opportunity and had long discussions with her, and sought her advice and assistance as someone who was well trained and experienced in the area. So, I believe this is a very important part of the provision. There is no obligation on presiding officers to use the good offices of the Commissioner but the ability is there and I am sure, if they have any sense, they will do so, to make life a lot easier for themselves.

Other people have mentioned that one matter which is not covered is the question of harassment of member to member, which is probably more important in the local government context than in the parliamentary context. However, in the member to member situation, one is dealing with individuals who are likely to be more equal in their power relationships.

It should be recorded in *Hansard* how one member of Parliament dealt with sexual harassment by another member of Parliament a number of years ago, as is well known, I am sure, to many members but has probably never been recorded in *Hansard*. When she was harassed in the parliamentary bar, she turned around and threw the contents of her drink into the face of the harasser. I doubt if he ever did it again. It involved both political Parties. So, I believe that that needs to be a warning to members of Parliament, and something which future members of Parliament can perhaps learn from. Certainly, the power relationships are very different where the two people concerned are both members of Parliament or are both members of a local council, rather than the situation where an employee is in a very different power relationship with an employer or anyone with a quasi employer relationship with them. I certainly support the legislation, and will be very interested to learn what the Attorney tables in the House in a few years' time.

The CHAIRMAN: While in Victoria a while ago I noted they have in a loose leaf folder a comprehensive guide to members. We do have something, but it is fairly small and we perhaps should consider making it more comprehensive.

When the legislation is proclaimed some guidelines could be included.

Motion carried.

SELECT COMMITTEE ON THE VOLUNTARY EUTHANASIA BILL

The Hon. ANNE LEVY: I move:

That the select committee have permission to meet during the sitting of the Council this day.

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: WASTE MANAGEMENT

The Hon. CAROLINE SCHAEFER: I move:

That the report of the Environment, Resources and Development Committee on waste management practices in South Australia be noted.

This has been a particularly interesting matter that has been brought before our committee. We received some 44 submissions and heard 39 witnesses over a period of 12 months. During the time we sought information and heard evidence from witnesses a number of areas of concern were addressed. It is an interesting reference also because there appears to be an ongoing increase in the recognition by the public of the need to reduce waste and dispose of it thoughtfully.

That is not to say that all the problems we as a society face with excessive waste or with waste management generally have been addressed; simply to say that it is a movable feast and there appears to be a great deal of good will in the public of South Australia towards reducing waste. In fact, the EPA waste strategy has committed this community (and, I believe, the Australian community generally) to a target of 50 per cent reduction of the total quality of solid waste going to landfill by the year 2000. We sought information from a number of the companies that deal with solid waste and had some very interesting submissions from various companies as to the ways in which landfill will be addressed in the future.

One of those ways is the reduction and compaction of solid waste. Baling methods are being used extensively overseas, whereby solid waste is compacted and literally tied with wire into bales, and the area of the landfill is marked so that at some time in the future there will be a method of recycling things which at the moment may not be recyclable. However, the committee sought to make a delineation between large urban landfill and the landfill generated by smaller regional and country towns. It was generally acknowledged by our committee that landfill and waste disposal methods that are both economic and viable for a larger population could not possibly be implemented in small areas and, therefore, we did not attempt to address the problems of waste disposal in country areas. So, this report mainly talks about waste disposal in urban areas.

We brought down 34 recommendations, and I certainly do not wish to speak at any length on those, except for a few that I think are of greater interest. As I said, we spent quite a lot of time talking about landfill and solid waste disposal. We commended the initiatives of the Environment Protection Authority Integrated Waste Strategy and recommended that all sectors of the community be encouraged to work towards those targets. The committee recommended that landfill management of any new landfill development should conform with the following criteria: buffer zones of 500 metres (where practical, a greater distance); the installation of liners where necessary; and the installation of leachate monitoring systems. New standards for the operation of landfill should include a requirement for the monitoring of leachate surface and ground water, gas, noise, odour and vermin; and greater control over the waste that is put into landfill by the use of transfer stations or random load checks.

One of the things that interested me is that a company in South Australia is extracting the gas generated from old landfill, which gas is supplementing the electricity grid at the moment. However, there are a number of old and now disused landfills where that method is not taking place. Of course, the use of that gas is not only practical but reduces the danger of explosion, fire, etc., and speeds the decomposition of the landfill.

The committee recommended that that gas extraction be made available to, and at, all old and disused landfills. We made a number of recommendations with regard to disposal of dangerous substances, including toxic and radioactive materials. We also recommended that the Commonwealth be pursued to conform with uniform standards for the control of radioactive material, and that the Commonwealth be required to meet the standards of disposal or no less than the standards of disposal which are used in the State where they are practising.

We made a number of recommendations about recycling and we recommended that container deposit legislation be extended to containers that are significant components in the litter stream. It was our view that container deposit legislation should be extended to plastic milk containers and so on which are so widely used and which are currently dumped. We also recommended that the Minister be asked to report on ways of regulating excessive packaging, and the Hon. Michael Elliott gave the old perennial example in the committee of the shirt in a box which has 75 pieces of cardboard, 200 pins and several layers of celluloid before you can get at the shirt. We have also made recommendations for a more practical use of packaging and minimisation of packaging.

This report is by no means conclusive. It is acknowledged that waste management is an ongoing problem which is being widely addressed by the community and Governments of the day. There is a great deal of goodwill within the community. Several of the councils, particularly Marion council, are making great advances with their disposal of green waste. Quite a lot of mulching and conversion to fertiliser is now being undertaken by private councils and private businesses. The recognition of not only the pollutant factor but also the economic factor and the social factor of poor waste disposal—although we have a long way to go—is generally much more recognised than it was five or 10 years ago. Although it is the committee's twenty-fourth report and is, at this stage, its final report on waste disposal, we expect that this will be an ongoing subject for our committee and, as such, there will probably be later reports.

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

CONFLICT OF INTEREST

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

That the Legislative Council expresses its concern at the Government's failure to pay due regard to circumstances that give rise to conflict of interest situations.

(Continued from 23 July. Page 1936.)

The Hon. CAROLINE SCHAEFER: The career of being a member of Parliament for the most part is challenging and interesting. Very often, I think most of us derive great satisfaction from our careers. However, Wednesday night was one of those times when I thought the advancement of the State would have been better served by our all being home, doing the ironing, washing the car or mowing the lawn, quite frankly. I thought the debate on Wednesday night sank to a dizzying new low. In particular, I wish to speak to Mr Elliott's motion, but I will do so in more general terms.

We have seen recently a great spate of accusations and counter accusations about conflict of interest. In my view, this has been a system of goodwill which has been taken to such an extreme that it is now bordering on being ridiculous. We have had recently the Hon. Rob Kerin accused of a conflict of interest because he formerly had an interest and directorship in an agri-business which sold farm chemicals. The accusation was that he should therefore have no input into any debate on farm chemicals, in either the Parliament or the Cabinet. Yet, he is probably the one member, either in the Government or in the Opposition, who has sufficient expertise to enable him actually to make a difference with his knowledge.

If we take this conflict of interest to the lengths that it apparently is being taken, and take it perhaps to its extreme, it would mean that, because the Hon. Ron Roberts happens to have a few acres of land outside of Port Pirie, because he is the shadow Minister for Agriculture and because he sits in a House where we do not have control, he therefore should sell his farm because it could be construed that he has a conflict of interest. It could be construed that, because I am a partner in a farm and because I speak frequently on agricultural matters, I should sell my farm. If we take it to its absolutely ridiculous conclusion, not only should I sell my farm but I should certainly not sell it to my son because I could have some pecuniary interest in whether or not my son goes broke.

If we take it one step further, no child of any member of Parliament should be able to be employed by the Public Service. If we take it even one step further again, to Federal members of Parliament, their children should not be eligible for unemployment benefits. I do not know anyone's personal business in here, and I do not particularly want to, but two other examples I would use relate to the Hon. Diana Laidlaw and the Hon. Anne Levy, both of whom have a great interest in art. I assume, therefore, that they have art collections. Could it therefore be construed that, because they have an art collection and an interest in art, they should not debate or take any public interest in the arts in the Parliament?

If we continue down this track, none of us, although we are on a high wage, should be allowed at any stage to buy any shares or to make any investments whatsoever for fear that we cross this mythical boundary. In the days when the State Bank belonged to the Government, had this been taken to the lengths that it is now being taken, it would have meant that none of us could bank with the State Bank. Therefore, inevitably it would mean that the people who represent the electorate, who represent the voters of this State, should not invest in the State they are trying to promote and govern, that any pecuniary interest they have should be completely outside the State, preferably off-shore, if we take it to the ridiculous.

I am the first to defend honesty. We have brought in a register of interests for all members of Parliament. I believe that all of us fill that out to the best of our ability and with absolute honesty. We have brought in a code of conduct for Ministers which requires them to distance themselves from the day-to-day running of any businesses with which they are formally involved. But surely we cannot expect those people not to use the expertise and the knowledge that they have gained over their working life, whether it be within the unions or within private enterprise, and suddenly cut themselves off from anyone or any of the knowledge that they have acquired.

Many of us know of successful business people who have come in here. We know of successful professionals; we have a QC who sits on the benches with us. Many of these people take a severe cut in income. I imagine that the Hon. Terry Cameron and others would have taken a cut in income in order to come in here and use the expertise and experience they have gained over a lifetime for the good of the people of the State. But if we take this conflict of interest to the extent that it is now being hammered, we are saying that people who have never been successful, who have no contacts and who are never likely to be successful, should be the only ones who are eligible to come into this place.

Surely, the people we require to govern the State should have impeccable honesty and integrity; none of us would expect any less than that. But surely we also require people with a background of knowledge and expertise, be it from whatever walk of life. Most of us worked for many years before we came in here. We have developed an entire network of contacts, and yet suddenly we are expected not to know or have anything to do with any of those networks of contacts. I am pleased that this matter has been raised in that I think it is time that we stood up to be counted and said that this has gone far enough. We have a set of rules which we expect people to adhere to, but we do not expect that set of rules to be nitpicked to the extent that none of us can use any of the knowledge that we have gained.

I will speak briefly to the examples that the Hon. Mike Elliott used. He used the example of a successful business person who is now in a position to make recommendations on business. I am sorry, but I cannot think of anyone better to do the job. He used the example of the Hon. Dale Baker, in spite of the fact that the Hon. Dale Baker has been tried and, in my view, sentenced. The carcass has been hung out on the fence. I cannot see why we now want to pick the bones bare. The Hon. Mr Elliott used the example of the Hon. Jamie Irwin and said that the Hon. Jamie Irwin is an honourable man. I seem to recall that Brutus said the same thing to Julius Caesar, but he still stabbed him in the back. I do not know the Hon. Jamie Irwin's business—I have no desire to—but I do know the way that most family farms and family businesses are run. It would seem to me that the Hon. Jamie Irwin probably lent his son some money to go into business, a business which has, quite independent of his parents, proved to be quite successful.

Is that not what we want in this State? Does it mean that no parent can assist their child into business? Does it mean that our children have to go outside the State? I have a daughter who is working in London. Prior to her going to London, she worked for Santos. Does that mean that when she comes back she cannot go back to her job because I sit in here? How far do we take this before we all stand up and say that enough is enough. Most of us are decent people, and we are being pushed beyond that which we should be expected to take.

The Hon. R.I. LUCAS secured the adjournment of the debate.

EDUCATION, COST

Adjourned debate on motion of Hon. Carolyn Pickles:

That the regulations under the Education Act 1972 concerning materials and services charge, made on 17 April 1997 and laid on the table of this Council on 27 May 1997, be disallowed.

(Continued from 28 May. Page 1402.)

The Hon. M.J. ELLIOTT: I support the motion but I must say that I seriously considered not supporting it. I acknowledge that in this debate, as happens with so many issues, there are solid arguments on both sides. From time to time people take one side of a debate and say that is all there is to it. This issue fits into the category where there is no simple answer. However, I have been persuaded that, on balance, what the Government has done in relation to materials and services charges is not a good thing.

As on other occasions when I have discussed these issues, I point out that my children attend schools within this system so I am subject to these fees. It is a system in which I have taught, in which I studied and in which I have many friends who teach. I claim to understand the system well on a day-to-day basis. For a number of years I have been a member of school councils, both as a staff representative and as a parent representative, and I have been intimately involved in discussions about fees, not on a theoretical basis but on the real basis of what happens in the school council decision-making process. Just as it is a vexed question in this place, it is a vexed question in school councils.

Theoretically, Australia has a free education system. It is a pity that some people today do not study the history of education in this country, particularly in South Australia, where we have a very proud history of public education, to discover why public education was so strong in South Australia and to study why we are starting to go down the path of the other States, which is an unfortunate step.

I start from the basic assumption that there should be universal free public education and that it should be of an excellent standard. The very notion of having a fee, if one believes in that is, of course, anathema. The problem with imposing a fee is that there is always the temptation for it to rise and it becomes a little easier for Governments, when they fail to provide universal free education, to place pressure upon parents in the community to start making up the gap, and increasing pressure has been evident in South Australia, particularly over the past decade.

That pressure has occurred not only under the present Liberal Government: it was happening under the previous Labor Government. Schools were being under-funded and there was increasing pressure to collect money through fees one way or another, not only through a compulsory fee for materials and services but a range of other fees. Schools should, for instance, be able to offer music as part of their curriculum at no charge: they cannot. Schools bring in outside instructors and the parents pay for that. It is a subject being offered but it then becomes an optional subject rather than part of the genuine core curriculum because it is only the children of parents who, first, can afford the music fee and, secondly, the hire or purchase of an instrument who can take up the subject.

It is unfortunate that, increasingly, parents who can afford to are paying extra fees to enable their children to carry out what any reasonable person would argue should have been part of the core curriculum to begin with. Unfortunately, some parents cannot or will not pay those optional fees and, as a consequence, their children simply miss out on what I would argue should have been core curriculum from the very beginning. That is a reflection of a lack of preparedness by Governments—and I stress that the lack of preparedness has occurred only over the past decade—to put in the resources to ensure that we maintain absolute excellence across a core curriculum.

As far as I am concerned, that core curriculum is fraying at the edges. It might be true that the maths and English are holding up, but other parts of what I would consider to be core curriculum, including the arts, are suffering in schools that have large numbers of parents who simply cannot afford to pay for the option. Of course, even in schools where many of the parents can afford it, there are some who cannot. The key focus of this debate is, of course, not just the optional fees but the materials and services charge which, until now, has been not legally enforceable.

The argument the Government would like to construct is an argument that says that some parents are not paying their share. I know the view that there should not be a need for parents to make an extra contribution to start with, and I think the Government is trying to use that argument to say that by bringing in that amount that will help the schools. In the vast majority of schools that is not a particularly common occurrence and not a particularly large amount of money.

In response to a Senate inquiry into school levies established by the Democrats in the Senate, the Senate Employment, Education and Training References Committee released a report in June 1997. The report was titled 'Not a level playing field', and discussed the private commercial funding of Government schools. That Senate report called on Governments to fund public schools at a level sufficient to deliver the appropriate standard of education within the eight key learning areas and commensurate with the national goals for schools. At the launch of the Democrats' Federal campaign last year, Senator Cheryl Kernot said:

> Free education is no longer free, businesses sponsor education instead of Governments fulfilling their obligations, parents are chased by debt collectors because they haven't paid the so-called voluntary fees. Australia's level of funding for public education has plummeted 25 per cent over the past 20 years—

I stress: 25 per cent over the past 20 years—

> leaving the nation wallowing somewhere between Portugal and Mexico at the bottom of the OECD table. This is a national disgrace.

I find it laughable that Governments talk about information technology and hi-tech systems leading us out of our economic mire, yet we are not prepared to put the money into the very people who are supposed to operate the hi-tech systems which are supposed to deliver us from economic misery. It is an absolute and total inconsistency. The very fact that we now find that spending on education in Australia is somewhere between that of Portugal and Mexico is absolutely unbelievable. It is an absolute national disgrace!

The school levy system is being used by State Governments to top up inadequate funding levels. There is concern that there are no compulsory fees in Australia at this stage and that the introduction of the regulation in South Australia will set a precedent at a national level. I have no doubt that other States are watching closely what happens in South Australia. The Government should recognise that the issue of fees is currently before a parliamentary select committee. I think it would have been appropriate if the Government,

before it acted on this matter, a matter which was subject to disallowance by either House of Parliament, at the very least, waited until the select committee which is addressing this issue had reported. Theoretically, we could have the ridiculous situation of the regulation being allowed to pass and the committee recommending against compulsory fees or the level that the Government is using. I think it is unusual to change the regulation when clearly this issue is currently being considered by the—

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: No. That committee has been around for quite a while.

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: You might have announced that you were going to do it, but the introduction occurred—

Members interjecting:

The Hon. M.J. ELLIOTT: What has happened is that the Council decided that it was an issue worth addressing. When I began I made it quite plain that there are some good arguments on both sides. In fact, I had been—

The Hon. R.I. Lucas: You always do what the AEU wants you to do.

The Hon. M.J. ELLIOTT: That's right; I'm the lap-dog. The fact that this matter is before a parliamentary select committee, of itself, is sufficient reason to wait for that committee's report before the introduction of these fees.

The Government has set a level of $150 for primary schools and $200 for high schools. What will be the consequences of the introduction of these fees? First, if any primary school which is not charging the $150 fee complains about the fact that it cannot afford things, the Government will say, 'You have the option to go to $150.' There is a strong indication that, indirectly, the Government will create pressure on schools which decided the fee on the basis of what they know the community can afford. That is what school councils do: the debates that I have been part of in schools have been about that. They know what the school card is worth and who will be eligible for it, and they know the consequences of the introduction of fees.

However, the Government really is creating a pressure for people to either adopt that practice or not complain that they do not have enough money. At this stage, it is fair to say that the average fee in primary schools is around $120, but some are far less. By way of example, Auburn Primary School has a fee of $75. It appears that rural communities particularly have low figures, and they will be the first ones who really will have pressure put on them to increase their fees. Not too many primary schools have fees of more than $120. Of course, for high schools the figure is $200 and, again, there is the same imputation, 'If you're not raising the $200, there's an easy way of getting a few more dollars. Don't complain to us about the fact that you don't have sufficient resources.'

There is a real danger, though, that it could have the opposite impact to what the Government might hope. For the first time, when parents really get their list of fees, there will be a fee which is compulsory. This will be clearly spelt out, with the attitude, 'This is compulsory; if you don't pay it, the debt collectors will come looking for you.' That immediately tells you something about the rest of the fees. I predict that fewer and fewer people will pay the fees in the optional area. Some schools will see programs—certainly individual students, but programs as well—cut, because parents will start distinguishing in a way that they have not until to now in the following way, 'Well, this is the bit I have to pay, and this is the bit that I don't.'

While the Government might argue that some schools will get some extra money, in most schools that will be relatively marginal—at least in terms of the compulsory collections. Of course, there is a cost for that compulsory collection which means that the gain will not be a particularly great one.

What will be the down side be? I predict very strongly that there will be a rejection of a lot of the so-called optional fees, and the ramifications on schools will be negative. The Government has recognised that some schools have collection problems—for the most part, relatively minor—and schools have demonstrated, if they handle things properly, that they can make sure it is only a minor problem. If a school has a major problem, there is usually administrative, and not legislative, reasons for it, but I think the Government instead is creating a rod for the schools' own backs, and what they are doing will be counterproductive in a whole range of ways.

In summary, I have a philosophical concern about a compulsory fee in what is a free education system. That is the beginning point. This is giving a clear signal to schools that they really should be raising that much money. If, as I predict, the voluntary fees start dropping, there will be real pressure to try to drag as much as possible into that materials and services charge to try to recover it in that way. It will fall inequitably; it will not solve any problems in schools other than in those schools which have not done their administrative tasks properly, have not managed people properly or have not related properly; and it will create a whole lot of new problems. The Democrats do not support the introduction of the compulsory charge, and again I urge the Minister to wait until the select committee has reported.

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

CONSTITUTION (PARLIAMENTARY TERMS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 July. Page 1634.)

The Hon. M.J. ELLIOTT: I rise to close the second reading debate on this Bill. There is no need for a comprehensive restatement of the arguments. Fixed terms of Parliament will make for a better parliamentary process. There is no doubt that in any Government's term there is always a period of time during which the Government undergoes a change in behaviour and goes into pre-election mode, as do Opposition Parties. That is inevitable, but for that process to start in anticipation of a three year term and perhaps continue for 12 months longer than it would have been for a fixed term is not a healthy thing. The reality then is that you have a real possibility that you can spend almost half your time in pre-election mode, whereas with a fixed four year term you spend more like half the last year or about a quarter of the time in genuine pre-election mode, which means that Governments spend much more time focussing on the role of governing and less on the role of trying to get themselves re-elected.

There is no doubt that in the general community—whether the business or general community—there is a strong feeling that that would be a good thing. I thank the Labor Opposition for its indication of support and look forward to the Bill's passing swiftly through all stages.

The Council divided on the second reading:

AYES (9)

Cameron, T. G. Elliott, M. J. (teller)

AYES (cont.)

Holloway, P.	Kanck, S. M.
Levy, J. A. W. (teller)	Pickles, C. A.
Roberts, R. R.	Roberts, T. G.
Weatherill, G.	

NOES (8)

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

PAIRS

Nocella, P.	Davis, L. H.
Crothers, T.	Lawson, R. D.

Majority of 1 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1.

Progress reported; Committee to sit again.

FREEDOM OF INFORMATION ACT

Adjourned debate on motion of Hon. P. Holloway:

That the Legislative Council requests the Legislative Review Committee to inquire into and report upon the operation of the Freedom of Information Act 1991.

(Continued from 12 February. Page 903.)

The Hon. M.J. ELLIOTT: I support the motion of the Hon. Paul Holloway. I do not intend to speak at great length. On a number of occasions in this place I have commented on the frustrations that are occurring under freedom of information at this stage. On at least three occasions that I can think of I have encountered illegal—and I use that term quite clearly—refusal to supply information. It is information that I ended up being given, but I had to really pursue it and, in at least one case, I had to chase it for some nine to 12 months before finally receiving it. So, there is one problem there which I believe needs to be addressed: what happens when a refusal is made which clearly is outside the law? At this stage, it appears to be just a little too easy by half to knowingly and deliberately flout—and I say that that is what has happened—the FOI Act.

I have also in this place raised questions around the review procedures. I have personally received correspondence, as have other people, from the Ombudsman who, for a number of reasons, is not able to cope with the workload coming out of FOI at this stage. Clearly, the Ombudsman is lacking resources but the question is whether the lack of resources is being generated because more FOI applications are coming in. Is it being generated because a bigger percentage of FOI applications are being refused? Those are at least some of the questions which the committee can look at.

I can only say—and I have no doubt about this—that the Freedom of Information Act is working very poorly in this State at this stage. It is certainly not working as was intended, and I believe that an inquiry by the Legislative Review Committee is long overdue.

The Hon. K.T. GRIFFIN (Attorney-General): I can tell where the numbers are, so I will not divide, but the Government does not support the proposition. The Hon. Michael Elliott has suggested that the Ombudsman is not able to cope with the FOI issues. That is not my understanding. If the honourable member is prepared to make available to me the letter to which he referred, I am happy to have a look at it, because recent consultations with the Ombudsman have not suggested that there is a resourcing problem. So, if the Hon. Michael Elliott is prepared to let me have a copy of that letter, I am willing to have the matter examined further.

My understanding is that, regarding the work of the Ombudsman in relation to health issues, he is indicating adequacy in the resources. In relation to FOI matters, there is not a significant difficulty, as I recollect. It is a little while since I saw the documentation but I am fairly confident that I can say that there is not a major problem. It is also my understanding that the number of applications in relation to FOI going to the Ombudsman is not dramatically increasing, if increasing at all. I am not confident that we can assess across Government the number of FOI applications, because the applications go to the freedom of information offices within agencies. I believe every Government would acknowledge that there are glitches from time to time in relation to FOI applications and, quite obviously, it is not in anybody's interests if those glitches which could otherwise be reasonably remedied actually occur.

The Minister responsible for the Freedom of Information Act is the Minister for Information and Contract Services. He has indicated that he has been giving consideration to amendments to the Bill which deal with publication requirements for information statements and information summaries, inconsistency between various Acts, clarification of time limits and, importantly, to deal with what I believe members of Parliament of all political persuasions would regard as confidential communications with Ministers, which are presently not subject to an exemption. There was a matter in respect of which an Opposition member wrote to me not so long ago, making some observations. The request was made under freedom of information to disclose that letter, and I recollect that I declined to do so for an appropriate reason.

The scope of the Act is very broad indeed and it certainly catches a number of communications about which members would be concerned. I do not say that with respect to members of any particular Party—Government, Opposition or a Party on the cross bench—but there are some things that Opposition members of Parliament communicate to Government Ministers which they do not believe ought to be exposed in the public arena but which under the current Act are likely to be. So, the Minister is considering that and also exemptions involving records about children. Work is already being done within the Minister's office and discussions are also continuing between the State Records Office and the Crown Solicitor's Office to improve the Act's operational efficiency in agencies. Whilst the review by the Legislative Review Committee will throw light upon a number of issues, in light of the work being undertaken by the Minister the Government is not persuaded that such a review by the committee is necessary.

The Hon. P. HOLLOWAY: I thank the Hon. Mike Elliott for his indication of support. I am rather disappointed, however, that the Attorney opposes this motion. I heard what he said about the Minister currently reviewing the Act, but from what he was suggesting it seems to me that the flavour of that review would be to make the Act even more restrictive than it is now, rather than—

The Hon. K.T. Griffin: Except in relation to members of Parliament.

The Hon. P. HOLLOWAY: It is nevertheless restrictive and, even if it is justified, that is the perspective the review

is coming from. The point I want to make in this whole debate is that there are clearly problems with the operation of the FOI. As the Hon. Mike Elliott said, some of the refusals may be a deliberate misunderstanding of the rules and procedures on the part of departments, but cases also occur where the procedures of the system itself have limitations. When I moved this motion in February I mentioned that, when the Commonwealth and Victoria introduced their Freedom of Information Acts in the early 1980s, each had a review about five years after the introduction of its Act. The Act in this State has been in operation for five years, and I would have thought it appropriate to conduct a thorough review into how it operates to determine whether it can be improved. On the record it should be stated that I am not suggesting a select committee into FOI but simply that it be referred to the Legislative Review Committee, where the Government has the numbers anyway; so, if the Government wants to exercise its discipline it can defeat any recommendations it does not like.

I would have thought there were enough issues in the operation of the FOI Act to provide for some bipartisan agreement to be reached on the need to improve it. After all, I suspect that the operation of the FOI Act is fairly expensive; many officers are involved in it. Frankly, I doubt whether we are getting very good value for money from our FOI Act at the moment. A lot of effort seems to be going into preventing the release of information rather than the supply of it. I would be most surprised if we cannot make the system work more efficiently and at the same time provide more information that is genuinely in the public interest. I am grateful that the Democrats support this motion. I hope that on the committee the members of the Government will take a constructive position towards it, because—

The Hon. M.J. Elliott interjecting:

The Hon. P. HOLLOWAY: Yes, that is true, particularly on the Legislative Review Committee. This is an area where a worthwhile contribution can be made to the operation of the Act. I find it hard to believe that anyone would think the operation of the Act was perfect at the moment, from whatever perspective they take. I commend the motion to members.

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: WASTE MANAGEMENT

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

(Continued from page 2006.)

The Hon. M.J. ELLIOTT: As the mover of the motion which originally established this term of reference and as a member of the committee that spent considerable time working on the reference, I am glad to see the report now before the Council. The committee found it to be a large reference, but it is true to say that members generally found it an interesting and challenging one and a fairly timely one, too, because at present there is a great deal of debate in the community about waste management and what to do. We have had arguments about dumps within the metropolitan area; there are now proposals for major dumps both north and east of the city; and, of course, there are arguments about recycling, green waste and deposit systems, all of those timely issues having been addressed in this report. I hope that interested parties get an opportunity to look at the report and they will find it will make a valuable contribution to the debate.

The committee also strongly supported the green organic strategy and we have looked at the work done by a couple of councils. Marion council has been a shining example in this area, and there is no doubt that a great deal can be done in the recovery of green organics, which has a number of advantages. Green organics make up a significant percentage of the total stream. I do not recall the figure off-hand, but I think it is 20-odd per cent. It also has proven to be very useful as a mulch. I noted a newspaper article recently which stated that it is being used in vineyards with quite astounding results. What started off as a small trial has led to such a demand for some of the product being used in vineyards that the trial operation cannot keep up with the demand. Not only are we in a position to reduce significantly what is going into dumps but we are producing something which has a value elsewhere. The challenge for us is to continue to improve the value.

A sidestream advantage of not going into the dumps is that, once you remove the green organics, the dump is far more inert. Far less fermentation is going on within the dump and, therefore, methane being produced. Methane is produced when oxygen is not available for decomposition. We do make some recommendations about methane. Apparently, some old landfills are producing methane which is a health hazard and which kills trees in the near vicinity but which is also a potential valuable resource. A world-leading company in South Australia has been involved in the recovery of methane, and we have made a number of recommendations in terms of facilitating the recovery of methane from closed landfills.

The last area I refer to concerns hazardous waste and radioactive waste, but I will not refer to all 34 recommendations. The committee did not form a view as to whether or not there should be a national waste repository for radioactive waste, but the committee did say that such a decision has to be expedited. It is not acceptable that Woomera become a *de facto* national repository in the absence of a real decision. Certainly, I believe—and I think it is consistent with the recommendations—that the State Government should be saying to the Federal Government, 'Make up your mind about a national repository, and let us get this debate concluded. We will not accept your simply bringing in more waste and storing it temporarily in sheds at Woomera.' The decision has to be made and cannot be continually forestalled.

In relation to other hazardous waste, the committee recommended that there should be a single site within South Australia at which hazardous waste should be collected. That is not talking about a national repository but, rather, a collocation within South Australia itself. There are obvious advantages to that in terms of keeping track of hazardous wastes and, of course, with improving technologies and having them on one site, having the capacity to more efficiently break them down. A lot of work is being done on bioremediation—previously intractable wastes which were wastes almost impossible to break down. There has been development of various bacteria which are capable of breaking down organochlorins, for example.

In talking about waste management a slogan is often used: reduce, re-use, recycle. To some extent as a society we have allowed ourselves to get trapped by just thinking about what we are going to do about our dumps without first asking the question about what goes into our dumps. What are we doing to reduce the amount of waste being produced? What are we

doing to re-use waste and what are we doing to recycle? Re-use and recycle can mean quite different things, too. 'Re-use' usually means to take a product and use it again in the way it was already used, for example, the refilling of a container. 'Recycling' is fairly self-evident, although it can take a number of forms and can be everything from taking a whole mix of plastics of various chemical compositions and melting them down to one mass and making something out of them. That form of recycling is a one-way trip because you are not capable of using it again for its original purpose and you have actually degraded the product.

The other form of recycling is where you can use it again for exactly the same purpose for which it was used the first time. Aluminium is capable of being recycled and will be as pure as the original aluminium. In fact, recycled glass is considered to be of higher quality than original glass, and glass manufacturers do not like making virgin glass; they like using a certain amount of cullet—a certain amount of broken glass—and I understand they like putting in a minimum of 20 per cent. In some cases you recycle back to the original purpose and, as in the case of glass, recycling is seen to be a major advantage with that product. As I said, we sometimes get trapped just thinking about where we are going to put the dump and how much it will smell and not ask fundamental questions about reduction, re-use and recycling.

It would be fair to say that there are some aspects of the report on which I personally would like to have seen a greater focus. For instance, we did not do a great deal about reduction of waste, although we have a recommendation that the Minister should address the issue of waste packaging. Of course, the classic case that is always raised is that of the shirt box. It is everyone's pet hate in the packaging area: why on earth these shirts come in a box with a plastic lid, with cardboard under the collar, a bit of plastic in front of the collar where the tie will go, and more pins than you manage to find until you actually put on the shirt and you find two more that you had missed. It is a huge amount of surplus packaging. That sort of packaging is manufactured waste: it does not serve any useful purpose in terms of the final product. It is quite different from a bottle.

A bottle contains a product that needs to be contained, but some forms of packaging are clearly excessive. The consumer pays for that box to be made, for the plastic and for the pins and for all the time it takes to try to get all that tangled mess into something that then looks neat and, of course, the moment the shirt comes home you throw the whole lot away—except for the one pin that you did not find, which sticks into you. I actually keep all the pins, and it is amazing how many pins you can collect after you have bought a few shirts. So, there is a recommendation that the Minister look at ways of working with industry to reduce what is clearly excessive packaging, and I hope that that is something that will be taken on board.

The issue of reuse has not been directly addressed at all, but the issue of recycling has been considered quite extensively. Some of the recommendations are simply in terms of retaining the Recycle 2000 organisation, which the committee has seen to be effective. We have also noted that some councils are not as yet encouraging recycling, and we are looking for councils to be given that encouragement. We realise that there are some impediments to recycling: for instance, you can buy the same product made by different manufacturers coming in containers made of a different plastic. If you take margarine as an example, I understand that margarine containers are not all made of exactly the same plastic. So, if you are recycling the margarine container you cannot throw all the containers in one bin and say that they can all be recycled together, because they are different plastics and you then get contamination.

It was the committee's view that we should be looking towards a form of standardisation; that is, that particular plastics should be encouraged for particular uses. Even more importantly, there should be some sort of coding system on packaging that would facilitate sorting. Any members who have looked at the bottom of a margarine container or a plastic bottle will note that there is usually a symbol, a triangular shape with arrows going around that triangle and a number in the middle. That number tells you what plastic you actually have, whether it is polyethylene, polyvinyl-chloride or whatever else. All we need to do is take each container, see that it shows the number '1', and that can go in the No. 1 box. Those symbols are quite often hard to find and, when you find them, can also be hard to read. The committee's view was that it should be possible to come up with a form of coding, whether it be colouring of the plastic, a bar code or whatever, which would be capable of being read automatically.

It would be possible to have sorting lines where a particular material used can be easily detected and sorted. Such a coding system will change the efficiencies and, therefore, the costs of recycling plastic quite dramatically. That is the challenge we have with recycling: to be able to recycle material at a cost that is competitive with that of a virgin material. With some materials that is quite easy. Aluminium is very expensive to produce in the first place and recycled aluminium is highly competitive. We are finding that paper is not so competitive. There is still a marginal disadvantage, although that is likely to disappear over the next couple of years as the amount of available wood fibre diminishes. Of course, there are plastics, some of which are advantageous and some of which are not. If we can do anything to bring down the costs of recovery, including the sorting costs, then we will have made a major advance.

The committee also strongly supported the green organic strategy and we have looked at the work done by a couple of councils. Marion council has been a shining example in this area, and there is no doubt that a great deal can be done in the recovery of green organics, which has a number of advantages. Green organics make up a significant percentage of the total stream. I do not recall the figure off-hand, but I think it is 20-odd per cent. It also has proven to be very useful as a mulch. I noted a newspaper article recently which stated that it is being used in vineyards with quite astounding results. What started off as a small trial has led to such a demand for some of the product being used in vineyards that the trial operation cannot keep up with the demand. Not only are we in a position to reduce significantly what is going into dumps but we are producing something which has a value elsewhere. The challenge for us is to continue to improve the value.

A sidestream advantage of not going into the dumps is that, once you remove the green organics, the dump is far more inert. Far less fermentation is going on within the dump and, therefore, methane being produced. Methane is produced when oxygen is not available for decomposition. We do make some recommendations about methane. Apparently, some old landfills are producing methane which is a health hazard and which kills trees in the near vicinity but which is also a potential valuable resource. A world-leading company in South Australia has been involved in the recovery of methane, and we have made a number of recommendations

in terms of facilitating the recovery of methane from closed landfills.

The last area I refer to concerns hazardous waste and radioactive waste, but I will not refer to all 34 recommendations. The committee did not form a view as to whether or not there should be a national waste repository for radioactive waste, but the committee did say that such a decision has to be expedited. It is not acceptable that Woomera become a *de facto* national repository in the absence of a real decision. Certainly, I believe—and I think it is consistent with the recommendations—that the State Government should be saying to the Federal Government, 'Make up your mind about a national repository, and let us get this debate concluded. We will not accept your simply bringing in more waste and storing it temporarily in sheds at Woomera.' The decision has to be made and cannot be continually forestalled.

In relation to other hazardous waste, the committee recommended that there should be a single site within South Australia at which hazardous waste should be collected. That is not talking about a national repository but, rather, a collocation within South Australia itself. There are obvious advantages to that in terms of keeping track of hazardous wastes and, of course, with improving technologies and having them on one site, having the capacity to more efficiently break them down. A lot of work is being done on bioremediation—previously intractable wastes which were wastes almost impossible to break down. There has been development of various bacteria which are capable of breaking down organochlorins, for example.

In conclusion, the committee has very much looked at the current situation in South Australia. We have taken a bit of evidence in relation to other States, but there is no doubt that, while South Australia is at least up with other States (and, I suspect, probably in front of most of them), by world standards, particularly compared to places like Germany, we are a long way behind. It is unfortunate that we did not have the opportunity to take more evidence on some of the work being done overseas, because South Australia is so often a world leader in things. This is one area where we are a little behind, although there are signs of some catch-up occurring. There were 34 recommendations. I commend the report to the Council as a result of a great deal of work. I support the motion.

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

[Sitting suspended from 1.12 to 2.30 p.m.]

SOCIAL DEVELOPMENT COMMITTEE: HIV/AIDS

Adjourned debate on motion of Hon. B.S.L. Pfitzner:

That the report of the committee on HIV/AIDS—Hepatitis B Inquiry (Part 11)—the Rights of the Infected and Non-infected Persons be noted.

(Continued from 28 May. Page 1407.)

The Hon. T.G. CAMERON: As a member of the Social Development Committee, I wish to inform the Parliament of the outcomes of the committee's report which was tabled in the House of Assembly on 27 May 1997. Members of the committee also included the Presiding Member (Hon. Dr Bernice Pfitzner), Mr Stewart Leggett MP, Mr Michael Atkinson MP, the Hon. Sandra Kanck and Mr Joe Scalzi MP. Pursuant to sections 13, 14 and 15 of the Parliamentary Committees Act 1991, the brief of the Social Development Committee is to inquire into, consider and report on any matter associated with the health, welfare or education of the people of South Australia; occupational safety or industrial relations; the arts, recreation or sport; the cultural or physical development of the people of South Australia; or any other matter concerned with the quality of life of communities, families or individuals in South Australia or how their quality of life might be improved.

With these principles in mind, it was the responsibility of the Social Development Committee to investigate and report on HIV/AIDS in relation to the following terms of reference: the degree of risk of infection from health workers to patient clients; the degree of risk of infection from patient clients to health workers; the rights of infected persons; the rights of uninfected persons, especially in the context of health care, contact sport, preschool and primary school settings; and the philosophy and practice of universal precautions of health workers in hospitals.

On advice from the medical profession it became evident that the original terms of reference which were referred to the committee on 15 April 1992 were inadequate. On 1 May 1996 these were extended to include hepatitis B. The report focuses on the rights of infected and uninfected persons, especially in the context of health care, contact sport and preschool and primary school settings. However, a previous report by this committee addressed the other terms of reference mentioned. That report was entitled 'AIDS—Risks, Rights and Myths', and it was tabled in Parliament in 1993. It is important to note that many issues discussed in both reports overlap, especially in relation to the terms of reference I have already outlined.

The report arose following the identification of a South Australian dentist who continued to practice after being diagnosed with Acquired Immune Deficiency Syndrome (AIDS). This attracted considerable media attention, and concern was raised in the community about safety and the potential risks associated with the transmission of this disease which, in turn, led to questions about the rights of those infected and those not infected, in particular in the context of health care and sport in schools—the terms of reference with which this report is primarily concerned.

The committee started taking evidence for the second part of the inquiry into HIV/AIDS—hepatitis B in February 1996. As the inquiry progressed it became very obvious to the committee that hepatitis C is an important blood borne communicable virus. Although not named in the terms of reference, information relating to hepatitis C has been included in the report.

Members might like to be made aware of the incidence of HIV/AIDS in Australia at present compared with previously recorded diagnoses. Since 1985, the incidence of HIV/AIDS has been in decline. In 1986, 2 624 cases were diagnosed compared with 827 in 1995, Australia-wide. In South Australia, 90 new cases were diagnosed in 1985 and, by the 1990s, only about 30 to 50 cases are diagnosed each year. I seek leave to insert in *Hansard* an appendix from the report.

The PRESIDENT: Order! I advise the honourable member that, although the table is in a suitable form, the graph in the document is not suitable for insertion in *Hansard*.

Leave granted.

Cases of HIV Infection in Australia 1986-1995*

Year	Total Cases	Males (% of Total)
1986	2 624	95.8
1987	2 773	96.1
1988	1 711	94.7
1989	1 604	94.8
1990	1 398	92.7
1991	1 400	94.4
1992	1 160	92.0
1993	1 030	92.7
1994	944	91.3
1995	827	91.0

*Source: National Centre in HIV Epidemiology and Clinical Research, Australian HIV Surveillance Report, 12:2, Sydney.

The Hon. T.G. CAMERON: Although this is relatively good news and shows that past strategies have been quite successful, many witnesses to the inquiry emphasised that the battle against AIDS has not been won. It still remains an important public health issue. However, future strategies for the prevention of HIV/AIDS will need to change in line with the emerging patterns of infection.

The report clearly shows that it is impossible to consider the rights of those infected and those not infected with HIV/AIDS without consideration of how these issues relate to other communicable diseases such as hepatitis B and C. The rationale for this type of policy direction relates to their similarities in routes of transmission and, to a lesser degree, their modes of treatment and care. The evidence arising from this report clearly suggests that these three blood-borne diseases constitute the major disease burden of the twenty-first century.

Although appreciative of the complexities of the budgetary issues surrounding the past successes of HIV/AIDS programs, the committee believes that a reassessment is needed in terms of future priorities for South Australia. However, let me stress that the committee emphasises that the continuing level of funding is necessary to ensure that the spread of these viruses is contained. The evidence outlined in the report stresses a need for these three communicable diseases to be mainstreamed with the intention of applying past successful strategies more widely to include other transmitted diseases such as hepatitis B and C. In light of this evidence, the Social Development Committee therefore recommends the following:

1. That the South Australian Health Commission, in line with the Third National HIV/AIDS Strategy 1996-97 to 1998-99, ensures that South Australian programs that aim to prevent transmission of HIV infection also include those communicable diseases which have similar modes of transmission, especially hepatitis B and C infections, as well as other sexually transmitted diseases.

2. That the South Australian Health Commission review its funding for HIV/AIDS, hepatitis B and C infections to ensure integration and to prevent duplication of programs. Funding priorities should take account of emerging incidence rates and patterns of infection. This approach to priority funding should increase the State's flexibility to respond to 'new' or emerging blood-borne viruses and sexually transmitted diseases.

I emphasise the need for the State to increase its flexibility in this area. Preliminary data from the Australian Communicable Diseases Network indicates that 339 new cases of hepatitis B infection were reported in 1995. In South Australia, nine new cases were diagnosed in the first six months of 1996. Unfortunately, not all people who contract a virus such as AIDS are symptomatic. Many remain unaware that they even have the virus.

Evidence gathered in this report suggests that, although blood donors screening for hepatitis B and vaccination for hepatitis B has lowered the frequency and risk of infection in Australia, chronic hepatitis B carriers are still regularly encountered in health care establishments. Therefore, health providers at risk (estimated at 2 per cent to 40 per cent) are at risk of infection and need to be protected as an occupational health and safety issue.

The incidence of hepatitis B in the Aboriginal population is still extremely high. In fact, several cross-sectional studies of rates of exposure have found rates close to 100 per cent by early adolescence in some Aboriginal communities. While others stabilise in the range of 20 per cent to 30 per cent, these figures indicate that the Aboriginal community should be a high priority in any future strategies that are aimed at reducing the occurrence and transmission of hepatitis B in our community.

Therefore, the committee recommends that the South Australian Health Commission investigate the feasibility of a statewide immunisation program for hepatitis B infection by undertaking specifically designed studies to determine the rates of this infection in South Australia, as well as the extent of immunisation; and the committee supports the National Health and Medical Research Council's recommendation that infant immunisation be implemented as soon as possible. Special considerations should be given to implementing immunisation programs among the Aboriginal population and strategies developed to increase the uptake of vaccination among migrant populations where the carrier rate is likely to exceed 2 per cent.

I now turn to HIV and the rights of infected and non-infected persons. Let me say that the response to HIV/AIDS in Australia has been internationally recognised. The AIDS epidemic has raised legal, ethical, social and political dilemmas in a way that no other public health issue has in recent times. In February 1990, a legal working party was established under Labor to review Government legislation in relation to issues surrounding this life-threatening disease.

In South Australia, a subcommittee of the South Australian Health Commission's HIV/AIDS Advisory Group was set up to oversee the implementation of the LWP recommendations. The subcommittee was primarily concerned with issues surrounding confidentiality, privacy and discrimination for people infected with HIV. Some could say in this debate that the rights of those infected and the rights of those not infected are at odds. The committee heard evidence to the contrary. In fact, not considering the rights of those infected could lead to infected persons not cooperating in safety measures, and so forth, therefore endangering the wider community.

In line with the recommendations of the working party, the South Australian Health Commission's Advisory Council highlighted anti-discrimination legislation as an important concern in terms of the rights of infected and non-infected persons. Recommendations included public health law, anti-discrimination legislation, injecting drug use, as well as other areas of concern to the SDC inquiry. All members should be aware that the South Australian Equal Opportunity Act 1984 prohibits discrimination on the grounds of sex, sexuality, disability, marital status or pregnancy in the areas of employment, education and the provision of services.

This report is concerned with the area and definition of 'disability'. Witnesses expressed concern that the term 'impairment' under the Act (section 66) was insufficient to

cover people who are asymptomatic, as many are with either of the three blood-borne viruses. It is with these facts in mind that the committee recommends the following: that there be an amendment to the South Australian Equal Opportunity Act 1984, to ensure that the definition of 'impairment' includes those persons who remain asymptomatic but who have been diagnosed with an infectious disease.

The wording used should follow the definition contained in the Commonwealth Disability Discrimination Act 1992, namely, the presence in the body of organisms causing disease or illness or capable of causing disease or illness. In addition, in the case of infectious diseases, it should include conditions for exemption where discrimination is reasonably necessary to protect public health. There have been no reported cases of HIV transmission from health-care worker to patient in Australia. One case has been documented in the USA. This is not so with hepatitis B.

There is evidence which suggests that this has occurred. For example, a study in New South Wales found that, between 1970 and 1994, 350 patients were infected by health care workers who were chronic carriers of hepatitis B. The same can be said for hepatitis C. Members may be aware of the case in New South Wales in which four patients contracted the disease after being contaminated with the virus following a surgical procedure.

After conflicting evidence and much discussion the committee found that some changes are deemed necessary in order for tighter controls over self-regulation. The committee therefore recommends the following: that the Minister for Health investigate whether the National General Practice Accreditation Program is an appropriate alternative to the AMADA Program of Infection Control Accreditation for South Australian doctors and, further, that the Minister for Health implement changes to the Medical Practitioners Act 1983 to ensure that all medical clinics involved in invasive procedures comply with infection control accreditation in South Australia.

Furthermore, upon receiving evidence from the Dental Board, AMADA agreed that changes to the Dentists Act would enable them to increase compliance with the accreditation process. Therefore, the committee recommends that the Minister for Health implement changes to the Dentists Act 1984 to ensure that South Australian dentists, dental hygienists, dental therapists, clinical dental technicians and dental laboratory technicians comply with adequate standards of infection control and that the Minister for Health implement changes to the Dentists Act 1984 to ensure that all dental clinics and dental laboratories comply with infection control accreditation in South Australia.

The committee further recommends that the South Australian Health Commission investigate the extent of illegal dentistry in South Australia and, if necessary, make recommendations to the Minister to ensure that the South Australian Dental Board has adequate authority to control the practice of illegal dentistry. I think the level of illegal dentistry in this State came as something of a surprise to most members of the committee.

One area of concern which was evident upon hearing evidence from witnesses related to the uptake of hepatitis B vaccination by South Australian health care workers. As I have mentioned previously, chronic carriers of the hepatitis B virus are regularly encountered in health care environments, and specific provisions should be made to protect staff and patients.

Furthermore, the committee recognises that issues related to workers compensation for health care workers infected in their workplace by a blood-borne virus need further investigation so that workers' rights in terms of compensation and patients' rights in relation to treatment are protected.

It is estimated that in South Australia vaccination rates of health care workers are as low as 30 to 50 per cent. Therefore, the committee recommends that the Minister for Industrial Affairs ensure that comprehensive programs for the hepatitis B vaccination of workers at risk be undertaken in South Australia. This incudes hospital and medical clinics and other situations in which workers are likely to be exposed to blood or bodily fluids in the course of their employment.

Further, the committee recommends that the Minister for Industrial Affairs investigate the prescribed period for compensation under the Workers Rehabilitation and Compensation Act for workers infected with a blood-borne disease acquired as a result of their occupation and, if indicated, amend the Act as necessary.

The committee further recommends that the Minister for Industrial Affairs ensure that the national code of practice for health care workers and other people at risk of the transmission of human immunodeficiency virus and hepatitis B in the workplace is incorporated under the Occupational Health, Safety and Welfare Act 1986.

I now turn to education and prevention in relation to HIV/AIDS and hepatitis B and hepatitis C. It is the view of the Social Development Committee that there has been enormous success in relation to South Australia's response to the HIV/AIDS virus. Many witnesses who appeared before the committee gave credence to this. However, I must make it clear that there was overwhelming evidence which suggested an integrated response to policy development and program implementation in relation to HIV/AIDS, blood-borne viruses such as hepatitis B and hepatitis C and sexually transmitted diseases. This is especially so in relation to education and prevention as these viruses can all be interrelated.

I want to draw members' attention to what the committee believes are high priority areas in relation to HIV/AIDS and blood-borne viruses. Although the HIV/AIDS virus is in decline in the general community, this is not the case with the prison population. The committee believes that the occurrence of hepatitis C and HIV amongst the prison population should be regarded as a high priority.

As I have mentioned previously, the high incidence of both HIV/AIDS and hepatitis B and C in the Aboriginal community should also be made a high priority. Evidence presented to the committee indicated that a coordinated State-wide approach was being developed, with the intention of increasing the access of Aboriginal people to culturally appropriate specialised and mainstream health services in South Australia—a strategy which I highly commend.

In the light of the previous evidence, the committee recommends that the South Australian Health Commission ensure that agencies involved in the education and prevention programs for Aboriginal people continue to receive priority funding and support in an effort to prevent transmission of HIV infection amongst this community. Such programs should include an integrated approach to other blood-borne viruses, for example, hepatitis B and C, and STDs. Injecting drug use continues to be an important focus of public health education and prevention strategies.

The committee heard evidence to the effect that South Australia's record in this area has been quite successful, with

11 cases being reported since 1990, where injected drug use was cited as the sole risk for acquiring HIV. However, as I have stated previously, not only is the control of HIV important in the use of injected drug use but also the challenge now is for this to transgress across all high risk blood-borne virus transmissions, in particular hepatitis B and C.

Therefore, it is a recommendation of this committee that the South Australian Health Commission ensures that agencies involved in education and prevention programs for people who inject drugs continue to receive priority funding and support in an effort to prevent the spread of HIV infection in this sector of the South Australian community. Such programs should include an integrated approach to the other blood-borne viruses, for example, hepatitis B and C, and STDs.

An interesting finding by the committee pointed out that the rights of prison inmates to remain unaffected was being severely compromised under existing conditions. Although South Australia has done a particularly good job at preventing epidemic proportions of HIV among injecting drug users, one exemption still remains—the prison system. Not only is the transmission of HIV/AIDS a problem, but hepatitis B and C are becoming a massive problem, with approximately 30 per cent of prison inmates infected. Other evidence indicates that if this issue is not dealt with the potential for high rates of transmissions of blood-borne viruses could prove costly in the long term.

The committee could not agree to provide a needle exchange program in the prison system. The Hon. Sandra Kanck and I—and this is one of the few occasions on which we have agreed—believe that the supply of bleach for sterilisation of needles, and so on, does not go far enough in preventing the spread of infection. All I can say is that the Hon. Sandra Kanck, on this issue, is enlightened.

The committee recommends that the Minister for Correctional Services implement within the prison system initiatives taken by the New South Wales Department of Correctional Services. These initiatives should include: the distribution of condoms; the ready availability of bleach to both inmates and staff; a methadone maintenance program; and a safe tattooing project. Furthermore, the Minister for Correctional Services should ensure, in consultation with representatives from the South Australian Health Commission, that the issue of mandatory testing is to remain, and it should include hepatitis B and C, as well as HIV infection.

I draw members' attention back to the beginning of my report, particularly to the terms of reference relating to schools and preschools. The committee sought evidence from all education sectors on current programs and practices. The evidence suggests that the issues outlined by this inquiry have been taken seriously by all three sectors of education and have already begun the process of integration in relation to other blood-borne viruses and STDs—a positive step, I might add.

It is apparent from the evidence from the inquiry that education has been another link in the State's successful response to HIV/AIDS and has been described as age appropriate. With this in mind, the committee recommends that the Department for Education and Children's Services, the South Australian Commission for Catholic Schools and the Independent Schools Board ensure that the management codes of practices include hepatitis B and C, as well as HIV/AIDS. Further, the Department for Education and Children's Services, the South Australian Commission for Catholic Schools and the Independent Schools Board should ensure, in line with the third national HIV/AIDS strategy, that educational programs for students focus on HIV/AIDS in the context of sexual health and related communicable diseases.

In addressing the issue of sport and communicable blood borne viruses, the committee, after hearing evidence, was satisfied that the rights of infected and non-infected persons have been adequately confronted by the major sporting organisations.

In conclusion, I reiterate the main issue that stands out in this inquiry. Although South Australia's record in relation to all aspects identified in this inquiry as a result of past policy strategies has been recognised as a major impetus for controlling the transmission of HIV/AIDS, it is now more important than ever—certainly based on the evidence put before our committee (and it was something that all members of the committee unanimously agreed upon)—to target the infectious blood borne viruses such as hepatitis B and C to the same degree. The same amount of resources now need to be channelled into hepatitis C as initially allocated to HIV/AIDS, otherwise we could see epidemic proportions of this virus throughout the whole community within a few years.

At the same time I concur with my colleague the Hon. Bernice Pfitzner that we should not be complacent about the transmission of HIV/AIDS and, as the committee recommends, the continuation of targeted programs to prevent any further spread of the disease and any other communicable blood borne viruses. I thank members for their time and urge them to read and consider this report, in particular the 20 recommendations that I have outlined here today.

The Hon. SANDRA KANCK: At the outset I give my thanks for the great work performed by the committee secretariat, including Marg McColl for her research. She brought a degree of expertise that we were incredibly lucky to have. I also thank Robyn Schutte for her ever gracious secretarial support. This committee is not always an easy one to work with, so I very much value the contribution of these two people.

The inquiry started out being about HIV/AIDS but was expanded to include hepatitis B and ultimately hepatitis C. It was impossible to keep them out of the evidence being presented, specifically because of the means of transmission of these diseases—which is basically sexual, body fluid exchange or injecting drug use—which is the same as for HIV/AIDS.

There was a flurry of interest on the day we released the report, which I think was 24 April this year, but it died off within two or three days. It is surprising that it did die off so quickly, given that this is such a significant public health issue, especially in relation to the two strains of hepatitis that we dealt with. Hepatitis B is a controversial issue because we discovered that there are high rates of infection amongst the Aboriginal community and in some parts of the Asian communities. Unfortunately, in these days of Pauline Hanson, it becomes very difficult to come out loudly and say that there is a problem occurring here because one fears that this information could be used by racists. However, unless we are prepared to say it, we will not be able to address it.

We also discovered that there are huge numbers of people in the community carrying the hepatitis C virus and that it cannot be vaccinated against. As the Hon. Terry Cameron was saying in his concluding remarks, potentially we face an epidemic with these diseases and it is being largely ignored.

Another of the surprising issues for me was the techniques being used or not being used in medical and dental practices as far as sterilisation is concerned. When one goes to visit a doctor or dentist, one expects that the equipment being used will be sterile. Certainly as a woman, when I have had internal examinations, it has never occurred to me to ask the doctor whether the speculum has been autoclaved. Having heard all the evidence that I heard on this committee, I certainly will be asking in future, should I need that procedure.

We came up with some controversial recommendations. Again, there has been little reaction to them, which has been surprising. Amongst those recommendations was that the money that currently is being allocated to HIV/AIDS needs to be spread more widely to put education programs into place to educate about the spread of the other diseases, hepatitis B and hepatitis C. We suggested that funding for Aboriginal health should be a higher priority to deal with those particular diseases and the implication, of course, is that the money that currently is available for groups that are working on HIV/AIDS specifically could be dropped, but we have had little reaction. I also note that since we released our report there has been an HIV/AIDS strategy green paper released. That also recommended a strengthening of the sexual health services to the Aboriginal community.

The other major controversial recommendation was in relation to prisons. According to the different evidence that we received, somewhere between 20 and 42 per cent of prisoners in South Australian prisons are using drugs. We could not get consensus on this, but the majority of the committee, of which I was included, recommended condom distribution, provision of bleach for cleaning needles—that is, needles used for injecting drug use—the institution of a methadone drug program and access to safe tattooing equipment. The weaknesses in the report were that we failed to address the issue of boxing. That was something that simply got into the too hard basket and probably could be the subject of a report in itself. We certainly observed that the blood rule such as we have in football is not used in boxing. One person who gave evidence suggested that the rules could be changed to stop the head being used as a target in boxing, but we really did not attempt to address that issue because it is too controversial and would have resulted in a huge influx of submissions, I expect.

The other major weakness in the report was the coyness with which the majority of the committee approached the final step of introducing a needle exchange program into our prisons. The Hon. Terry Cameron and I had a dissenting statement about that. I think that the rest of the committee were very naive in failing to address this issue. Two of the House of Assembly members, Mr Scalzi and Mr Leggett, basically said that efforts should be made to stamp out drug use, sex and rape in prisons. I think we might as well try to make efforts to try to stop the sun rising, because the evidence we received showed that—it does not matter where you want to go—no other country in the world has been able to stop drug use in prison. If you cannot stop drug use, I doubt very much that you will be able to stop sexual practices, given that the sex drive is probably a little bit stronger than the desire to use drugs.

I think that the majority of the committee who failed to address the issue of needle exchange gave a mixed message. In agreeing to supply bleach for cleaning the needles, they were essentially saying that they recognised that a problem exists but they were choosing an ineffective means of controlling it. I have noted since then the comments of our Minister for Health, Dr Michael Armitage, in his initial response to the green paper on the HIV/AIDS strategy. In relation to that, he said that he was willing to consider this as an option. So, he has a much more level-headed and less emotional approach to this.

The dissenting statement that the Hon. Terry Cameron and I had inserted into the report is worthwhile looking at for anyone who is interested in this issue because, if we are not controlling it in our prisons, we must remember these people always return into the community and the prisons themselves become a major source for the spread of these diseases. I refer to some of the quotes from people who spoke about needle exchange programs. Bernie Coates from the AIDS Council said:

> One approach used elsewhere is to make bleach available so people can actually clean their kits. That does not prevent all infection. There are some difficulties around that in relation to hepatitis C, but it is a practical and easier approach in terms of the community's view about needle exchange.

In other words, what he was saying is: it is controversial and so you accept the bleach option as a fall back position. Mat Gaughwin said:

> There is the erroneous assumption—

and I stress the word 'erroneous'—

> that, if you do not provide that equipment, in some way it will influence people not to inject, yet the evidence is clearly the other way: that people will go to extraordinary lengths in terms of sharing and injecting equipment.

The Hon. Terry Cameron and I in our dissenting statement go on to pose the question: should the committee base its decision on public perceptions, even if they are erroneous? I think it is a very foolish way to go, but it is the way that the majority of the committee chose to go. When the report was released in April I put out a media release. I quote the last sentence, as follows:

> The issue of public liability also hasn't been adequately considered. It's only a matter of time before a prisoner sues the State Government for breaching their duty of care by exposing them to increased risk of blood borne viruses.

Since that time a prisoner in South Australia is in fact launching a case against the South Australian Government seeking unspecified damages for contracting hepatitis C in gaol; it did not take long. That is from the *Advertiser* from the 18 June, so it was only two months after we released our report when I said that this item appeared in the *Advertiser*. That situation has already occurred in New South Wales, where a prisoner sued for developing HIV/AIDS. In his case it did not eventually progress, because he died last December. If someone has had hepatitis C they are unlikely to die and will have a much greater chance of success with such a case, and it will be interesting to see whether the Hon. Terry Cameron and I are vindicated with our dissenting statement.

One of the items members will see in the bibliography of the report comes from a presentation at the Seventh International Conference on the Reduction of Drug Related Harm, which occurred in Hobart from 3 to 7 March 1996. It was written by Gino Vumbaca, the Manager of the HIV and Health Promotion Unit of the New South Wales Department of Corrective Services. I quote in part what he said in that presentation, as follows:

> So quite simply the answer must logically lie with legal reform in the community and with working with prison staff to address their safety concerns. If the laws surrounding injecting drug use and the use of drugs in the community are reformed, so as to allow for the provision of such substances and services, in a controlled way, in a

controlled and health managed manner, as is currently being considered in the Australian Capital Territory or even to a lesser extent by the licensing of shooting galleries as is being raised in the ongoing royal commission in New South Wales, then a resolution, addressing the issues of both sides, may be possible.

In mentioning both sides he refers to the prison officers' concern about a needle being used as a weapon against them. He continues:

If inmates were able to enter a medically controlled and legally sanctioned room within a prison, where they are provided with clean injecting equipment and possibly even the drugs they wish to use, and are made to inject their drugs—purchased or provided—in this room and made to dispose of the equipment in that room, then the safety of staff in prisons will actually be increased as there will be no need for inmates to maintain hidden and illicit supplies of needles in prison.

However, substantial legal reform would be required in the community if this option for the prison system is even to be contemplated at all.

It seems from the evidence that we received that it would also require a substantial change in public opinion, because the law makers are not prepared to address it until public opinion changes. My feeling is that the law makers should drag public opinion along with them. Certainly, in light of the legal action we have had launched in South Australia, what happened in New South Wales last year, and the fact that we have a growing prison population, these issues do need to be addressed.

For a very brief period the committee was able to bring public attention to the threat of hepatitis B and hepatitis C in our community. We have made some important and substantial recommendations and I look forward to some positive responses and action from the respective Ministers who will respond to this report.

The Hon. CAROLYN PICKLES (Leader of the Opposition): I support the motion. I would like briefly to refer to the previous Social Development Committee that was taking evidence on some parts of this issue before the State election in 1993. As highlighted in the background to the inquiry, the report 'AIDS: Risks, rights and myths' was tabled in Parliament in 1993 and evidence was taken on the issue of the rights of infected and non-infected persons. I am sure that some of that evidence proved very valuable to the present committee. Because the report was never tabled, I would like to pay tribute to the work done by the former Research Officers, John Wright and Vicki Evans, and the former members of the committee: the Hon. Ian Gilfillan, the Hon. Legh Davis, Mr Michael Atkinson, Ms Dorothy Kotz and Mr Vic Heron. As I was the Chairperson I know that we worked very hard to get that second report finalised before the State election.

It was not possible to do that and, post the State election, when there were different Chairpersons and different priorities for the committee, it rather fell into limbo. I am not denigrating the role of the committee: it did some important work in some of the other references that it was looking at. This has been a very important inquiry. HIV/AIDS and hepatitis B is not something we can become complacent about. In Australia we have had a very good record and a very open way of dealing with the issue. Unfortunately, I believe that when we do things well we get a little complacent about them, and these kinds of inquiries highlighting the recommendations are certainly timely to remind us that we must be ever vigilant against the spread of this particularly awful disease.

I certainly supported the minority dissenting statement of the Hon. Sandra Kanck and the Hon. Terry Cameron. That is a sensible approach, and I do not think it is something that we can continue to ignore. So, in paying tribute to the members of the committee, since I had a very keen interest in this issue I thought I would also highlight the fact that there was another committee and other members working on this issue who, I am sure, were very interested to see the report. Perhaps the Secretary to the committee could ensure that those former research officers could receive a copy of the report, because I am sure they would be very interested to see it.

The Hon. BERNICE PFITZNER: In view of the lateness of the session, my closing remarks in noting the report will be brief. First I would like to thank the present staff, particularly Ms Marg McColl and Ms Robyn Schutte, for the work they have put into this report. Ms Schutte has left and we now have a new research officer, Mr Ben Calcraft, a lawyer by profession. We look forward to his contribution on the next topic, the gambling issue.

I would thank the members of the committee for their contributions, in particular the member for Hartley (Mr Joe Scalzi) and the member for Hanson (Mr Stewart Leggett), both also members of the Social Development Committee. Although they supported the bulk of the report, I felt that they found it too difficult to accept the harm minimisation strategy that the committee recommended with regard to limiting the transfer of blood-borne viruses in prisons.

I thank also the member for Unley (Mr Mark Brindal) for his contribution in supporting recommendation 17 of the report with regard to initiatives in prisons, including the distribution of condoms, the ready availability of bleach—both to inmates and staff—the methadone maintenance program, and the safe tattooing project. I would also thank the Hon. Terry Cameron and the Hon. Sandra Kanck for their contributions. Both those honourable members went further with regard to the initiatives in prisons in advocating needle exchange as well. In my initial contribution I canvassed in detail why needle exchange was not an option. I assure members that it was not because of the perception in the community but for many other rather complex reasons.

I would like to update this Council on the latest reports of blood-borne viruses in prisons. In the *Advertiser* in November 1996 there was an article entitled 'Inmates raped and bashed for drugs'. That article states, in part:

Young prisoners are being raped and bashed by 'standover men' if they refuse to help smuggle drugs into gaols, their families have claimed. They said their children had been raped and assaulted by older inmates when they refused to arrange for drugs to be 'brought in' during visits. One woman, who asked not to be named, said that her son had been the victim of 'standover men so many times I can't remember. What can we do? If we don't find the drugs and get them in somehow, he gets raped and beaten up. Don't you believe anyone who tells you all this stuff isn't happening. It's happening everywhere.'

Further on, it states:

'It happens all the time. You see guys walking around with broken noses and busted lips, and they just say they walked into doors. Younger guys are always getting raped. We had a guy who got transferred here on Monday afternoon and by Monday night he had been raped, but he is too scared to do anything about it. The screws (prison officers) know what is going on but there's stuff all they can do about it because nobody wants to file reports.'

A January 1997 report in a Sydney newspaper entitled 'Unfair Punishment' states:

One ex-prisoner, then another, then another, told her [the research officer] he believed he had contracted HIV while in prison, most probably from injecting drugs with shared equipment. Six men told her a similar story—too much of a worrying coincidence to ignore.

Further, the article continues:

In one of the few studies of this kind worldwide and the first in Australia, [the researcher] Dolan proved that at least eight of the 14 drug users she studied in detail were infected with HIV while in prison. Australian prisons are crowded with drug addicts. They make up about 50 per cent of inmates—

I think our committee took in the figure of 70 per cent, yet hers was 50 per cent—

and up to half of them continue to inject inside gaol, sometimes sharing one syringe with as many as 15 strangers.

Most drug users have short sentences, which means that they may be released unaware that they have become infected with HIV. Australia has won international recognition for controlling HIV among drug users in the community, primarily with needle and syringe exchange programs, says Dolan. 'But we are undermining those efforts by not preventing outbreaks of HIV in prisons.'

Dolan says some of the men she studied have partners who are HIV positive, and children. Yet she was unable to gain ethical approval to interview these outside contacts to determine how they were infected. 'That is a shame, because that is the kind of evidence you need to sway the whole population to protect prisoners. . . for the safety of people outside.'

The article goes on to say:

Dr Alex Wodak, the Director of Alcohol and Drug Service at St Vincent's Hospital, also believes that the problem of HIV transmission within prisons has been underestimated here and overseas. He says Australian prisoners commonly use syringes that have been cut down to half size, so they can be smuggled in, in a shoe or orifice. Needles are sharpened on a brick, and worn rubber plungers are replaced by pieces of rubber thong. 'The whole thing is a public health disaster waiting to happen,' he says. . . Dr Keliher [who is the Commissioner of Correctional Services] says he remains firmly opposed to the distribution of clean needles and syringes to prisoners. 'We won't have those lethal weapons being passed around in prison. We already have one prison officer who has contracted HIV from a needle-stick injury—a deliberate attack upon him.'

Dolan says these 'weapons' already exist inside. 'So if you could organise a system where you do not increase the number of syringes, but remove the infected ones, you would be removing the problem.' [However] Wodak adds that it has been a 'hell of a battle' just to get condoms into gaols, so a needle exchange is only a 'long shot'. . . 'The prison authorities have got to realise that if a prisoner gets infected because they have not got the means to prevent infection, then it is on the prison authorities' heads. And one day there will be a court case to test that.' In fact, last year a 52 year old prisoner, Richard Lynott, sued the New South Wales Government, alleging that he had contracted HIV in gaol. However, he died before the case was concluded. . . inmates want to use condoms. Some she talked to had tried makeshift protection, such as a bread bag tied on with a rubber band, or the finger of a latex glove.

So we have all this evidence of possible infection and contamination happening in our prisons. In the *Advertiser* of 18 June, to which Ms Sandra Kanck alluded, an article headed 'Jail inmate sues over hepatitis' reported that the inmate was alleged to have contracted hepatitis C while in gaol.

I am encouraged by the comments of the Minister for Health during Estimates Committee A in which he said:

. . . very importantly—the establishment of a Prisons and Health Committee to develop policy, procedures and standards for communicable diseases in prisons similar to the one in New South Wales.

The *Advertiser* of 27 June 1997 reported the following:

Releasing the paper yesterday, Health Minister Dr Armitage indicated his support for the consideration of condoms and possibly modified syringes to be introduced in prisons to reduce the risk of infection to Correctional Services staff and prisoners.

'I've said publicly that from a health perspective I think those are reasonable things to at least investigate,' he said. . . . The Correctional Services Minister, Mrs Kotz, repeated her view yesterday that the proposals did not fit into current Government policy.

The article quotes the Minister as saying:

While these systems may be suitable for New South Wales, I do not consider that at this stage they are suitable for South Australia.

I feel rather disappointed and perhaps there might be some shift in those thoughts. Further, I would like to identify the problem of cleanliness in medical surgeries as raised in recommendation seven. We have asked that medical clinics involved in basic procedures comply with infection control accreditation in South Australia. I am happy to note that an article in the *Sunday Mail* of 13 July 1997 entitled 'Surgeries to scrub-up' states:

General practitioners will have to maintain impeccably high standards in their surgeries to win accreditation under the new quality control scheme to begin in October . . . a subsequent campaign will urge the public to use approved GPs. Areas checked will include cleanliness, availability of toilets, security of records, adequate privacy and safe disposal of waste. The voluntary system will cost GPs $1 200 every three years—

which is nothing when one considers the results—

and refers only to the quality of work places rather than their training or medical competence . . . In two trial schemes which checked 700 surgeries, more than 90 per cent passed the standards required.

And that is most encouraging. I will update this Council on our latest very infectious virus (mentioned already in members' contributions), namely, hepatitis C. It is a most infectious virus. An article in the *Australian Doctor* of 13 June entitled 'Transmission' briefly outlines the causes of hepatitis C and states that, after 15 years, 85 per cent of people develop chronic hepatitis, that is, an infection of the liver with severe inflammation. Further to that, after five years, 20 per cent of people develop cirrhosis, or fibrosis of the liver, which leads to dysfunction of the liver. Then, after five to 10 years, 1.4 per cent of people develop hepatocellular carcinoma, or cancer of the liver.

The *Medical Observer* of 27 June 1997 gives the latest vital statistics and, under the heading 'The Big HCV Picture', states:

There are an estimated 500 million hepatitis C sufferers worldwide. Some 20-25 per cent of the total 150 000 to 200 000 were medically acquired or transfusion-related before screening began. The main source of infection, about 75 per cent, is intravenous drug use; additional known sources, other than pre-1990 blood transfusion and blood products include tattooing, needle stick, household transmission (sharing equipment like razors, toothbrushes) sexual contact . . . and those who contracted it in their country of origin.

Dr Nick Crofts, Deputy Director of the MacFarlane Burnett Centre for Medical Research in Melbourne, puts Australian figures of hepatitis C sufferers somewhere between 150 000 to 200 000. Mr Stuart Loveday, the executive officer of the Hepatitis C Council of New South Wales, says:

Australia has been relatively quick to build policies to meet the threat, but it has been relatively slow to develop services and firm actions to reduce the number of new infections occurring each year. Caring and supporting those who already have hepatitis C, and reducing the number of ongoing infections, are the two areas where the most attention has to be paid. For that, it requires funding. Fortunately, for those with it, hepatitis C is a long-term condition. But unfortunately, from a political perspective, we do not believe that governments look into the future sufficiently enough to take the bigger action that is needed now to prevent the spread [of hepatitis C].

In conclusion, these blood borne viruses are still very much with us and we must continue the fight. The first and important step is to look into our prisons and not wait until someone says, 'I told you so,' but rather take up the recom-

mendations of this report. I again commend the report to the council.

Motion carried.

MEMBERS OF PARLIAMENT (REGISTER OF INTERESTS) (RETURNS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 December. Page 715.)

The Hon. K.T. GRIFFIN (Attorney-General): The Government does not support the second reading of this Bill. While in Opposition we gave our support for the introduction of legislation providing for a Members of Parliament Register of Interests and made a significant contribution to the parliamentary debate on the issue and to the settling of the 1983 and 1993 Bills. I can remember quite vividly the debates in relation to the 1993 amending Bill and the extensive consideration given to all of the implications of the requirements that were initially proposed by the Government and subsequently the subject of amendment, ultimately by agreement. I do not propose to take up the time of Parliament by going over old ground, but rather propose to deal with proposals in the Bill on their merits.

Clause 2(a) would reduce the control threshold for a family company from 50 per cent to 15 per cent. I could foresee that a member might have difficulty in complying with the Act in respect of such a company. It could also result in undue intrusion into the affairs of such a company. This proposal and others in the Bill to which I will refer seem to cast the disclosure net too wide and as a result would increase the disclosure of information of questionable value. I am not convinced that there is a case for departing from the current control test. Incidentally, the 50 per cent control test was established for that very reason, that there may be members with only a very small interest in a family company, which would certainly not be a controlling interest but, because of the way in which the Act is structured, that company would be deemed to be a related company and all of its transactions would be subject to scrutiny under the provisions of the Act.

Clause 2(b) would remove the exemption for testamentary trusts from the definition of 'family trust' on the basis that a testamentary trust may give rise to the same conflicts of interests as other trusts and investments. Testamentary trusts were excluded when the 'family trust' definition was inserted by the Labor Government in 1993 so that members would not need to disclose the names of the executors of wills under which they were the beneficiaries.

I am not persuaded on the basis of the honourable member's comments on this matter that the exemption should be removed. The Bill also seeks to cover members' interests through joint ventures and superannuation schemes. Amongst other things, it provides for an administrator of a superannuation scheme of a member and a person who is a party to a joint venture of a member to be regarded as persons related to a member. However, these proposals could have unintended consequences because of the wide class of persons whom the superannuation fund of a member may, by definition in the Bill, wholly or substantially benefit. For example, it could result in the following persons being related to the member: the administrator of a superannuation scheme for an accountant who assists the trustees in the administration of the member's family trust; or the administrator of a superannuation scheme solely for persons not related to the member employed in the joint venture. Clause 3(a) would reduce the threshold for disclosure by Ministers of gifts to $200. The current threshold for all members is currently $750. No case has been made for such reduction. I am concerned that the threshold should not be set so low as to require disclosure in cases where a—

Members interjecting:

The Hon. K.T. GRIFFIN: That's right: it is in the ministerial code. But it has not been changed for a long time and of course the amount that was fixed by the previous Labor Government is way out of date.

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: Well, if the $750 is out of date it should be increased.

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: That's right; I agree. That is what we did in 1993. We took a view as to what would be a reasonable level, taking into account inflation since the 1983 legislation was enacted. No case has been made for such a reduction in the case of Ministers of gifts reduced to $200, except in relation to the current reference in the ministerial code. I am concerned that the threshold should not be set so low as to require disclosure in cases where a conflict of interest is unlikely to arise.

Clause 3(e) would newly require disclosure of any trust or superannuation scheme of which the member or related person is a beneficiary, trustee or administrator. Its intended scope may need clarification, having regard to the operation of subsection (4) as proposed to be inserted in section 4 of the principal Act by clause 3(i) of the Bill. Further, with the considerable widening of the definition of a person related to the Minister proposed elsewhere in the Bill, there is concern that the provision would increase the disclosure of information but be of questionable benefit.

Paragraphs (f) and (g) of clause 3 reduce the thresholds for disclosure of debts of a member or related party to another person from $750 to $2 500 and of moneys owed to the member or related person from $10 000 to $5 000. No reason has been provided for these adjustments. If the amounts are set too low there would be a greater frequency of disclosures of doubtful value and, I suggest, inadvertent failure to disclose. When we debated this Bill in 1993, one of the reasons for setting those figures at that higher level was that it was felt that the then thresholds were unreasonably low and would create the need for a great deal of administrative effort for no benefit in the context of disclosure of interests and potential conflicts of interest.

Clause 4 inserts a substitute for section 7 of the principal Act. Amongst other things the new section would make it an offence to contravene or fail to comply with the Act unless the member can show that it was not intentional or due to failure to exercise reasonable care. Currently, for there to be an offence, such contravention or failure must be wilful. It also provides for a new offence for schemes to defeat, evade, prevent or limit the operation of the Act.

Proposed section 7(1) is unduly onerous. A member could be in jeopardy for an unknowing error in the register where there has been no impropriety. The new offence for schemes to defeat the operation of the Act is inappropriate and would be unworkable. The purpose of the register of interests legislation needs to be put in perspective, and the practical limits on how far such legislation can go must be appreciated.

In view of the consequences for members of a breach of the Act, it is important to ensure that the Act applies fairly. The minor technical proposals at clause 3, subclauses (a), (c) and (d) are noted. The honourable member should remember

that the Standing Orders have a requirement for a member with a pecuniary interest in a Bill before the House to disclose that pecuniary interest and not to vote on that Bill.

The disclosure of interest legislation is complex. I am sure when members come to fill out their return as at 30 June 1997, when they read the return in conjunction with the Act, they will really find it challenging to identify what should or should not be disclosed. It is quite possible that many members will fail to make disclosure—not wilfully, but unintentionally—because of the complexity of the legislation.

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: It is. If you look at the Act and try to interpret some aspects of it, you have to be very careful. It relates to an ongoing disclosure: it is not just disclosure at 30 June. Some aspects of it relate to other parts of the return period.

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: There is actually. For example, you need to record the gifts throughout the year. Contracts with the Government—

The Hon. T.G. Cameron: That is one of the weaknesses with this Act that on 1 July you could go out and buy $1 million worth of shares in a company and you do not have to declare it for 12 more months.

The Hon. K.T. GRIFFIN: That is right. If you want to set up a regime where members are constantly on a week by week basis updating the register, that is a different issue.

The Hon. T.G. Cameron: I am not proposing that. They are your proposals.

The Hon. K.T. GRIFFIN: I know you are not proposing that. All that I am saying is that one has to really look at the object of the legislation. It is to deal with the issue of disclosure of interests, not necessarily those that will give rise to a conflict, but to disclose interests which it may be asserted give rise to such conflict but in reality do not. It is for those reasons, and because the substantial clauses of the Bill do have serious deficiencies, that the Government does not support the Bill.

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

CONFLICT OF INTEREST

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

(Continued from page 2007.)

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I strongly oppose the motion that has been moved by the Hon. Mr Elliott only on Wednesday of this week. I wanted to join with the remarks made by my colleagues, in particular those made earlier this week by the Hon. Legh Davis and those made by the Hon. Caroline Schaefer earlier today in this debate. I have known the Hon. Jamie Irwin for 15 or 20 years from when he was first active within the Liberal Party as a member of the volunteer side of the organisation. He attempted to win preselection for a Lower House seat and he was unsuccessful.

To his pleasure, and certainly for the benefit of the Liberal Party, he was successful in preselection for the Legislative Council and, I believe, has served with distinction in the Legislative Council in the subsequent years. Like the Hon. Mr Davis, I have always respected the honesty and integrity of the Hon. Jamie Irwin as an individual and as a member of Parliament. 'There is no straighter arrow', I think was the phrase the Hon. Legh Davis used. I can only agree with him in terms of the personal integrity and honesty that the Hon. Jamie Irwin brings to the Parliament and to everything that he does in the community.

In this Chamber there are not too many people for whom most members (Labor, Liberal and Democrat) would have tremendous respect and tremendous personal affection, and whose honesty and integrity is respected in the way they approach their business. I venture to say that the Hon. Jamie Irwin is one of the few members who could be placed in that category. In the discussions I have had with Labor members of Parliament over the past 24 to 48 hours, a number of them have expressed that view, and I know that a number of those members from the Labor side of Parliament view with abhorrence—as do Liberal members—the reflection placed by the Hon. Michael Elliott by the motion and by some of the statements that he made in this Chamber earlier this week on the integrity and character of the Hon. Jamie Irwin.

The Hon. Jamie Irwin will speak in a moment. Obviously, only he can accurately address the inaccuracies stated by the Hon. Michael Elliott in relation to the issues he has raised, and I therefore do not intend in my brief contribution to address too many of the details; that will be a matter for the Hon. Jamie Irwin. But, as I said, on behalf of all Government members—because not all Government members will be able to speak in this debate—and as Leader of the Government I want to place on record the Government members' support for the integrity and honesty of the Hon. Jamie Irwin at this difficult time; and our support by way of our attempts to see this motion defeated today, we hope, with the support of members of the Australian Labor Party.

Of course, that is a decision for the members of that Party. We realise that the motion has only just been introduced, but we would hope that members of the Labor Party (or at least a representative) would be prepared to speak today and have the motion defeated before the Parliament is prorogued some time in the next few weeks. One of the concerns I had in relation to the issue that the Hon. Michael Elliott raised was the nature and construction of the argument he attempted to put. As the Hon. Legh Davis indicated, he led into his discussion with concerns about corruption, which is an emotive word, one guaranteed a headline, and led on from his concerns about corruption to list three examples of what he believed to be conflict of interest.

When challenged by way of interjection, he indicated that he believed that conflicts of interest of this type laid the ground work for potential corruption. He sought to make clear that he was making no personal inference against the Hon. Jamie Irwin, but I believe that, clearly, in the construction of his speech he has done that; that is, he has reflected on the character and integrity of the Hon. Jamie Irwin in the construction of the argument that he developed. I had a private discussion with the Hon. Mr Elliott afterwards. I will not indicate what he said, but I place on record what I said in expressing my disappointment at what he had done in the Parliament.

I indicated to him that, if he wanted to have a go at the Government over conflict of interest situations, he could have done so without mentioning or naming the Hon. Jamie Irwin at all. He mentioned a number of other public cases, which were on the public record. I expressed the view to the Hon. Mr Elliott that he could have made his point without referring to the Hon. Jamie Irwin or, indeed, the circumstances of the case but that, if he wanted to refer to the broad circumstances

of the case, he could have constructed his example in a hypothetical way, such that he did not mention the particular circumstances of the company and the particular circumstances and name of the member but, nevertheless, made whatever general point it was that he was seeking to make. He deliberately chose not to do that. That was a conscious and deliberate decision that the Hon. Michael Elliott took, one that all Government members personally regret, and one that I am sure the Hon. Jamie Irwin will indicate he strongly resents, in terms of the way in which the Hon. Mr Elliott's argument was constructed.

I frankly could not understand much of the argument in relation to the Hon. Jamie Irwin that the Hon. Michael Elliott was trying to develop. If the Hon. Jamie Irwin was in a position as a Minister to be able to dictate the change of Government policy or the implementation of Government policy in some particular way, and if the allegation was that, as a result of his using that power that he had, he in some way sought to influence a family company or a personal benefit that he had, then one could at least understand the sort of argument that the Hon. Michael Elliott might have been directing.

Certainly, one can understand, without necessarily agreeing with, the arguments of the Hon. Michael Elliott in relation to the conflict of interest allegations made against former Minister, Dale Baker: that is, he was a Minister, in a position to make decisions, and the allegations were made about the decisions he took as a Minister and how they might affect his personal circumstances. However, the Hon. Jamie Irwin is a member of the Government Party but is not a Minister; he is not in a position to dictate change in Government policy; he is not in a position to dictate change in the implementation of a particular Government policy, and the Hon. Michael Elliott is alleging conflict of interest in relation to, in particular, the activities of the Environment Protection Authority.

The point that the Hon. Mr Elliott did not address—and I would hope that the Hon. Mr Irwin will—is that, first, the Environment Protection Authority is an independent authority. It is not able to be dictated to by the Government of the day, and it is certainly not able to be dictated to by a member of the Government Party in the Legislative Council not serving in a Cabinet position. The Hon. Jamie Irwin cannot dictate the individual actions taken by the Environment Protection Authority or its officers.

When the Hon. Mr Elliott was challenged on this issue, there was no evidence proffered by him to substantiate this vague allegation—it is not a vague allegation, the allegation is quite clear, but the evidence to back the allegation was vague—in relation to conflict of interest and the actions of the Environment Protection Authority. As I said, the Hon. Jamie Irwin will address the details of some of the claims made by the Hon. Mr Elliott but, as a member in this Chamber, I for the life of me could not understand the logic of the argument being put by the Hon. Michael Elliott in relation to that.

We have all been in this Chamber for some time and we have all been subject to circumstances where members of the media—certainly when you are in Opposition, more often than not—approach members, or *vice versa*, to see whether members are prepared to play ball by putting on the record, with the protection of privilege, issues that members of the media might want to pursue but are a little doubtful about pursuing without the protection of parliamentary privilege. I am pleased to say that most members reject that sort of arrangement with a member of the media unless, of course, they are 100 per cent convinced that there is enough evidence to substantiate a particular allegation or claim that is going to be made under parliamentary privilege.

My concern is that, when one looks at why Mr Elliott did what he did, the honourable member was in fact working in collaboration with a member of the media to place these particular allegations on the parliamentary record, to use emotive and inflammatory phrases such as 'conflict of interest', to use in the introduction of his contribution inflammatory and emotive words such as 'corruption' when introducing his particular motion and to try to indicate from his viewpoint what he saw to be the seriousness of the allegation.

We will all wait with bated breath to see which particular member of the media—and certainly I have a fair idea, and I am fairly sure that the Hon. Jamie Irwin has a fair idea as well—in the not too distant future will take advantage of the reprehensible exercise by the Hon. Michael Elliott this week in terms of placing on the record, with the protection of parliamentary privilege, the allegations that he has made about the Hon. Jamie Irwin.

With those comments, I conclude my remarks by saying again that I speak formally on behalf of Government members all of whom I am sure would have wished to speak in this debate to indicate their support for the Hon. Jamie Irwin. I do so on their behalf, and indicate to him our unfailing support during this particular trying circumstance.

The Hon. J.C. IRWIN: I am pleased to have an opportunity to reply to the Hon. Mr Elliott's motion, notice of which was given last Tuesday for discussion on Wednesday, which in parliamentary terms was only yesterday (but in actual terms was two days ago). As that turned out, last Wednesday was the last day we were going to sit for the session with the prospect of our not coming back for at least a couple of months. So, I am very pleased to have this opportunity to express my appreciation to my colleagues in this place for giving me the opportunity on this last sitting day of the session to address the issues raised by Mr Elliott.

Obviously I do not support the motion. As I am an object of the motion, I have an interest which is and has been appropriately declared. I state categorically that I have no conflict of interest. I am not a director of Neutrog Pty. Ltd; nor am I a director of Neutrog Holdings. I am a unit holder of Devernet Pty Ltd, trustees for Devernet Unit Trust. It is an interesting name, as it is my mother-in-law's second name. Her name was Frances Devernet, and she always hated that, so we used the name in the family. That is clearly on the record.

I have absolutely no involvement in the decision making of the companies I have mentioned. I do not know and would not know with which department the company was dealing at any one time. I cannot influence any department. I have absolutely no involvement in the day-to-day operations of the company. As I have said, my interests are on the table and most of them are with the Australian Securities Commission, which has all the publicly available documentation at any one time. I am sure if any member or investigative journalist wanted to check that out, they would have done so by now. It is there for all to see and always has been. That gives the lie to those accusations that I am a director. Certainly, I take great exception to any accusation of conflict of interest or corruption that can be taken from the Hon. Mr Elliott's opening remarks.

I thank my colleagues on both sides of the Chamber for their expressions of personal support, privately, on the issues raised and how they were raised by our colleague the Hon. Mr Elliott. I commend the contributions that have already been made by the Hon. Caroline Schaefer and now by my Leader, the Hon. Robert Lucas, and I certainly appreciate that support. Certainly, I do not intend to let down the people who support me. Many of us share a sense of amazement at the wording of the motion and the pathetic attempt to wrap three individuals—including me—into the fabric of the motion.

I especially thank my friend the Hon. Legh Davis sitting next to me for his contribution on Wednesday night, straight after the Hon. Mr Elliott had spoken, when he effectively refuted the points that the Hon. Mike Elliott tried to make in support of his motion. The Hon. Mr Davis is truly honourable, with his integrity, intelligence and wisdom—all his faculties—being in tact after 18 years in this place. I acknowledge that: it is a pretty good record. I always value his support and advice.

I have no intention to make a lengthy contribution on the motion in teasing out every issue raised, but I will make some effort. I put to the Council that I and others have probably said sufficient to make a nonsense of the motion. If nothing else, the Hon. Mr Elliott has shown all of us here that he really has no idea or grasp at all of what a conflict of interest is. I agree with what the Hon Mr Davis said on Wednesday night:

> There will always be conflict between our duty and our interest. It is how you or we deal with that conflict that counts.

Time has not allowed me to research all the material available which could have enabled me to educate the Hon. Mr Elliott on the points he raised and how they have been and are being addressed by Neutrog (I will not give all its other names because that is the short name we use).

However, I do want to make some brief points. Neutrog Australia has been in existence for 10 years and its main aim was to pelletise chook manure sourced from Murray Bridge. That is the simplistic way of putting it, because they sourced it even from interstate to start with—for all sorts of reasons which I will not go into here. Importantly, the company started from nothing, with nothing. The pelletising process, it is interesting to note, is a world first which was developed by a veterinary scientist born in Adelaide and based at Adelaide University. It is interesting to question why it was such a difficult process to perfect, but it did take many years.

My wife and I provided some financial backing to help our son Angus and his business partner, Mr Brian Smith. This partnership, of two very different aged people with different backgrounds and experiences, is the key to the success of the company. In short, the brain power, the finances, innovation, factory work and man hours are divided up by the partners to provide a dynamic, young expanding South Australian company dealing with the very areas most dear to the heart of the Hon. Mr Elliott—the environment.

It is an organic fertiliser and most of its production is to deal with organics and nothing else. The company employs 19 directly and many more indirectly. It is exporting overseas nearly 10 per cent of its gross turnover, as well as exporting to other States in Australia. It has an interest in selling its technology in Korea, South Africa and China—all to the eventual benefit of South Australia.

One of the company's recent innovative projects is a product called Humungus. This product is a soil improver made from mixing 25 000 tonnes of sheep carcasses that have been buried on the MFP site with green waste and then composting it. This afternoon I heard the Hon. Mr Elliott talking at some length about green waste. This joint venture pays 20 per cent of its gross sales from that product to the MFP up to a value of $50 000. It is helping and giving something back, as well. The process removes in excess of 25 000 tonnes of sheep carcasses from further damaging the environment.

Some time ago—and I cannot put a date on it—I was made aware of a problem with the dead chook carcasses in and around Murray Bridge. A major environmental problem was looming. This was and is a South Australian environmental problem, not a Neutrog problem. The Hon. Mr Elliott may remember that the EPA Act has been in operation only since May 1996, and the Kanmantoo operation of Neutrog came into existence about eight years before that. As others, including the Hon. Mr Lucas, have advised Mr Elliott and other members in this place, the EPA is an independent body.

The EPA has made it illegal for growers, including very large producers such as Inghams and Steggles and many small producers, to dispose of bird carcasses by burial. The burial method was reasonably cheap and effective, but it caused a very real potential for underground water pollution. As I understand it, Neutrog agreed to work with the EPA and the growers to devise and trial a method of composting the dead birds with the chook manure. The EPA eventually declared it illegal to bury the dead birds.

As far as the methodology was concerned, the trial worked, and the product Rapid Raiser is the result now on the market. However, I acknowledge—and the company acknowledges—on advice that one part of the trial has not worked satisfactorily, and that is related to the smell. I ask members to try to imagine the smell on a hot day in the middle of summer emanating from and related to picking up dead birds from Murray Bridge, given that those birds were put in a bin two or three days before they were picked up by Pacific Waste and carted to the Kanmantoo site, via a small residential area, and dumped on site to be put into the composting bays. There are a number of processes where there is a smell.

In broad terms I know of the work going on by many people and agencies, including the EPA, the Adelaide Hills Regional Development Board, Mount Barker council and Neutrog itself, to overcome the smell problem. I understand that Neutrog has always acted on the advice of the bodies that I have just identified and no-one else. To anyone who can think past their nose—and it is probably apt to use that terminology—it is not too difficult to understand the dilemma if the EPA were to close down this company, or a company like Neutrog, having encouraged it to start the process.

What would that achieve for the major South Australian environmental problem of the disposal of bird carcasses? Who will deal with that very real environmental problem? We cannot burn the dead birds because that is environmentally not available, and we cannot bury the dead birds because that practice has been banned by the EPA. The Hon. Mr Elliott must be well aware of this fact, so I ask him: what should we do with the dead birds? Without wanting to be arrogant, I advise that Neutrog can use a number of substitutes to replace the dead birds and still produce a first-class organic fertiliser without any smell. If that is all too hard, Neutrog could move to Victoria and be a loss to this State. Of course, the EPA has the power to close down the dead bird composting operations for proper reasons at any time, and we all acknowledge that. If it did, the primary

pollution problem about which I am talking would remain, and the primary environmental problem would remain. As I said earlier, it is a South Australian problem, a Murray Bridge problem, and not necessarily on its own a Neutrog problem. Certainly, in good faith it was and is prepared to tackle the problem.

The environment is the cornerstone of the Hon. Mr Elliott's professed philosophy. I was recently made aware that local Kanmantoo residents were seeing Mr Elliott; that is quite a proper thing to do, and I encourage that. The so-called Kanmantoo anti-pollution group of about five were meeting with Mr Elliott following a lengthy consultation process made available to those people and anyone else by the people investigating the smell problem. Of course, there may have been others who contacted Mr Elliott. I am not saying that this man contacted Mr Elliott—although he may have—but one local dissenter is now in gaol, having tried to burn down the administration offices some weeks ago.

I say, quite clearly, that the residents of Kanmantoo have every right to expect that something will be done to greatly reduce or eliminate any pollution in their living conditions. I am advised that the company is looking at spending approximately $1.5 million at the Kanmantoo factory site. The Hon. Mr Elliott may like to contemplate for a moment or two how the company will get on with its bank when negotiating loans to improve the environment and to keep a successful company in South Australia, bearing in mind the remarks that I made earlier.

When I knew Mr Elliott was involved, I advised my son, Angus, that he was a good person who was dedicated to the environment and the sort of person who would seek advice from official bodies such as the EPA, the Regional Development Board, Mount Barker council and the offending company, and would be well prepared before he acted. If the motion before us today and the explanation given by Mr Elliott is any indication of his *modus operandi*, I believe that he has been very derelict in his duty as a politician from any Party and as a representative of the people. He has let me down in my assessment of him.

This motion is really about conflict of interest with overtones of corruption. It has nothing whatsoever to do with helping to fix up a major South Australian pollution environmental problem. The connotation is that somebody—me—is making a quick buck on the side by devious and secret deals. If Mr Elliott had bothered to contact me before he moved the motion and spoke to it, I would have advised him to be careful even under parliamentary privilege. I would have advised him to get his facts right. We would have, of course, a different opinion about what constitutes a conflict of interest.

What bothers me about the motion—and, indeed, the question asked by the Hon. Terry Roberts yesterday—is the connotation of 'conflict'. Mr Roberts asked, 'What structural and financial support and assistance has been requested by Neutrog?'. Mr Elliott's motion states:

> . . . expresses its concern at the Government's failure to pay due regard to circumstances that give rise to conflict of interest situations.

I make a nice link between the question and the motion. I am forced to make that link because Mr Elliott made every effort to wrap my name and supposed conflict into his contribution to the debate. His argument did not need names. He could have used examples without names. He could, and should, have concentrated on the principle of the motion.

The Hon. Diana Laidlaw: He wasn't interested in that.

The Hon. J.C. IRWIN: That is quite right, and I will say more about that shortly. He should have concentrated on the principle, that is, how does the Government identify and overcome potential conflicts between its departments and members of this Parliament? That is what the motion is saying. We heard very little drawing out that principle, yet that is what the motion is supposedly about. I had my attention on other things on Tuesday, and even Wednesday morning, and I did not understand by reading the Notice of Motion given by Mr Elliott that I might be even remotely involved in it, but I twigged fairly quickly after a journalist telephoned me.

I made another link and an extension following a telephone message I received from a journalist. I may be pretty dumb but I have seen and experienced this tried and trusted vehicle before mentioned by my Leader: journalist has the bones of a story; politician drops what he or she can under the privilege of Parliament; journalist is able to use all the cheap, inaccurate shots under, what I call, *de facto* privilege; story runs and does its damage because there is no way to balance it. I have no problem with any intended story, as long as it is accurate and fair and, in this case, fair with respect to the conflict accusations, and I reiterate that there are no conflicts; fair on all the players trying to find solutions to a recognised and acknowledged State problem.

Above all, there should be some real recognition that there is a primary environmental problem which will not just go away, namely, the disposal of dead animals, and a secondary pollution problem, namely, the reduction of the smell. As farmers, you and I, Mr President, think that things are working if they smell right. In my opinion that is a very positive selling tool. In fact, I have been advised that when the smell was taken out of the great leader in this area, Dynamic Lifter (which is produced in New South Wales), sales went down. I am all for a good healthy smell, but I understand that people have to put up with a bit.

As mentioned by the Hon. Caroline Schaefer, above all this State needs to keep all its businesses going by working through and eliminating problems rather than the easy fix of eliminating the problem by eliminating the business. If the Hon. Mr Elliott is in the business of eliminating business, then we just about eliminate the State. I am often the first person to say in this place—and I am not the only one—that the end does not always justify the means. I have expressed enough in what I have said already and I will not say much more other than that I do not believe that if any means are used to achieve some commercial end, then the means ought to be fair on all people.

I implore the Hon. Mr Elliott to use his position as an influential politician leading a Party that says that it is democratic and consults with people on environmental issues above anything else to think about the issues that have been raised. I have to be judged but so does Mr Baker, and so, too, does the unnamed Chair of the DAC because we have all been accused of conflicts of interest by the Hon. Mr Elliott in his remarks when introducing the motion. Members must judge whether they believe that I have a conflict of interest or am corrupt with respect to the so-called facts given to this Council by the Hon. Mr Elliott.

Ultimately, members will judge Mr Elliott as all members are judged in this place, but members must judge the Hon. Mr Elliott's claim about me in the terms of his motion. I leave that matter to the good and fair judgment of members. The motion is a nonsense. It is plainly only a vehicle to give Mr

Elliott an opportunity to make his slurs and accusations. I urge all members not to support the motion.

The Hon. A.J. REDFORD: I will be brief. I oppose the motion in the strongest possible terms, and I condemn the honourable member for the manner in which he has brought this matter into this Parliament. I endorse the comments made by the Hon. Legh Davis and my Leader in relation to the Hon. Jamie Irwin's character. It does the Hon. Mr Elliott no credit in the way in which he introduced this matter. I am reminded of comments made recently by the Hon. Frank Blevins about the Australian Democrats when he said:

> . . . they really are silly; they are a bunch of self-righteous sanctimonious hypocrites, and one of the great pleasures of leaving—

and he is referring to politics—

> is that I will never have to deal with those characters again.

He went on to say:

> That is why I left the Legislative Council. People ask me, 'Why did you leave, Frank?' I tell them, 'Did you ever met Ian Gilfillan? Did you know that in 1985 the Hon. Michael Elliott was coming in and wouldn't you have left?' They all agreed that it was a very sensible and rational thing to do. They really are nonsensical people.

I thoroughly endorse the comments by the Hon. Frank Blevins, and I am sure many others would join with me in that. If one looks at the motion, the honourable member talks about concern at the Government's failure to pay due regard to circumstances. Not that long into the speech I interjected and said, 'Where is the Government's failure in relation to that exercise?' His answer was, 'The failure might be worded better as the Parliament's.' If ever there was a statement which indicated that the Hon. Michael Elliott's motives in bringing this motion into this place had nothing to do with some high moral statement or with initiating some high moral discussion about the relationship between members of Parliament and conflicts of interest and the Government's role in conflict of interest, it was exposed then and there. He quickly thought up a motion with the sole purpose of being able to raise an issue in which he could defame the Hon. Jamie Irwin. That is absolutely outrageous.

I know that we get into some pretty willing debate in this place. I know that I am probably a prime person in involving myself in those debates and that from time to time I can attack both the Opposition and the Democrats in relation to issues, but I have never ever got personal. Unfortunately, the Hon. Michael Elliott did so on this occasion—and has on previous occasions—and it does him and the Australian Democrats no credit. To sit here and initiate the speech by talking about corruption and to then start covering his own conscience in a despicable way by saying that the Hon. Jamie Irwin is an honourable fellow—after dragging him into a topic in which he initiates the issue of corruption—is absolutely disgraceful and disgusting. I abhor what he says.

The Hon. Diana Laidlaw: Did he want to clear his conscience first?

The Hon. A.J. REDFORD: He tries to salve his conscience, but then he went on to say, 'There is a conflict of interest in this case.' Frankly, I would not think that the honourable member would know a conflict of interest if it stood up and hit him in the face. There is absolutely no conflict of interest in this case, even if the facts as alleged are correct. From time to time, every honourable member avails themselves of Government services and Government opportunities. Do I have to absent myself from discussion on the education system because I have children at school? Do I have to stop myself from talking about the taxi industry because I catch taxis? Do I have to say that I am not allowed to talk about passenger transport because I catch buses occasionally? It is absolutely absurd. The Hon. Michael Elliott shows his intellect for what it is worth. He went on to say, 'A benefit was not generally available to the public.' So what. If my child needs remedial attention in terms of reading or something of that nature, does that mean that I not allowed to avail myself of it because it is a benefit not generally available to the public? He really is disgraceful and despicable in what he has done.

The other issue I wish to raise is that the Hon. Michael Elliott has also defamed the Chairperson of the Development Assessment Commission. I do not know who that person is: it may be someone whom I do know but whose identity I do not know. But to come in and say that, again, is absolutely despicable. The Hon. Michael Elliott's approach has been absolutely dishonest, and he shows his cowardice by not even being in the Chamber to listen to what we are saying. He talks about a person on the Development Assessment Commission who has some interest in development and some relationship with the industry. Perhaps that is as it should be.

How many times have you, Mr President, or I sat here when we are dealing with legislation and the Hon. Mr Elliott seeks to appoint representative people to the various boards and bodies that we establish because they have an interest in the matter? What hypocrisy on the part of the honourable member! I remember during the WorkCover legislation, when the Government was seeking to appoint people because of their general experience rather than have representatives on the WorkCover Board, that he supported the Opposition amendments that relevant people from the union, industry or whatever be represented on that board. Will he now turn around and say that, because they have an interest, they should not be involved in the WorkCover Board? Will he now turn around and say that those people ought to resign from their union? There is absolutely no intellectual base for what he has put.

We all know that Mr Elliott is not an unintelligent man and, frankly, it seems that he has tried to dress up this matter under some issue of principle in order to come into this place and defame and besmirch the reputation of the Hon. Jamie Irwin and the Chairperson of the Development Assessment Commission. It is disgraceful and reprehensible and does the Hon. Michael Elliott and his Party no good at all.

In closing, I endorse 100 per cent the comments of the Hon. Frank Blevins. The sooner we are rid of the Australian Democrats and their sanctimonious claptrap, to which we have to listen in this place, with their 8 per cent of the vote, the better. If there is any suggestion that we can reform this Legislative Council so that we see fewer of them, or hopefully none of them, I will give wholehearted support to any such initiative.

The Hon. T.G. CAMERON: I rise to put a personal view on record. I am unable to put a view on behalf of the Australian Labor Party at this stage because this matter was only recently introduced and the Australian Labor Party has not had a Caucus meeting since then. If I was to rush off to my Caucus colleagues and ask for an emergency meeting on a motion such as this, they would laugh at me. I will put a personal view on record and go further and state that it is a view shared by many of my colleagues. I will not indulge in some of the flowery rhetoric that the Hon. Angus Redford indulged in.

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. CAMERON: Lawyers always engage in a bit of flowery rhetoric.

The Hon. A.J. Redford: Deep down you enjoy it.

The Hon. T.G. CAMERON: Deep down I enjoyed it. I found it difficult to disagree with the sentiments that he was putting forward. I listened intently and took the time to go back and read what Mr Elliott had said in the Chamber yesterday. I realise the time of the day and will try to be brief, but there are a few things I want to say.

The resolution states that 'the Legislative Council expresses its concern at the Government's failure to pay due regard to circumstances that give rise to conflict of interest situations'. The Hon. Mr Elliott then proceeded to use the example of Dale Baker. With all the inquires we have had, and now with a select committee under way on Mr Dale Baker, I do not know the reaction of everybody else but I would have thought that the last thing we needed was more resolutions in this place about Dale Baker.

The Hon. Mr Elliott then proceeded to raise the question of the Hon. Jamie Irwin and the activities of Neutrog at Kanmantoo and went into some detail about odour problems occurring there. Most of what the Hon. Mr Elliott said yesterday came as no surprise to me. I was aware of all of what he outlined in his address, plus more information, weeks ago.

I can only agree with the statement made by the Hon. Jamie Irwin that it would appear that this resolution was used as a vehicle to get the Neutrog issue onto the Legislative Council Notice Paper, and of course under parliamentary privilege he was able to go into some detail. Right at the beginning, the Hon. Mr Elliott stated (and this is what I found so confusing in trying to find a conflict of interest regarding the Hon. Jamie Irwin):

> I do not believe and have no evidence to believe that any corrupt behaviour has occurred in relation to any of these examples that I want to demonstrate.

The Hon. Mr Elliott used the words 'potential for corrupt behaviour', 'corrupt behaviour', and 'conditions that allow corruption to flourish', but I became confused when he said:

> I do not believe that the three examples I will mention involve corrupt behaviour—

and he went on to say in the same sentence—

> . . . but one could see how easily it could occur, and we should identify those sorts of things.

That is what he then proceeded to do—and one can only make an implication from what he said—to identify that what he was asserting was corrupt behaviour or that we should attack the conditions that allow corruption to flourish. I am not sure whether the Hon. Mike Elliott intentionally or deliberately tried to imply that the Hon. Jamie Irwin was corrupt or had been involved in corrupt activity or that the Government had allowed the conditions to exist to involve corruption.

I am not sure whether he attempted to do that deliberately, but it is quite clear when you read *Hansard*—and I certainly had this impression when I listened to him yesterday—that the Hon. Mr Elliott thinks that the Hon. Jamie Irwin is a magnificent fellow, honest and straight as an arrow. However, he then went on to implicate the Hon. Jamie Irwin in one of the three examples that he used to support his resolution: that is, that there is corrupt activity going on in this State and that the Government and Ministers are involved.

I will not go into the Dale Baker thing, because that has been done to death, but the Hon. Mr Elliott then went on to talk about the Hon. Jamie Irwin and the Chairperson of the Development Assessment Commission. I do not know the name of the Chairperson, I probably should, but he went on to implicate that person—they copped a serve. In his speech, the Hon. Michael Elliott went on to disclose what he considered to be one of the main arguments in support of his resolution, as follows:

> The Government has failed to pay due regard to circumstances that give rise to conflict of interest situations.

We then received an outline of what has been going on with Neutrog and in Kanmantoo. I will not talk about the Dale Baker thing, and I do not know much about the Chairperson of the Development Assessment Commission, so I will restrict my remarks to what was essentially the main thrust of Mr Elliott's speech: 90 per cent of the arguments that he used centred around the Hon. Jamie Irwin.

So, it was quite clear to me that, first, the motion was moved to be used as a vehicle to place on the record in this Chamber a series of damaging allegations about the activities of Neutrog of which the Hon. Jamie Irwin is a quarter partner and which operates in Kanmantoo. I am aware of some of the problems Neutrog has been having in Kanmantoo. For quite some time now there has been an odour problem, which has been causing some distress at Kanmantoo. However, that was not what the Hon. Michael Elliot's—

The Hon. A.J. Redford: He wasn't worried about that.

The Hon. T.G. CAMERON: That is not what the Hon. Michael Elliott's motion was about.

The Hon. L.H. Davis: The smell from Michael Elliott was much greater than that from Kanmantoo.

The Hon. T.G. CAMERON: If that is the Hon. Legh Davis's opinion I will oblige him by answering his interjection so it can go on the record. Essentially, the Hon. Michael Elliott put forward two propositions. One was that there has been a grave conflict of interest here, that the Government has been involved in corrupt behaviour and that the Hon. Jamie Irwin and his company have been a beneficiary of it. There was also the other issue as to whether there is an odour problem in Kanmantoo. I was pleased to hear the history outlined by the Hon. Jamie Irwin, which allows us to look at the question of Neutrog's activities in Kanmantoo from a completely different perspective. I pass no judgment on that problem up there.

I dispense with that and come back to what was essentially was the main point of this motion, which was conflict of interest. In the Hon. Michael Elliott's speech I cannot find any evidence or proof other than innuendo or an implication that there has been—

The Hon. A.J. Redford: He didn't even suggest in the motion how we ought to deal with it.

The Hon. T.G. CAMERON: As the Hon. Angus Redford has just stated, this motion makes no suggestion as to how this matter might be attended to. But let us look at some of the statements the Hon. Michael Elliott made, and they support the contention put forward by the Hons Angus Redford and Legh Davis that the Hon. Michael Elliott is somewhat confused about just what constitutes a conflict of interest. One can always draw a long bow in relation to these matters and, if you want to go far enough, I guess it is possible to suggest that almost anything we do in this place could represent a conflict of interest in some way. We have to be careful here when we talk about conflicts of interest that

we are standing on sound foundations. The Hon. Michael Elliott went into quite a bit of detail about the problems up there and stated:

> We have a company which is in breach of licence conditions and has been for a period of at least 12 months, and those breaches continue to occur.

That is not a conflict of interest. In fact, I interjected when he was speaking yesterday and said:

> Where is the conflict of interest for the Hon. Mr Irwin?

The Hon. Michael Elliott replied:

> The conflict of interest in this case is that, if you have an interest in a company, you have to be careful about two things. If you stand to benefit in any way, you have to find a way to ensure that the benefit is seen up front so there is no suggestion that behind the door arrangements are being made.

What palpable nonsense is that? He went on to say:

> . . . but I believe the conflict of interest occurs if, as a member of Parliament, you have an investment where you benefit directly from Government decisions. . .

I have investments, and over the past 12 months the Federal Government has made a number of decisions to reduce interest rates. I have been a direct beneficiary of that, because it has reduced my home loan, and I have seen the prices of my investments rise on the market as a result of lower interest rates. Do I have a conflict of interest if I come in here and attack the Federal Government because it has not reduced interest rates far enough? I could gain some personal benefit. I have not caught up with what the Reserve Bank did today.

The Hon. L.H. Davis interjecting:

The Hon. T.G. CAMERON: The Hon. Legh Davis would have caught up with that by now, I am sure. He is always up-to-date on these financial matters. However, the Reserve Bank did not lower interest rates today. Do I have a conflict of interest if I come in here this afternoon and kick the hell out of Federal Treasurer Costello because he did not make public pronouncements and put enough pressure on the Reserve Bank Board to lower interest rates today, because I would have been a direct beneficiary of it? What rubbish! We should not have constraints placed on us of the kind the Hon. Michael Elliott seems to be suggesting. I am sure everyone in this place knows that I have amendments to the pecuniary interest lists before this Council but they involve transparency and not conflict of interest.

If we extrapolate from the position put forward by the Hon. Michael Elliott yesterday, almost every time we open our mouth in this place we would have a conflict of interest of one kind or another. The Hon. Angus Redford outlined a number of examples. Last night I had a bit of trouble getting to sleep, and I was able to write down 20 in about five minutes. We would have conflicts of interest all over the place—

The Hon. A.J. Redford: On his assessment.

The Hon. T.G. CAMERON:—on his assessment of what constitutes a conflict of interest and based on the implied attack upon the Hon. Jamie Irwin. We would not even be able to open our mouths in this place. That is certainly not what legislators intend when they talk about conflict of interest. The Hon. Mr Elliott said that, if you have an investment where you benefit directly from Government decisions, whether they be decisions to fund things happening in your company directly or decisions about whether or not a licence condition will be applied to a particular company. If this Government makes a decision that affects a company in which a member of this Legislative Council has shares then, according to the Hon. Michael Elliott, that would constitute a conflict of interest. By his reckoning and from what I can draw from what he is saying, every member of this Council would have to divest themselves of all property, all shares, fixed interest securities and, according to him, you would have to close all your bank accounts, because you would have a conflict of interest if you turned up to the bank to collect your interest every 12 months. He went on further in his speech to say:

> My concern is that, if we do not set very high standards for conflict of interest, it is only a matter of time before we will suffer something that I do not believe we have in South Australia at this stage, that is, corruption.

On the one hand he is happy to imply, by innuendo and by a reading of his speech, that the Hon. Jamie Irwin is being corrupt; on the other hand, he says that there is no corruption in South Australia. He cannot have his cake and eat it, too. I now come to something that I do agree with in the Hon. Michael Elliott's speech. He said:

> Unfortunately, standards are things which are lost by degree, inch by inch.

I would like to remind the Hon. Mr Elliott that so are people's working conditions. Yesterday he gave away a couple of feet on workers' working conditions. I agree with the statement he made yesterday that, unfortunately, standards are lost by degree, inch by inch. That is what the Hon. Michael Elliott and the Democrats have done over years. It has turned into a mile. They have sided with this Government time and again on matters that we considered to be principles and in particular people's working conditions.

The Hon. L.H. Davis: The Hon. Mr Elliott wouldn't be able to contribute too many inches to that.

The Hon. T.G. CAMERON: That might depend on how many inches he started off with. I place a couple of personal observations on record in relation to the Hon. Jamie Irwin. I, as have many of my colleagues on this side of the House, have the highest regard for the Hon. Jamie Irwin's personal integrity and honesty. He has also earned our admiration and respect for the courage that he has demonstrated on a number of occasions when he has stood up in this place and been the sole member of the Government speaking against a Government Bill. That is not to suggest in any way at all that the Hon. Jamie Irwin is disloyal, but I use that as an example to state that, in my opinion—and I know it is an opinion shared by many of my colleagues—he is a man of integrity. To suggest that the Hon. Jamie Irwin is corrupt or has been involved in corrupt behaviour is a clear demonstration from that person that obviously no time whatsoever has been taken to find out what the Hon. Jamie Irwin is all about.

I will sum up by saying that I am utterly confused by what sits in the Hon. Michael Elliott's mind and constitutes a conflict of interest. I utterly reject the motion at this stage, based on any evidence that the honourable member has placed before this House. I would have thought that before an honourable member put a resolution before this House that member would have the supporting evidence in his or her hand. Flying kites in this place is not something with which I agree. If I ever come into this place and make allegations about someone else or move a motion such as the one moved by the Hon. Michael Elliott, I would make damned well sure that I have the proof already in my pocket.

The Hon. A.J. Redford interjecting:

The Hon. T.G. CAMERON: Well, if we do not do that—the Hon. Angus Redford interjected and I agree with him—we lower the credibility and the reputation of this place in the public arena. For heaven's sake, if our reputation as

politicians, according to the articles I read, is not bad enough already, the last thing we need is people coming into this place and making unfounded allegations about not only people outside but members also. I appreciate that there have been some problems at the Neutrog plant at Kanmantoo, but I am not in a position to make some kind of ethereal judgment about whether or not the company has acted properly. Personally, I reject the implied assertions contained in the Hon. Mr Elliott's contribution.

I reject an attempt by him to somehow drag the Hon. Jamie Irwin into this matter by implying that the Government has failed to pay due regard to circumstances that give rise to a conflict of interest situation and that, as far as the Government is concerned, that involves the Hon. Jamie Irwin and his company. If the Hon. Mr Elliott has the proof to back up that assertion, let him lay it on the table and not make unfounded allegations and then leave the House.

Mr President, I am sorry I took up your time, but I will conclude by saying that I am expressing a personal view, although I know it is a view shared by my colleagues, two of whom are in the House at the moment, the Hon. Paul Holloway and the Hon. Trevor Crothers. In conclusion, if the Hon. Michael Elliott wants me to support this motion, he had better put up or shut up, or demonstrate to me a much better understanding of what conflict of interest means. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

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

Adjourned debate on second reading.

(Continued from 4 June. Page 1519.)

The Hon. DIANA LAIDLAW (Minister for Transport): The Roads (Opening and Closing) Act 1991 allows a council to carry out the opening and closing of roads (called 'road process') within its district. The Act affords protection for public and private interests in roads through a public notification and objection process, with an independent review by the Surveyor-General of any road process order made by the relevant authority, and the final decision as to confirmation or not by the Minister for the Environment and Natural Resources. A road process often involves the weighing up of competing interests such as closure of a road because of public nuisance and damage to property against use of the road to gain or preserve access to areas of natural beauty. To balance these interests, criteria by which decisions are made are included in the Act.

Every proposal is treated on its merits, having due regard to all objections and applications for easements received and the criteria and requirements of the Act. Many public roads in rural and even urban areas are unused and/or undeveloped and are enclosed with or used in conjunction with adjoining lands, and the land owner may apply to the local council for closure and purchase of the road. Considerable effort has been made by Recreation SA to identify and notify local councils of all unmade roads in the State considered suitable or desirable for retention in public ownership for recreational activities or for conservation purposes. Such roads are called designated roads.

Recreation SA is guaranteed notification when there is an application to have the road redesignated, and that guarantee is provided for under the regulations as a 'person affected' for all road closures of unmade roads. Every endeavour is made to retain a designated road in public ownership by discouraging proposals for its closure or, failing that, either to negotiate land management agreements for walking purposes over the road or by Recreation SA lodging formal objection. It is also usual for direct representation from interest groups to be made to the Minister. In the last financial year 95 proposals to close roads were confirmed, 88 of which were in built-up or developed areas, involving encroachments, deviations and realignments, closure of walkways, and the like.

Of the 80, only one directly affected a designated road, and this was at Brownhill Creek. But because this only involved a minor realignment (a portion of Pony Ridge Road) no objection was raised. The remaining 15 were in rural areas, with only two comprising the whole of the particular road, but none of these affected designated roads and no objections were received on those grounds. During the same period, an approach to DENR concerning the possible closure of a designated road in the Clare area was not pursued by the client once the walking trail implications were pointed out. Another proposal to close a road in the Clare area is currently under consideration, and there are a number of points I want to make in this regard.

First, at commencement, the agent was informed that the road is a designated road and advised that Recreation SA may object, or their client may have to enter into a land management agreement to protect walkers' interests. Secondly, the client approached Recreation SA and, following a field inspection by that body, was advised that the road was of no use for recreation pursuits. Thirdly, the client proceeded with closure on that understanding. Fourthly, Recreation SA also notified DENR that it had no requirement for the road.

Fifthly, the Federation of SA Walking Clubs did, however, formally object and verbally communicated their desire to retain this section of road, and all such roads, in public ownership. Sixthly, clearly, there is now a conflict between the two bodies over what constitutes a road required for recreation purposes.

The amending Bill was introduced to Parliament by the Hon. Michael Elliott in May 1997. It would appear that the Bill arose following representations from the federation to the Hon. Mr Elliott. The federation is concerned at the rate of closure and disposal of unmade and undeveloped road reserves without due regard being made to the protection of the recreation, tourism and conservation value of the asset. This perception is not sound.

All road processes that are subject to objection undergo rigorous review by the Surveyor-General, including advice from pertinent experts where necessary. For example, where issues are raised affecting vegetation or recreational usage, advice is obtained from the appropriate authority. As I have already explained, within the last 12 months, all objections relating to recreational issues were withdrawn or resolved prior to confirmation. There is one to be decided in the current year.

The introduction of the proposed amendments by the Hon. Mr Elliott would see all applications—and I emphasise 'all'—subject to the same restraints as those few road reserves with recreational potential that the Hon. Mr Elliott is attempting to preserve. The effect of the Hon. Mr Elliott's amendments is to have the Minister's approval subject to parliamentary disallowance. The introduction of such a measure would add considerably to the time taken to finalise a road closure and is hardly warranted, in view of the number of approvals and checks already in place.

As Minister for Transport, I add that on various occasions I am asked to authorise a closure of roads, and on each occasion I make inquiries with the local MP and others, and I can only alert the Council to the fact that, on so many occasions, we are talking about very small sections—or corners, even—of roads, in terms of such initiatives, and it would be very silly, in such circumstances, and an absolute waste of expensive time in the operation this place to have such matters referred to this Council, let alone both Houses of Parliament.

If there was some way to isolate the relevant road processes for parliamentary consideration, then the Hon. Mr Elliott's amendments may have some merit but, as it stands, the amendment is opposed by the Government at this time. However, there may be an opportunity to open further negotiation with the Hon. Mr Elliott when this Bill goes to the other place as, I understand, will be the course of action that is adopted because the Labor Party has agreed to support the Australian Democrats on this occasion. It has done so, I think, without thinking through all the ramifications of their actions.

The Hon. M.J. ELLIOTT: I thank all members for their contributions and appreciate the support offered by the Labor Party for this Bill. I have also been gratified by the number of letters I have received from members of the public expressing support for the Bill. It appears to me that the Government still has not quite appreciated its significance, although I did pick up some heartening comments from the Minister when she spoke.

I think we are at a fairly crucial stage in terms of the future of this particular form of open space. Some significant sales are happening now. Unfortunately, once these road reserves are lost, they are lost forever. Already a couple of sales have had a significant impact. I refer to an example of some down on the South Coast.

As I stated in my opening to the second reading debate, the Heysen Trail simply would not have existed if it were not for road reserves. If the Government had set about now to create the Heysen Trail rather than when it did so, there is nothing more certain than that some of the land which it would have used would no longer have been in public lands and the ability to put the Heysen Trail together would have been much more difficult. I thank members for their support and look forward to the Government's response when the Bill goes to the other place.

Bill read a second time.

In Committee.

Clauses 1 to 11 passed.

The CHAIRMAN: I point out that clause 12, being a money clause, is in erased type. Standing Order 298 provides that no question shall be put in Committee upon any such clause. The message transmitting the Bill to the House of Assembly is required to indicate that this clause is deemed necessary to the Bill.

Title passed.

Bill read a third time and passed.

SECOND-HAND VEHICLE DEALERS (COMPENSATION FUND) AMENDMENT BILL

The House of Assembly intimated that it had agreed to the recommendations of the conference.

Consideration in Committee of the recommendations of the conference.

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

That the recommendations of the conference be agreed to.

The only issue in relation to this Bill was whether the Government's Bill should be retrospective or take effect from the date of assent of the Bill. The Opposition and the Australian Democrats voted together to impose an amendment which sought to make the Bill apply from the end of 1995. The Government has taken the view very strongly that that was not acceptable, mainly for the reason that we are of the view that, once a court has made a decision that a citizen has a right, Parliament should not amend the law to take away that right, and effectively to say, 'Even though the courts have said you have it, we will wipe the slate clean.' We do not believe that that is in the interests of the community or a proper way of dealing with legislation, particularly in the context of the Second-hand Vehicle Dealers Compensation Fund.

There was a court case, it was a test case, that went from the Magistrates Court to the Court of Appeal. Mr Melrose made a claim against the fund, it was challenged by the Crown and we fought it all the way, yet ultimately the Court of Appeal determined that he had a right to claim against the fund and that amount has now been paid out. That involved an interpretation of the Act, and although we might speculate as to what was or was not intended by the Parliament, the fact is that the court has said that a certain position is the law and it is not now, I would suggest, for us to do anything other than to amend the law prospectively rather than retrospectively.

I did indicate in the second reading debate that I had had discussions with the Motor Traders Association who were concerned—because they had been contributing to the fund and their contributions had caused it to build up $1.4 million approximately—that the customers of Kearns Auctions should benefit when Kearns Auctions had not made any contribution to the fund. I indicated to the Motor Traders Association, only several weeks ago, that I would be prepared to introduce legislation quickly to deal with the Kearns Auctions problem prospectively. I would not contemplate and the Government would not contemplate making it retrospective, to change the law so this would go back in time.

I indicated that I was looking to the future rather than to the past. I also indicated that we would be doing a lot of work trying to identify how we could deal with people who are described as backyarders and whose customers are protected if there is a default, particularly where the backyarders do not make a contribution to the fund. They are unlicensed dealers. There was one suggestion that we should limit the application of the rights provided in the Act to those who were ostensibly licensed. I indicated that I was not prepared to agree to that concept because it was a complex area that needed further research, and I was not prepared to make a judgment on the run and possibly end up with yet another problem to solve legislatively at some time in the future.

I did give an undertaking and I give it now in this Chamber that I will work diligently with the Motor Traders Association on the issue of backyarders and protection for their customers under the Second-hand Vehicles Dealers Compensation Fund to endeavour to find a solution to a problem which has been around since 1983. If one reflects on the protection given to customers of backyarders, one can only say that this has been a feature of the law. Even though not many claims are made in that context, it has been a feature of the law that those sorts of claims have been

permitted since 1983. I will be looking at the issue to endeavour to arrive at a solution which might be mutually acceptable to the Government and the Motor Traders Association.

I thank the Hon. Anne Levy and the Hon. Sandra Kanck for their intimation that they would fall from the amendments which they moved in this House to enable this important Bill to proceed to enactment.

The Hon. ANNE LEVY: I support the recommendation of the conference that the Legislative Council does not insist on the amendment which it made to the original Bill regarding retrospectivity. I was certainly reassured by the fact that the expected claims on the fund through the Kearns case will not empty the funds by any means. It is a very healthy fund at the moment and quite able to meet any claims that would be made on it; and also the fact that a number of people have been awarded compensation from the fund and have received their money would obviously pose problems if that money had to be taken back from them at this stage.

Furthermore, the assurances that the Attorney gave in the conference, and that he has repeated now, that he will look at the whole question of backyard dealers is something which we feel is a considerable advance, even if he eventually comes back with the same solution which was proposed in the conference but which he felt should not be taken up on the run but given more consideration. I hope that his deliberations with the Motor Traders Association will not result in the situation where people are unable to privately sell their own cars but, provided we do not reach a ludicrous situation such as that, I think the discussions he is proposing to have could have very fruitful results. I am very happy to support the recommendations of the conference.

Motion carried.

CONSTITUTION (PARLIAMENTARY TERMS) AMENDMENT BILL

In Committee (resumed on motion).

(Continued from page 2009.)

Clauses 1 and 2 passed.

Clause 3.

The Hon. CAROLYN PICKLES: I move:

Page 1, line 23—Leave out 'second Saturday in November in the third' and insert 'first Saturday of March in the fourth'.

The Opposition supports the concept of fixed terms. The question has always been about which Saturday of the year would be most appropriate for an election. Frankly, Labor members have varying arguments for and against just about every Saturday of the year, but the agreement in my Party was that the first Saturday in March would be a suitable date. Of course, we understand that the Adelaide Festival may take place every second year, but we do not see any real objections to this particular Saturday being set aside for the election date.

The Hon. M.J. ELLIOTT: I accept the amendment. I had indicated earlier that the timing was not so important as the fact that there was a regularity of elections on a set date.

The Hon. K.T. GRIFFIN: Frankly, the Government does not care what happens with this Bill, because it will not pass the House of Assembly full stop.

Amendment carried.

The Hon. CAROLYN PICKLES: I move:

Page 1, line 26—Leave out 'second Saturday in November in the fourth' and insert 'first Saturday of March in the third'.

This amendment is consequential and caters for the scenario when an election has been called early by the Governor under special circumstances, in which case the parliamentary term will be something like 3½ years to get back into the March to March four-year cycle. With respect to the Attorney's last comment, I point out that the numbers might not always be his way. Hopefully, one day we will actually have fixed four-year terms of Parliament so that everyone knows when the election will be.

Amendment carried.

The Hon. CAROLYN PICKLES: I move:

Page 2, line 4—Leave out 'first or third Saturday of November' and insert 'second or third Saturday of March'.

This amendment is consequential.

Amendment carried; clause as amended passed.

Clause 4 and title passed.

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

That this Bill be now read a third time.

The Hon. K.T. GRIFFIN (Attorney-General): I will not call for a division. The Government opposes the third reading.

Bill read a third time and passed.

FAIR TRADING (UNCONSCIONABLE CONDUCT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 March. Page 1103.)

The Hon. T.G. CAMERON: I will be brief. Most of the arguments outlined in my second reading contribution support the amendments we are seeking to the Fair Trading Act. As I have moved about the business community over the past 12 months, particularly amongst small business, I find that it is puzzled as to why the Liberal Government is not supporting this legislation and even more puzzled as to why no amendments have been moved. Not only am I disappointed that the Government has not seen fit to support this piece of legislation but it has been a major disappointment to small business.

Since the introduction of my legislation, a report has been released by the Parliament of the Commonwealth of Australia finding a balance towards fair trading in Australia. It is interesting to note that the recommendations made by that Federal parliamentary committee pick up the amendments under my private member's Bill before the House. Not only do the Labor Opposition and the Democrats believe that it is time for reform to restore a more equal playing field between small and big business but it was heartening to see a Federal parliamentary committee support that contention as well.

The Council divided on the second reading:

AYES (9)

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

NOES (8)

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

PAIRS

Holloway, P.	Davis, L. H.

PAIRS (cont.)

Roberts, T. G. Schaefer, C. V.

Majority of 1 for the Ayes.

Second reading thus carried.

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

That this Bill be now read a third time.

While I will not divide on the third reading, I indicate that the Government does not support the third reading.

Bill read a third time and passed.

INDUSTRIAL AND EMPLOYEE RELATIONS (HARMONISATION) AMENDMENT BILL

The following recommendations of the conference were reported to the Council:

As to Amendment No. 1—That the Legislative Council no longer insist on this amendment but make instead the following amendment to the Bill:

Clause 3, page 1, lines 24 to 27—Leave out proposed subparagraph (ii) and the footnote and insert:

(ii) ensuring industrial fair play; and

And that the House of Assembly agree.

As to Amendment No. 2—That the Legislative Council no longer insist on this amendment but make instead the following amendment to the Bill:

Clause 4, page 2, lines 15 to 20—Leave out paragraph (c) and insert:

(c) by inserting after the definition of "industrial dispute" the following definition:

"industrial instrument" means—

(a) an award or enterprise agreement under this Act; or

(b) an award or certified agreement (but not an Australian workplace agreement) under the Commonwealth Act;;

And that the House of Assembly agree.

As to Amendments Nos 3, 4, 5, 6, 7 and 8—That the House of Assembly no longer insist on its disagreement to these amendments.

As to Amendment No. 9—That the Legislative Council no longer insist on this amendment but make instead the following amendment to the Bill:

Clause 13, page 5, lines 30 and 31—Leave out "(to be calculated in accordance with the regulations) exceeds a rate fixed in the regulations" and insert "is $66 200 (indexed) or more a year".

And that the House of Assembly agree.

As to Amendment No. 10—That the Legislative Council no longer insist on this amendment but make instead the following amendment to the Bill:

Clause 13, page 6, lines 1 to 15—Leave out all words on these lines and insert:

(a) employees serving a period of probation or a qualifying period provided that the period—

(i) is determined in advance; and

(ii) is reasonable having regard to the nature and circumstances of the employment; and

(iii) does not exceed 12 months; or

(b) employees engaged on a casual basis for a short period except where—

(i) the employee has been engaged by the employer on a regular and systematic basis extending over a period of at least nine months; and

(ii) the employee has, or would have had, a reasonable expectation of continuing employment by the employer; or

(c) employees whose terms and conditions of employment are governed by special arrangements giving rights of review of, or appeal against, decisions to dismiss from employment which, when considered as a whole, provide protection that is at least as favourable to the employees as the protection given under this Part; or

(d) employees in relation to whom the application of this Part or the specified provisions of this Part causes or would cause substantial difficulties because of—

(i) their conditions of employment; or

(ii) the size or nature of the undertakings in which they are employed; or

(e) employees of any other class.

(3) To the extent that a regulation under subsection (2)(c), (d) or (e) is inconsistent with the *Termination of Employment Convention* it is invalid.

(4) If a contract provides for employment for a specified period or for a specified task, this Part does not apply to the termination of the employment at the end of the specified period, or on completion of the specified task.

And that the House of Assembly agree.

As to Amendment No. 11—That the Legislative Council no longer insist on this amendment but make instead the following amendment to the Bill:

Clause 13, page 7, lines 33 to 35 Leave out subsection (2) and insert new subsection as follows:

(2) In deciding whether a dismissal was harsh, unjust or unreasonable, the Commission must have regard to—

(a) the *Termination of Employment Convention*; and

(b) the rules and procedures for termination of employment prescribed by or under Schedule 8.

And that the House of Assembly agree.

As to Amendment No. 12—That the Legislative Council no longer insist on this amendment but make instead the following amendment to the Bill:

Clause 13, page 8, lines 11 to 20 Leave out subsection (2).

And that the House of Assembly agree.

As to Amendments Nos 13, 14, 15 and 16—That the House of Assembly no longer insist on its disagreement to these amendments.

As to Amendment No. 17—That the Legislative Council no longer insist on this amendment but make instead the following amendment to the Bill:

Clause 14, page 11, lines 13 to 24—Leave out proposed new section 116A and insert:

General offences against the principle of freedom of association

116A. A person must not—

(a) require another to become, or remain, a member of an association; or

(b) prevent another from becoming or remaining a member of an association of which the other person is, in accordance with the rules of the association, entitled to be a member; or

(c) induce another to enter into a contract or undertaking not to become or remain a member of an association.

Maximum penalty: $20 000.

And that the House of Assembly agree.

As to Amendment No. 18—That the House of Assembly no longer insist on its disagreement to this amendment.

As to Amendment No. 19—That the Legislative Council no longer insist on this amendment but make instead the following amendment to the Bill:

Clause 14, page 12, line 23 to page 13, line 6—Leave out proposed new section 117 and insert:

Prohibition of discrimination in supply or purchase of goods or services

117. (1) A person who carries on a business involving the supply or purchase of goods or services must not discriminate against an employer by refusing to supply or purchase goods or services, or in the terms on which goods or services are supplied or purchased, on the ground that the employer's employees are, or are not, members of an association.

Maximum penalty: $20 000.

(2) A person must not, on the ground that an employer's employees are, or are not, members of an association—

(a) attempt to induce a person who carries on a business involving the supply or purchase of goods or services to discriminate against an employer by refusing to supply or purchase goods or services, or in the terms on which goods or services are supplied or purchased; or

(b) attempt to prevent a person who carries on a business involving the supply or purchase of goods or services from supplying or purchasing goods or services to or from the employer.

Maximum penalty: $20 000.

(3) This section does not prevent an association from discriminating between members and non-members of the association.

And that the House of Assembly agree.

As to Amendment No. 20—That the Legislative Council no longer insist on this amendment.

As to Amendments Nos 21, 22, 23 and 24—That the House of Assembly no longer insist on its disagreement to these amendments.

Consequential Amendments:

Clause 7, page 3, after line 11—Insert new paragraph as follows:

(bb) by inserting after subsection (1) the following subsections:

(1a) The agreement of employees to be bound by a proposed enterprise agreement may be indicated by ballot or in some other way.

(1b) If a ballot of employees is taken—

(a) the Commission must be satisfied that—

(i) all employees were given a reasonable opportunity to participate in the ballot; and

(ii) the ballot was conducted in accordance with the rules for the conduct of ballots (if any) laid down by regulation; and

(iii) a majority of the employees casting valid votes at the ballot voted in favour of the proposal; and

(b) if the Commission is so satisfied, it will be presumed that a majority of the total number of the employees (including those who did not vote at the ballot) is in favour of the proposal.

Consideration in Committee of the recommendations of the conference.

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

That the recommendations of the conference be agreed to.

There are an extensive number of recommendations from the conference of managers, and all the issues have been fairly extensively debated both in this House and the House of Assembly, so I do not propose to spend a lot of time dealing with the detail.

The conference was a very long one on a very difficult and potentially controversial area of the law involving workplace relations. The Minister for Industrial Affairs at the conference recorded his appreciation of the way in which the Opposition and the Hon. Michael Elliott participated in and contributed to that conference.

The Government has not been successful in achieving all that it wished to achieve. There have been compromises, which is the nature of the consideration of issues like this at a conference of managers, but the Government believes that there have been some important advances in this area of the law which will facilitate relations between employers and employees.

I think probably the best way to deal with the recommendations from the conference is for me to deal with each of them, although not separately. Rather, I will run through them all and, in a sense, allow a cognate debate, and then deal with the motion which I have moved.

Amendment No. 1 deals with the appropriate description of 'industrial fairness' or 'industrial fair play' as opposed to what is presently in the Bill. The conference has finally considered and agreed that 'industrial fair play' is the appropriate description, reflecting case law which has been built up in South Australia over the past 25 years, principally arising from decisions of Justice Olsson.

Amendment No. 2 removes the definition of 'industrial fairness', so the description 'industrial fair play' will depend upon the common law as determined by the courts over the period of time to which I have referred.

The House of Assembly is no longer insisting on its disagreement to amendments Nos 3, 4, 5, 6, 7 and 8. Amendment no. 3 deals with the taxi industry. Amendment No. 4 deals with notifications during enterprise agreement negotiations about the differences, if any, between existing and new agreements. Amendment No. 5 removes the footnote dealing with the Commonwealth Act provision which enables State employment agreements on Federal awards. Amendment No. 6 deals with enterprise agreement ballots. That is now dealt with as a consequential amendment at the end of the recommendations. Amendment No. 7 deals with Australian workplace agreements, and reluctantly the Government has conceded that it did not have the numbers to address the law in relation to Australian workplace agreements, so such agreements do not form part of this legislative scheme.

Amendment No. 8 leaves out the definition of 'remuneration' from the termination provisions. Amendment No. 9 puts in the Act, and not the regulations, a cap of $66 200 on dismissal applications, so that, if that is to be changed other than by indexation, that is a matter that is to be brought back to the Parliament. Amendment No. 10 defines the groups of people who can be excluded from the unfair dismissal provisions—those who are on probation or casuals—where there are special arrangements giving rights of review of or appeal against decisions to dismiss from employment, where there are substantial difficulties or where employment is for a fixed term.

It is important to recognise that, in exercising powers under this provision, any regulation must be consistent with the termination of employment convention. Amendment No. 11 deals with tests for the Industrial Relations Commission when determining a dismissal application. Amendment No. 12 leaves out the provision limiting what the Industrial Relations Commission should take into account in determining compensation for dismissal. Then there are amendments Nos 13 to 16, where the House of Assembly no longer insists on its disagreement.

Amendment No. 13 deals with the calculation of compensation cap, and it remains the same as the existing Act. Amendment No. 14 allows for the payment of compensation by instalment. Amendment No. 15 restricts the definition of 'a prohibited reason' to conduct by an employer. Amendment No. 16 deals with discriminatory contracts, providing that they are in fact void, and reinserts the existing provision.

Amendment No. 17 takes section 116A back to the wording of the existing section 115(3). Section 116A(c) has been changed to take out a clarification of the meaning of 'induce'. The Bill provided that to induce meant threats, promises or in any other way, so it was sought to be an aid to interpretation. Amendment No. 19 modifies the Bill by taking out the reference of 'the offence' back to 'a prohibited reason'. Reference to the offence instead is back to 'discrimination' because employees are or are not union members. The amendment retains the extension of the offence to the purchase of goods as well as supply, and amendment No. 20 reinstates the conscientious objection provision.

There are also amendments 21, 22, 23 and 24 where the House of Assembly no longer insists on its disagreement. Consequential amendments are those to which I have already referred relating to the ballot of employees in relation to the enterprise agreement. If we had more time and if it was not the end of the session we could all spend a lot more time explaining our reasons why we did or did not agree with the Bill, the amendments or, finally, the agreement reached at the conference but, in the interests of expedition, I think I should leave my remarks at this point, except to reiterate the thanks of the Government to those who participated in the conference, notwithstanding that we did not achieve all we set out to achieve in the original Bill.

The Hon. R.R. ROBERTS: This package of amendments represents a comprehensive negotiation by conference members. It also concludes a long round of negotiations prior to the legislation being discussed in this place. I would like to congratulate those people engaged in all those negotiations prior to going into the conference stages and in the preliminary stage. Due credit ought to go to the trade union movement, my colleague in another place, Ralph Clarke, and the Hon. Mike Elliott who have negotiated these matters along with the Government and the department in an effort to expedite the passage of this Bill. Whilst we did not agree, the Government, as the Attorney-General has pointed out, did not get everything it wanted. We certainly did not get everything we wanted, although it is worth noting that collectively we have decided not to introduce the AWA system which is flawed and previous speakers have noted the flaws in the AWA system. That conclusion of the conference is something this Council can be proud of achieving for workers in South Australia.

There are a number of other amendments but, as these have been agreed to by the negotiators, I do not want to go through them. However, at this late stage I note that the Legislative Council in South Australia, constructed the way the numbers are, is in effect a House of Review and once again this Council has been able to put the brake on a capricious Government bent on going too far. Today's result is an indication of the advantage we have in South Australia where we have the ability to stop harsh and unjust treatment of workers in South Australia by sensible negotiation in cooperation between all the Parties—when forced to—and sometimes because they do it as a natural consequence of their duties. Once again, it has certainly proved to be a boon for the workers in South Australia and it has reduced the amount of damage imposed on working class men and women in this State.

The Hon. M.J. ELLIOTT: Before the Bill came into this place we already had an Act which was acknowledged by the employers' chamber and the UTLC as legislation that was fair and balanced. The employers' chamber described it to me about 18 months ago as the best in Australia. In this harmonisation Bill the Government sought to amend an Act which was considered to be a good one. I have suggested that one of the driving forces was the Government's concern at not being rated highly by small business and it was desperate to get some sort of runs on the board. In terms of harmonisation, it has been rather selective harmonisation, particularly trying to ring the bells that would ring best with small business—that is how I read the intention.

Several times during this debate, both inside the Chamber and in other places, I have asked the question, 'What is the problem you are trying to fix?' With the exception of the response, 'We are trying to harmonise and we need to harmonise,' there has not been a great deal of detail and specific identification of a problem that needs fixing.

A few aspects of this Bill fix problems. For instance, I am aware that unions in some places, and the Government in the public sector, for instance, have been frustrated in their ability to reach an enterprise agreement in terms of getting up a majority when a ballot is run. An amendment directly confronts that issue. Clearly, that was a problem which was acknowledged by all sides and which is being fixed.

The Government raised one issue in terms of freedom of association which is now being tackled in the amendments to clause 117. It is certainly one that the Labor movement disagrees with, but I will at least make the point that the Government made a case that there was a difficulty in that area and a case that there was a need for some amendment. I cannot think of any other amendments which seem to cry out that they are trying to achieve something other than the question of harmonisation itself.

Nevertheless, along the way there have been other gains. The amendment which introduced the term 'industrial fair play' into the legislation will provide some improvement. Also, the amendments in relation to clause 13, which talk about those people who may be affected by regulations in terms of unfair dismissal, are probably a mixed bag. Employees can now have a probation period with a maximum of 12 months. It is worth noting that under the old regulations there was not any limit at all—not that there would have been too many employees beyond 12 months. There was no ceiling before but it is now a period of 12 months.

There has been a loss to casual employees who, at present, under current regulations, face a period of six months during which they could be dismissed without being able to make an unfair dismissal claim. That is under the regulations. It has now been made nine months but I stress that the nine months is under the Act itself. That means that the Government cannot go outside this place by regulation later on and go beyond nine months. I think there is both a gain and a loss there.

In addition, subclauses (c) and (d) were previously only regulations but have been now brought into the Bill proper. Some people might see that as a gain as well. I make the point that there have been some gains and a couple of real issues have been addressed, but for the most part the Bill has not taken too much away from anyone—it has not probably given too much either.

I think that we can continue to say that in South Australia we have an excellent Act. While there are a few deficiencies—and the unions can even point out some areas where the Federal Act is better—the point was made during the debate that the harmonisation did not seek to offer improvements to employees. With a few exceptions, I think we have a better piece of legislation.

AWAs were, again, resisted in conference. I made the point, very strongly, that there is nothing that you would legitimately want to achieve under an AWA that you could not achieve under an enterprise agreement.

There are no special advantages for small businesses going to AWAs. The paper work, the time and so on is just as difficult, but the element of fairness is much greater in an enterprise agreement than it is under an AWA system. I gave examples during my second reading contribution and during the Committee stages of what I considered to be a lack of fairness in the AWA process and why we continue to resist it. If members of the Government try to argue that small businesses are being in some way disadvantaged by not having AWAs available, they are telling fibs because there is nothing under an AWA effectively and legitimately that you cannot as easily achieve under an enterprise agreement. Overall, the Government will be disappointed, because it was trying to do a few more things, but at the end of the day we have a piece of legislation that the impartial observer will say has continued to maintain what is an extremely difficult balance between the interests of employers and employees.

Motion carried.

The Hon. K.T. GRIFFIN: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

EDUCATION, COST

Adjourned debate on motion of Hon. Carolyn Pickles (resumed on motion):

(Continued from Page 2009.)

The Hon. R.I. LUCAS (Minister for Education and Children's Services): The Government obviously strongly opposes this disallowance regulation being moved by the Australian Labor Party and being supported by the Australian Democrats. The indication now of support from the Australian Democrats means that this regulation will be successfully disallowed. I indicate, and place firmly on the public record, my view that this is an example of financial vandalism to school budgets in South Australia by Mike Rann, the Hon. Carolyn Pickles and the Hon. Michael Elliott in terms of their disallowance of this regulation.

I want to indicate that this act of financial vandalism by Mike Rann will potentially, on the best advice I have been given, lead to a significant increase in bad debts for our hardworking school councillors serving on school councils in Government schools throughout South Australia. This will clearly, as we move into an election environment, be a very significant issue of difference between the Government and the Labor Party led by Mike Rann in relation to education policy, and, as Minister for Education and Children's Services and certainly having discussed this issue with school councils and counsellors for nearly 10 years now, I will very happily debate publicly and privately with school councils and school counsellors, teachers and principals and members of the Australian Labor Party and the Australian Democrats the arguments for and against the very starkly different education policy positions of the Labor Party and the Government. It is becoming stark in a number of areas now. Mike Rann wants to compulsorily increase the age of compulsion within Government schools in South Australia. Mike Rann wants to abolish basic skills tests in South Australia. Mike Rann clearly wants to do significant financial damage to the school budgets of over 650 hardworking school councils throughout South Australia.

What is the evidence for this? There has been a recent experience in New South Wales when a Minister of the Crown, the Minister for Education, publicly took a position reinforcing what she saw to be the voluntary nature of the payment of school fees and school charges in New South Wales, and there was a massive drop in the payment of school fees and charges in New South Wales, in particular in secondary schools, so much so that the representatives of the secondary principals in New South Wales came out strongly and publicly indicated their concern at the impact on their school budgets of this public policy position of the New South Wales Minister for Education.

As I have said before, this is a vexed and complex area. It is a grey legal area in relation to the current Act and regulations. As I have indicated previously, some school councils have been successful in enforcing payment through small claims tribunals; others, or at least one, was unsuccessful in a magistrate's court.

Any debate in this vote today led and pushed by Mike Rann and supported by Michael Elliott as Leader of the Australian Democrats to abolish the power of councils to collect school fees will of course attract significant public attention, and for some parents out there in the community it will reinforce their view that the payment of the materials and services charge to their school is an optional, voluntary decision for them to take. It is exactly the same situation as occurred in New South Wales, where the Minister expressed the public policy position and parents then reinforced their own perception of the voluntary or optional nature of the payment of the fee, and there was a massive drop in school fee income, particularly to secondary schools.

The informed judgment of observers of the situation—principals who run schools and school budgets and SAASSO, which is the parent organisation which runs school councils and which has had great experience in the administration of school councils—is that this sort of decision produces a potential for a significant increase in the level of bad debts and therefore a reduction in funds available to schools and a resultant reduction in the quality of education that will be available to our children and our students within Government schools in South Australia.

So, as I said, as we lead into an election period, in a number of areas there is now a stark difference between a Government led by John Olsen and an alternative Party, led by Mike Rann, which is intent on destruction of Government schools in South Australia. Opposition to basic skills tests, destruction or severe damage to school budgets through this move and also a policy of compulsorily increasing the age of students in our Government schools are firm policy positions of Mike Rann in South Australia. As I said, I will be delighted to debate these policy differences between the Government and the Opposition, which is inevitably supported by the Australian Democrats in these areas.

As I indicated previously, the sad fact is that the Hons Carolyn Pickles and Mike Rann are in effect beholden to the Australian Education Union and, on every occasion that the teachers union has indicated it wants a policy direction or commitment, the Hons Mike Rann and Carolyn Pickles say, 'How high would you like us to jump?' There has never been an example of Mike Rann or Carolyn Pickles being prepared to stand up and indicate a policy position different from that of the education union. So, if the union says it is against skills tests, the Hons Mike Rann and Carolyn Pickles say that they are against skills tells. If the union says it is against the compulsory payment of the materials and services charge, the Hons Mike Rann and Carolyn Pickles say that they, too, are against it.

As I indicated earlier today by way of interjection, if one were being unkind (and as one cynic observed to me), one might say that, sadly, the Hon. Michael Elliott was almost a wholly owned subsidiary of the Australian Education Union. This cynic's view of the Hon. Mr Elliott was that, as with the Hons Mike Rann and Carolyn Pickles, on any occasion that the President of the Australian Education Union says 'Jump' the Hon. Michael Elliott jumps and supports its position. If on just one occasion in four years the Hons Michael Elliott, Carolyn Pickles or Mike Rann had had the courage to stand up and indicate a different position on a significant, controversial education issue that was different from that of the education union, at least it would have heartened others within the education system to see some slight indication of independence of thought, rather than being, as the cynic indicated, a wholly owned subsidiary of the Australian Education Union.

Members interjecting:

The Hon. R.I. LUCAS: Mr Acting President, as you can see, the Hon. Michael Elliott and the Hon. Caroline Pickles do not like the factual observations that I am putting on the public record in relation to their policy positions on these controversial areas. I challenge particularly the Hon. Mr

Elliott to indicate one example where he has been independent enough to have a thought of his own in relation to education which was different from that of the Australian Education Union. We can see that the honourable member is unable to indicate one solitary example where he has adopted a position on a controversial issue that is different from that of the Australian Education Union. I must admit that this is the sad reality of educational life in South Australia when you have an alternative Government and a third Party, in the Australian Democrats, which, as I said, are slavish followers of fashion through the Australian Education Union leadership.

As I said, in relation to the 39 closures in the past three or four years in South Australia, the commitment that the Hon. Caroline Pickles was prepared to give to a school to stay open just happened to be a school at which children of a senior officer in the Australian Education Union attended. The representatives of Fremont High School said to me, 'Where was Carolyn Pickles when we were protesting about the closure of Fremont High School?' Representatives from two other schools have spoken to me—

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Crothers knows Fremont High School—and said, 'We protested about the closure of our schools. Where was the Hon. Carolyn Pickles promising to reopen our school should a Labor Government ever be elected in South Australia?' They received no commitment from the honourable member because, of course, they do not have children of leading Australian Education Union officials attending their schools. This is just an example of how Mike Rann and the Leader of the Opposition in this Council, as I said, are completely locked into the views expressed by the Australian Education Union on a whole range of educational issues.

As I have indicated previously—and I will not go back through the history of it—this policy position grew out of this greyness of the legal area and was developed jointly and wholeheartedly supported by the four principals' associations within South Australia. All the representatives of principals' associations in South Australia supported the Government policy position of the compulsory collection of school fees. It was also supported by the peak parent body in South Australia, SAASSO (South Australian Association of State School Organisations), the body representing all 650-odd Government school councils and councillors in South Australia.

When a number of those bodies of principals and parents came to me early in my period as Minister, to ascertain whether I was prepared to look seriously at taking a hard decision on this controversial topic, I said that I was not prepared to make this decision unless there was a commitment—and a public commitment—from all of the peak principals' associations and from the peak parent bodies in South Australia, representing school councils, that they were prepared to publicly support and endorse this policy position. Those bodies came together and recommended, supported and helped develop this public policy position of the Government.

Those principals' associations and the peak parent bodies of South Australia will be simply dismayed at this political act of vandalism perpetrated on the schools of South Australia by Mike Rann and by the Hon. Michael Elliott, as the Leader of the Australian Democrats, in the dying stages of this session of the Parliament. It will certainly throw into disarray the financial collection policies of most of our Government schools. Some may or may not be through various stages of collection at the moment. There may or may not be legal processes, and what might or might not occur with respect to those legal processes will now be a significant problem for those individual schools. They will need to seek legal advice as to how they can proceed, or what action they can proceed with. The Government will have to contemplate what in the future it now can do. Given this act of financial vandalism by Mike Rann on Government schools, we will now have to see what it is that we can do to try to assist Government schools' financial budgets in South Australia.

I was amused at the feeble attempt by the Hon. Michael Elliott to justify his support for the Teachers Union position. He brought no evidence to the debate today, sadly. One of his feeble attempts was that we ought to wait for the combined wisdom of Mike Elliott and Carolyn Pickles coming to the Parliament from the select committee that has been established by those two members and their supporters on education in South Australia. We have seen the combined result of the wisdom of the Hons. Michael Elliott and Carolyn Pickles in relation to this issue already demonstrated in a number of previous debates in relation to school fees, and in this debate in relation to school fees.

Let me assure you, Mr Acting President, without revealing the details of select committee deliberations, that there is nothing, in terms of likely wisdom, that will be visited upon this Parliament in the future by the Hon. Michael Elliott or the Hon. Carolyn Pickles, if and when, or if ever, a select committee report is brought to the Parliament. Their views in this area are known, they have gone public on those views, they have indicated through their actions today they will not change those views, and it is disingenuous, at best, of the Hon. Michael Elliott to suggest that what we ought to do is wait for the select committee findings. He knows what the majority of the select committee will find; they have a fixed view on this issue. The Hon. Michael Elliott has a fixed view on this issue and, as I said before, basically whatever Janet Giles says he will do, in terms of the controversial education areas in education administration in South Australia.

I want to refer to some examples of the support from parents and principals for the Government's policy in this area. In an article headed 'SAASSO supports school charges regulation', there was this comment by Executive Officer Mark Woollacott:

> From the number of inquiries directed to our office concerning the progress of these new regulations it is clear that these changes will be welcomed by most school councils. Many councils and parents have felt frustrated that while the bulk of school charges have been paid some people have refrained from doing so knowing that there was little the council could do about it.

He further says:

> Our experience has been that parents do not mind contributing towards their children's education as long as they know that others are contributing as well.

He further says:

> This new regulation enables councils to budget confidently and provides the power for councils to receive payments from all families—which should be reassuring to school councils as well as to each family. SAASSO supports these new regulations believing them to be equitable and of assistance to school councils in managing their budgets.

Representatives of SAASSO on a number of occasions have indicated—including their President and Executive Officer—that some of the most strident voices of support for this Government initiative have come from what are designated to be the poorer communities because they believe that, if

they can make the effort to pay, so can their neighbour. Mr Acting President, I draw your attention to the state of the Council.

A quorum having been formed:

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

That Standing Orders be so far suspended so as to enable the sittings of the Council to be extended beyond 6.30 p.m. to enable business of the day to be concluded.

Motion carried.

The Hon. R.I. LUCAS: Representatives of SAASSO have been indicating that some of the most strident supporters of the Government's policy have been schools and councils from poorer communities. My experience is that the strongest support I have seen for the compulsory payment of school fees comes from schools within the electorates of the northern suburbs of metropolitan Adelaide, in particular, suburbs—

The Hon. Diana Laidlaw interjecting:

The Hon. R.I. LUCAS: Certainly, as the Hon. Diana Laidlaw suggests—like Pooraka, Salisbury and Para Vista. Suburbs through those northern communities are strong supporters of this policy and have been lobbying for it for some time. Also, school councils and communities in the southern suburbs towards Port Noarlunga, Willunga, Christies Beach, Moana and through that group of southern suburbs as well. They have been strong and vocal supporters of the compulsory collection of school fees for some time and, as SAASSO representatives have been indicating, they know that as parents they have to accept a disproportionate burden, if those who can pay do not pay, of adding the additional things that parents want to offer students within schools. I know that Mr Clive Harrison, a prominent member of the SAASSO organisation, on a number of occasions has expressed the view to me that his schools had used debt collectors in the north-eastern suburbs for some time because they had a number of parents who had not seen fit to pay their fees for four or five years.

He has indicated to me that those parents are now responding as a result of having pressure put on them and they are starting to pay up, even if it means paying on a time-payment basis. Of course, many schools are prepared to accept time payment of their school fees. A number of other schools have expressed similar views. Glossop High School has indicated that it strongly supports its right to compulsorily collect school fees. The previous non-formalised system resulted in some schools choosing not to collect fees which, in turn, meant that fee paying families were forced to subsidise the costs of education for students from non-paying families who were able to, but chose not to contribute. This was felt to be quite inequitable.

Representatives from Fairview Park Primary School have said that it is generally accepted that to expect a totally free education in this day and age is unreasonable. Most parents are prepared and expect to pay reasonable school fees for their children's education. Representatives from a school in the southern suburbs have said that new regulations to raise school fees will be good. People will be legally obliged to pay the school fee and, therefore, there will be fewer bad debts. Wirreanda High School has said:

It is important that the school can charge an appropriate level of fee and that this fee is collectable. The policy and procedure should be fair and consistent and collectable from all without the burden falling on a few.

I have dozens of other similar quotes from schools and school council representatives, but time will not permit me to place them all on record. However, I do indicate that representatives of the principals' associations in meetings with me have indicated that the experience of collection of school fees, since the introduction of the policy of allowing debt collection and also the introduction of this regulation, has led in a number of cases to a significant reduction in the level of bad debts at those schools.

It might be easy for the Hon. Michael Elliott and Mike Rann to scoff at school councils. The Hon. Mr Elliott has said that these levels of bad debt are not significant, even though in some rare cases they are as high as $30 000. It is easy for the Hon. Michael Elliott to say that $10 000 in bad debts is not a significant level and that school councils should manage the system better. What an affront to school councils.

The Hon. Diana Laidlaw: Especially in the suburbs you—

The Hon. R.I. LUCAS: Yes. For the Hon. Michael Elliott, obviously supported by Mike Rann and Carolyn Pickles, to be saying to those school councils and parents, 'Don't worry about that level of bad debt of $10 000. It is really bad management.'

The Hon. Carolyn Pickles: Have I said that?

The Hon. R.I. LUCAS: You are supporting this. The Hon. Carolyn Pickles is supporting it; the Hon. Michael Elliott is saying it. They are saying that the schools have a level of bad debt, and the Hon. Michael Elliott is saying that it is not significant and if they had better management they could, in effect, reduce that level of bad debt. That is a tremendous slur and slight on the competent, hardworking members of school councils and principals within our schools.

I intend to make it my cause over the next few weeks or months, as we lead up to an election, to share the views of the Hon. Michael Elliott, Mike Rann and the Hon. Carolyn Pickles on this issue, where they indicate 'Don't worry about this collection of bad debt. It doesn't matter if it blows out. It will be up to you with better management to resolve it.' The Government has tried and the department has given them the power to collect those fees. These three people, supported by their Parties in an act of financial destruction and vandalism, have ripped away that power from school councils, principals and parents. They are now saying to them, 'You are on your own. Go off and collect the fees. If the level of debt flows out, it is a management issue. You, yourself, sort it out. The Government will not be allowed to provide you with the support to collect those fees. You are on your own: go and do it. If you cannot do it, then it is bad management.'

It does not matter how the Hon. Carolyn Pickles tries to wriggle out of it. If she takes the power away, what she is saying is that school councils have to go out there and collect it themselves. In effect, it is a judgment on their management competence in terms of collecting the fees and charges within those schools. I know that there is a significant number—clearly not a majority—of members of the Labor Party Caucus who are appalled at the decision that Mike Rann and the Hon. Carolyn Pickles have taken on this issue. They have spoken to me over the past three months and indicated—

The Hon. Carolyn Pickles: Well, name them.

The Hon. R.I. LUCAS: As Mike Rann says, if there is a police inquiry I am happy to reveal the names to the police inquiry. There are a significant number of both frontbench and backbench Caucus members who have spoken to me in relation to this issue and who have indicated that they do not

support the position of Mike Rann and that of the Hon. Carolyn Pickles on this issue. There is significant discord, and I acknowledge that they are not in the majority. Mike Rann and the Hon. Carolyn Pickles do have majority support within the Labor Caucus in terms of this act of financial vandalism on Government schools in South Australia.

Given the lateness of the hour, I do not intend to provide further evidence of the potential destructive effect of this issue on Government schools. I conclude by saying that the Government strongly opposes this. As a Government we are left with a significant dilemma in terms of what our Government schools will do as a result of this negative act by Mike Rann and the Hon. Michael Elliott. As I said, we can only hope that, whenever that election might be, in the weeks and months that lead up to that election, this will be—let me assure members—a significant issue of policy difference between the Government and the Opposition. It will certainly be one that I intend to campaign on. I intend to expose the destructive views of the Hon. Michael Elliott and those of Mike Rann and the Hon. Carolyn Pickles on this issue as we lead up to that election campaign.

The Hon. CAROLYN PICKLES (Leader of the Opposition): I thank members for their contributions. Due to the lateness of the hour, my reply will be fairly brief. Of course, this is an issue that is not unique to South Australia. A report was recently tabled in the Senate in June 1997 entitled *Not a level playground—The private and commercial funding of government schools*. It took a wealth of evidence from States throughout the country on the whole issue of voluntary contributions, compulsory charges, levies and other commercial arrangements into which some schools enter to try to make ends meet. That has been the whole difficulty with the issue of school fees.

Over the past few years we have seen—and I am not necessarily confining the escalation of school fees to a Liberal Government—that school fees have escalated. The Minister referred to the number of people who have contacted him. I point out that huge numbers of people who have contacted me are simply unable—not necessarily unwilling—to pay the school fees and they have felt a considerable amount of pressure by the school community to pay those fees. We have also seen changes to the eligibility for school card, and large numbers of people in South Australia have lost their eligibility for school card.

People are under pressure. I know that school councils do the very best they can. I have been a chairperson of a State school, a position that this Minister would never have held because he has never had any real direct association with State schools. I raised an enormous amount of money when I was Chairperson of the particular school council with which I was involved while my children were at school. I understand very well the pressures upon school councils, but I also understand that there is a compulsion by government to ensure that the day-to-day running costs of schools are met adequately.

It is interesting to note that the document I have referred to from the Employment, Education and Training References Committee does note the evidence before the committee from the South Australian Government (and I understand it was Mr Dennis Ralph, Chief Executive Officer who gave that evidence) in relation to school fees and this proposed regulation at that time. They say:

> . . . the committee is entirely opposed to the imposition of any compulsory charges in schools. While compulsory charges remain, it is imperative that there is no gap between the level of those charges and the value of the School Card.

They go on to say:

> . . . the committee believes that governments are responsible for providing adequate funding for Government schools. This funding should be sufficient to provide the instruction and learning resources required to enable students to receive an education across the eight key learning areas to a level consistent with the achievement of the National Goals of Schooling. The committee accepts that there is a place for voluntary contributions provided that they are truly voluntary and only for items that are clearly extra to the eight key learning areas. The committee, however, believes that the imposition of subject levies blatantly contradicts commitments by governments to provide for a basic education. Accordingly, the committee opposes subject levies or the imposition of any compulsory charges for materials and services and recommends they be abolished. Governments must meet any shortfall that results from this step.

Frankly, I do not think we want to see any of our schools placed in the position of having to call in debt collectors. I understand that most school councils are most sympathetic when parents go to them and say that they have financial difficulties. I understand that usually arrangements are made to give them time to pay. I also understand that there is frustration by school councils with those people who may be recalcitrant, who simply refuse to pay the school fees. But the majority of parents do pay the school fees. I do not believe we will see huge rises in people deciding that they are not going to pay school fees simply because we have disallowed this regulation.

I resent the comments made by the Minister in relation to intent of the Opposition, and also on behalf of the Australian Democrats, in saying that we think that there is some kind of poor management on the part of the school councils in their inability to manage the issues related to school fees. I do not believe that that has ever been the point of the opposition. The point of the opposition has been that we simply feel that there is now an increasing shortfall in the money provided by governments, at both State and Federal levels, to allow the schools to operate. This places on them the onerous task of having to raise their fees more and more and it makes it very difficult for parents to meet those obligations.

I do not agree with the comments that the Minister raised in relation to one parent, that nobody expects to have a free education in this day and age. The majority of parents to whom I speak certainly do expect to have a free education system, in the public system, and most parents are more than willing to provide some extras, but not extras which really put them out of pocket so seriously that many parents feel embarrassed even to take their children to school. It is not fair for the Minister to say that all school councils are in favour of this procedure that he is adopting. That is simply not true.

There are a number of school councils across the State who have spoken to me who say that they have a great deal of difficulty in having to look at compulsorily collecting school fees. The Minister's threats are typical for this Minister, and his threats about canvassing votes on this issue are ones that we will certainly be happy to face in the election run up.

The Minister might be surprised at the kind of policy development that we have to deal with this vexed issue. So, he can make those idle threats in here; he can start using his departmental funds, which this Government is very good at doing, in advertising the so-called gains that it has made in its budgets, etc. However, he simply cannot avoid the fact that, as a result of this Government's policies, many people in this State are unemployed or on very low incomes, and they simply cannot afford the escalating school fees. The

Government must respond to that potential crisis in the education system.

The Labor Party is committed to public education; we have said that over and again. I think everyone in this State would know that the Labor Government was committed to a good public education system. We have had Labor Education Ministers who are now still very highly regarded in education circles. Schools managed to exist then with voluntary contributions, certainly under Ministers such as Greg Crafter, Don Hopgood, Hugh Hudson and Susan Lenehan, and it is only this Government that now sees the need to introduce some kind of compulsory fee.

If schools clearly have problems with the collection of school fees, the Minister should be looking at the reasons why. One of the reasons is that increasing numbers of people are in poverty in this State. I can understand, and I share the frustrations of school councils in trying to make ends meet. I assure the Minister that when the election comes the Labor Party will have a series of policy initiatives that we believe will go a long way to assisting school councils and to ensuring that we go back to the delivery of an excellent public education system in which all can take part in this State, not just the few who can afford it.

The Council divided on the motion:

AYES (8)

Cameron, T. G.	Crothers, T.
Elliott, M. J.	Holloway, P.
Levy, J. A. W.	Nocella, P.
Pickles, C. A. (teller)	Weatherill, G.

NOES (7)

Davis, L. H.	Griffin, K. T.
Irwin, J. C.	Lawson, R. D.
Lucas, R. I. (teller)	Redford, A. J.
Stefani, J. F.	

PAIRS

Roberts, T. G.	Pfitzner, B. S. L.
Roberts, R. R.	Schaefer, C. V.
Kanck, S. M.	Laidlaw, D. V.

Majority of 1 for the Ayes.

Motion thus carried.

IRRIGATION (TRANSFER OF SURPLUS WATER) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 July. Page 1941.)

The Hon. M.J. ELLIOTT: I rise to address the second reading. I will neither support nor oppose it, and I will explain why. I am speaking on behalf of the Hon. Sandra Kanck, who has now been paired out. There has been something of a convention in this place that, when a Bill needs to go through in a hurry, reasonable notice is given, and every real attempt made to make sure that the issues are canvassed as thoroughly as possible in that short time available. In relation to this piece of legislation, the Democrats and, I assume, the Labor Party had no idea that it was coming—I assure you that we had no idea it was coming. It was introduced, as I understand, in the House of Assembly on Tuesday, passed on Wednesday, arrived here at midnight on Wednesday, and the Government is now demanding that it goes through today.

As I understand, the Minister's office made no attempt to contact Sandra Kanck, had given no indication that it was a Bill which was being rated as a priority Bill, and it was only because Sandra saw it on the Notice Paper in the House of Assembly that she was aware of it at all. Normally, when we see matters go to the House of Assembly, we assume that they will spend a little bit of time there. So, the Hon. Sandra Kanck had no idea what the Bill was about, or how urgent the Government considered it to be. She had an expectation that the Minister's office would have contacted her if they felt that it was important to rush it through. The Hon. Sandra Kanck contacted the Minister's office and had it faxed to her, as I understand it, on Wednesday when, unfortunately, the Hon. Sandra Kanck's researcher was off sick, and this was also in the last week of sitting, with conferences being established, etc.

There was still no indication that there was any timetable or any sense of urgency concerning the Bill. The Hon. Sandra Kanck, as I understand it, got her first chance to look at the Bill on Wednesday night, in amongst all the other things we know were happening around the place at that time. The next morning she rang the Minister's office to find out what the timetable was and was told the Government wanted it through on Thursday. At that point there was still no departmental briefing. The Hon. Sandra Kanck's office rang back and sought a briefing, which occurred at 1.30 p.m. yesterday. The Hon. Sandra Kanck than set about trying to contact relevant interest groups. Unfortunately, and once again as members know, she was burdened by other work and did not make a successful contact or conversation with any group to be able to discuss the issues encompassed within the Bill. To say that the Hon. Sandra Kanck is angry is an absolute understatement.

The Hon. T.G. Cameron: What is she?

The Hon. M.J. ELLIOTT: There are several extremes past that, and understandably so. I say to the credit of the Minister for Education and Children's Services that he suggested a willingness to hold the Bill over but he was left in a difficult situation. Other members of the Government were threatening that, if the Democrats did anything to hold up this Bill, they would be painted as the most evil people who ever lived up and down the river and everywhere else. We have the Government which messed up and which has gone against all the conventions and understandings we have ever had in this place about what happens when a Bill has to go through fast. At the end of the day it is the fault of the people who had been the victims rather than the fault of the people who perpetrated this whole thing. It was pretty amazing stuff.

Members interjecting:

The Hon. M.J. ELLIOTT: I am not suggesting that that is what the Hon. Robert Lucas was doing—he did not make a threat—but I am saying that while he was doing the right thing other Government members were acting in this way. Other Government members were seriously acting like this and I heard one heated discussion between one Liberal backbencher in another place and the Hon. Sandra Kanck in the passage way at one stage where he set about abusing her because she was being in some way obstructive yet, at that stage, all she was trying to do was find out the intent and purpose of the Bill.

There are legitimate questions that should and could have been asked and answered in the context of the passage of the Bill. First, 40 000 megalitres at this stage are considered surplus and up to 70 per cent of this will be leased under the scheme. An extra 30 000 megalitres of Murray River water will be potentially taken out of the Murray River each year as a consequence of this legislation being passed. At the same

time as less water will be available to the rest of the community, this Government is actively soliciting more people to come and live in South Australia. What is the effect on the river? What is the effect on Adelaide's water supply? What is the effect on Murray River salinity, with more irrigation occurring? What are the effects on fish stocks?

Members interjecting:

The Hon. M.J. ELLIOTT: I do not think they have done the basic research on most of these matters. I presume that the Opposition, in offering support, has been caught in a similar position to the Democrats. I presume the Opposition in supporting it either sought answers to these questions and is satisfied or is caught in the same dilemma as the Democrats. Other aspects that the Hon. Sandra Kanck wished to address include the availability of this water on a non-permanent basis because it will create an expectation of so-called lessees that that amount will be there at call. I do not think people will plant 800 hectares of almonds and say, 'We are leasing this water and we do not expect to have it for ever more.' What are the implications when we have a severe drought? Members will remember in 1982 that the Murray River stopped flowing.

Up as far as Murray Bridge, the water was coming back out from the lakes. That was in 1982. That was with a far lower water allocation, far lower water use than we have now and, certainly, as I said, 30 000 megalitres less water use that will be allowed under this Bill. What does that mean for the Lower Murray? Do people think that what happened in 1982 is a one-off? It clearly is not. The big question is, 'How frequent is it?'. I do not think that we know enough. Studying weather over 150 years is nowhere near enough to understand the cycles of Australia's variable climate.

An honourable member interjecting:

The Hon. M.J. ELLIOTT: Even 150 years would be nowhere near enough. I do not know how frequent the 1982 event will be, but in this Bill we are conceding already 30 000 megalitres more coming out in South Australia alone. I am not saying that we do not want to plant more crops; in fact, I have said in this place on a number of occasions that the Government's idea of transferring licences is a brilliant idea. There is considerable wastage of water. There is a capacity to significantly increase production in South Australia and to plant crops of higher productivity. Certainly, the eastern States should not be growing rice and cotton when we can get eight times the yield in terms of value from the same amount of water.

We have enormous potential to get a lot more out of the Murray River system but still to leave it in good health. As a result of the passage of this Bill and the speed at which we are now doing it, I cannot believe we are acting responsibly. I cannot believe that there is one member in either this place or the other House who knows with any confidence the real consequences of this Bill other than that there will be more planting.

I am not critical of the planting itself: it is a question of ensuring that when you set about doing something you do it in a comprehensive fashion. There are some useful things happening. I noticed in a media release today from the Murray-Darling Basin Ministerial Council that some very serious negotiations and some agreements are being reached about capping, but that is capping in terms of current allocations. I make the point, however, that we are talking about current allocations in this Bill—allocations that have never been used. We must imagine the Murray River with 30 000 megalitres less in it, year in and year out. A year not as bad as 1982 which had 30 000 megalitres—

An honourable member interjecting:

The Hon. M.J. ELLIOTT: There are about five litres to a gallon, 40 billion litres, so about 10 billion gallons. You do not have to have a 1982 year. In fact, a year 30 000 megalitres better than 1982 will then be like 1982. I do not believe that the homework has been done. I understand that the Premier happened to go to a meeting in the Riverland less than two weeks ago. The people said, 'We need this and we need it now.' and the Premier said, 'Okay, I will do it.' He has proved himself as Mr Fixit: it has been through Cabinet; no-one else knows this is happening; no warning to the other Parties in this place. It is only two weeks ago that the approach was made to the Government, that it was told that this was urgent and that they needed it straightaway. It was in the Cabinet 10 days ago, it is in Parliament on Tuesday and it is through in four days. Unfortunately, the other Parties have not been told about the urgency of it—certainly, the Democrats have not been told about the urgency of it.

People want to know why the Democrats are appalled and so angry about it. It is not about what is right or wrong in the Bill itself. Legitimate questions can be asked but they cannot be answered. I think this is one of the worst things I have seen in legislation in this Parliament: not the content, but the way the legislation has been shunted through. It is not a responsible way of handling legislation.

I understand that the Labor Party has indicated its support for the Bill and it will pass. We are not supporting or opposing the second reading: we have not had a chance to analyse it, other than to pose what I think are reasonable questions. I can guarantee that no advisers are here to give answers to the questions. What an incredible act of faith.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank the Hon. Terry Roberts for his indication of support for the Bill, and I acknowledge the comments of the Hon. Michael Elliott in relation to the processing of the legislation. The Hon. Sandra Kanck is unable at this stage to be with us but, on behalf of the Government, I apologise for what have been in my judgment as Leader of the Government in the Legislative Council breakdowns in the process of communication and processing of this Bill with the honourable member. I accept that responsibility as Leader of the Government in this Chamber.

I think that the Government could have and should have done better in terms of consultation with the honourable member and, as the Hon. Mr Elliott has indicated, to provide her with more information about the importance of the legislation from the Government's viewpoint and the regional community's viewpoint. The Hon. Mr Elliott will be aware of the regional significance of the decision. One way or another he knows the particular dilemmas of the Riverland community. As he would be aware with the growing of pistachios and other new products, a range of products like olives, almonds and others are potentially to be affected by this legislation. Therefore, the regional impact of this legislation is potentially very significant.

I want to express a personal apology as well as a Government apology to the Hon. Sandra Kanck. Together with the Hon. Mr Elliott, I had a number of discussions with the Hon. Sandra Kanck over the past 24 hours. I have not seen her as personally distressed about an issue as with this issue, and I regret the fact that she was distressed by the processing and the Government's handling of the legislation.

As both the Hon. Mr Elliott and the Hon. Sandra Kanck have indicated, they did acknowledge that 20 of the 22 members in this Chamber were supportive of the legislation so therefore it was always going to be passed by the Legislative Council whenever it was eventually considered and determined. However, whilst I acknowledge that, as Leader of the Government I have always sought to uphold what has been a very healthy convention that has been maintained by all the Parties for many years in this Chamber in terms of an agreement about the processing of legislation, and certainly an appropriate period for consultation on legislation. I therefore regret the particular distress that has been caused to the honourable member by my handling and the Government's handling of the legislation. As I said, as Leader of the Government in this Chamber, I accept responsibility for that, particularly as I was handling the Bill.

In conclusion, I want to place on the record the very significant potential impact of the legislation on the regional community. The advice I received very late this afternoon is that a number of companies with very significant multimillion dollar investments, which were waiting to invest and which were wanting to issue prospectuses quickly, had indicated that, if the legislation was delayed until perhaps October or November, they might take their investments elsewhere. I do not cast any doubt on those claims at all, but I do acknowledge that people who want to invest want to place the best and most persuasive argument on their case.

Therefore, my judgment in the end is that, if the majority—perhaps all of them—were good investments, it is likely that they would have proceeded in any case. Nevertheless, there is a risk. It is impossible for us to make an objective judgment of the extent of that risk that a significant investment in a regional community may not have proceeded. From the Government's viewpoint, we did not want to take the risk that a regional community such as the Riverland might miss out on a significant new industry or investment in that community because of delays.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Elliott indicates that it is too late to plant. That is one of the issues that I took up with representatives of the investors. The response I got when I put that question was that it is not a question of planting this year but one from their viewpoint of issuing prospectuses after having finalised decisions on land and water entitlement. At this stage, it is not productive to prolong the debate. There is support for it from the majority of members in this Chamber, and I thank the majority of members for that indication of support.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. M.J. ELLIOTT: As I am not handling the Bill, I am not really familiar with it, but I gather from what Sandra Kanck has said that she has not had much chance. It is not a long Bill, but the implications of it are fairly severe. We are talking about irrigation trusts. I used to live in the Renmark Irrigation Trust area, so I understand how they work. I am aware that they have what is considered surplus water; in other words, they are allocated a certain amount of water and they then allocate that to users within their district—but most of them have a surplus allocation.

The Government is saying that it wants to facilitate further development. Between them, the irrigation trusts have an awful lot of available water, and I imagine that it would take some time for uptake. I wonder why the Government did not perhaps consider allowing the trusts to transfer half their surplus water, which would have guaranteed at least an availability of water straightaway, rather than saying that they can transfer the whole lot. Once they have transferred it—and the whole lot has a value and it all has been purchased—you lose an awful lot of your flexibility in terms of what you might do later on.

The Renmark Irrigation Trust has had surplus water for as long as there have been allocations, and it is not as though it will have a sudden urgency for it. Why has the Government decided to allow transfer of all that excess and not some proportion of it? In that way, it could have guaranteed available water for any projects on the go here and now. It also would have meant that some of the questions I asked before might have been adequately addressed.

The Hon. R.I. LUCAS: I acknowledge freely that I probably know marginally less than the honourable member about the provisions of the legislation, but new section 46A(1) provides:

> The following provisions apply to, and in relation to, the transfer of the whole or a part of a trust's surplus water allocation (whether absolutely or for a limited period) to another person. . .

I understand the honourable member to be asking why the Government does not support transferring half a trust's surplus water allocation, and my reading of the legislation indicates that the Government has made provision for that flexibility; that is, the transfer would be of the whole of the trust's surplus water allocation or it could be for a part, and that part my might be the half to which the honourable member referred.

If the honourable member has a series of questions of a detailed nature in relation to this legislation that requires a detailed response in the Committee stage, the Committee might have to report progress and I will seek to track down an appropriate departmental adviser. However, the honourable member and other members might like to place their questions on notice, and given the indication of support by the Hon. Terry Roberts and the majority of members in this Chamber, on behalf of the Government I would be happy to correspond with them with replies to their questions.

The Hon. T.G. CAMERON: Section 46A(1)(b) provides:

> . . . if the trust has excess water the transfer will be taken to be in respect of the excess water and will only be in respect of unused water when all the excess water has been transferred;

I am not familiar with all the debate on this measure, but can the Minister advise how much unused water there was in the last 12 months and what the forecast is for the next 12 months? I cannot believe that the Government would allow this Bill to go through unless it had a clear idea of much water was involved?

The Hon. R.I. LUCAS: As the honourable member would expect, I have that answer in my back pocket and am quite happy to share it with him. The Government clearly does know but, as Minister handling the Bill in this Chamber at the moment, I am not privy to that information yet. If it is important to the honourable member, I am happy to report progress and seek and provide an answer to that question. If the honourable member is prepared to accept that I will assiduously chase down the information and correspond with him next week, I would be happy to do so.

The Hon. T.G. CAMERON: Section 46A(1)(c) provides:

> . . . the proceeds of the transfer, after deducting the costs relating to the transfer, must be divided between the owners of the irrigated properties in the trust's district—

Following the Minister's answer that the Government knows exactly how much water is involved, can he also provide details on the proceeds of the transfer of this water, what the costs are and, therefore, the division between the owners of the irrigated properties? I am happy to accept these answers later.

The Hon. R.I. LUCAS: I thank the honourable member for his indication that he is happy to receive correspondence from me on behalf of the Government on those questions. I give an undertaking that I will pursue the issue with the appropriate Minister and officers and correspond with the honourable member as soon as possible.

The Hon. T.G. CAMERON: I ask the same questions in relation to new section 46A(1)(c)(ii).

The Hon. R.I. LUCAS: I am happy to give a similar undertaking.

The Hon. M.J. ELLIOTT: According to the Bill, new section 46A(1)(c)(i) refers to the proceeds of the transfer of excess water. New section 46A(1)(c)(ii) provides for the proceeds of the transfer of unused water. Something different happens with excess water compared with unused water: so far so good. A definition of 'excess water' is provided, but the definition of 'surplus water' is 'excess water'.

The Hon. Anne Levy: All unused water.

The Hon. M.J. ELLIOTT: That is fine, except for the fact that you have both excess water and surplus water which can mean one and the same.

The Hon. R.I. LUCAS: Looking at the definitions, we see that there are separate definitions of excess water, surplus water and unused water. We see: '"surplus water" means excess water or unused water'. Excess water and unused water are defined differently in accordance with the separate definitions in subclause (2).

The Hon. T.G. CAMERON: I may be missing something but the definition for excess water means water which exceeds the allocation that the trust is entitled to under its water allocations under the Water Resources Act. I did not think there was any surplus. We are only transferring. Where does the surplus come from?

The Hon. K.T. Griffin interjecting:

Clause passed.

Title passed.

Bill read a third time and passed.

ENFIELD GENERAL CEMETERY (ADMINISTRATION OF WEST TERRACE CEMETERY) AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

INDUSTRIAL AND EMPLOYEE RELATIONS (HARMONISATION) AMENDMENT BILL

The House of Assembly intimated that it had agreed to the recommendations of the conference.

REHABILITATION OF SEXUAL OFFENDERS BILL

Second reading.

The Hon. J.C. IRWIN: 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.

Sexual offences dealt with in the criminal law system in South Australia include rape, indecent assault, incest, sexual offences against children, child pornography, indecent behaviour, gross indecency, involving child prostitution, prurient interest and unlawful sexual intercourse. There is an urgent need to prevent child abuse not only for the cost to the child but for the cost to society. The direct costs involve child protection, welfare law, mental health and all the medical expenses, but the indirect costs in terms of the longer ranging effects are even greater when the victim carries the scars into adulthood and possibly becomes another offender. There is an increasing number of reports and incidences of child abuse. In 1992-93 throughout Australia there were 59 122 reports of child abuse and neglect involving 50 671 victims, and 23 per cent of those were sexual abuse. Those figures come from a document entitled 'Development, Child Abuse and Neglect Policy for Health System, December 1995'.

'Child abuse and neglect, Australia 1994-95' reports 76 954 suspected child abuse cases in Australia. Of these 30 600 were confirmed, representing 26 500 children. Of this number 16 per cent were sexual abuse with the highest rates in the 13 to 14 year old age group. For the same period in South Australia 6 954 cases of abuse and neglect were reported, representing a 13 per cent increase, and 21 per cent of these cases were sexual abuse. Children involved in substantiated cases of sexual abuse represent 1.1 per cent of the Australian population in the 0 to 16 year age group.

The Australian Institute of Health and Welfare has estimated that, during 1993-94,5 000 children under the age of 16 were involved in substantiated cases of sexual abuse throughout Australia, and it is usually considered a high understatement because of the under reporting of the abuses. In South Australia in 1994-95, of the 1 932 cases presented, 37. I per cent were victims under 14 years of age and 89.8 per cent were female victims of rape. The South Australian rate of sexual offences per 100 000 of population in 1995 was 92.13, compared with the Australian average of 70.95 per 100 000, which ranks South Australia as the second highest reporting State. Rates of abuse in South Australia have been as follows: in 1991, 3 462; 1991-92, 4 542; 1992-93, 5 736; 1993-94, 6 158; and 1994-95, 6 800. FACS is the source for those figures.

Sexual offenders are a heterogeneous group, often with personality difficulties and with a range of sexual activities. The onset of paraphilia occurs in early adolescence with the development of deviate sexual fantasies preceding the actual sexual behaviour, which starts to occur in late adolescence. Some deviant activity occurs because of the lack of social skills and the inability to obtain sexual partners, and they may therefore simply need instruction. Some offend because of irrational anxieties about sexual intimacy or suspicious or aggressive attitudes towards partners and they may respond to other types of models of treatment. Many offenders have a range of problems, so that one solution alone will not work. The deviant arousal patterns can be changed by treatment and long-term contact with a therapist or psychiatrist, and that is recommended.

From a study on men offenders compiled from Northfield in 1992 involving South Australian, New South Wales and Western Australian correctional centres, those who were abused themselves were more likely to be socially disadvantaged, experienced more verbal and physical abuse, thought it commonplace or the norm to abuse, had no compunction about repeating the abuse, liked some of the aspects of the abuse, failed to connect the abuse to any other problems in their life, readily interpreted children's actions as seductive, and very few reported their own abuse.

It seemed in this study that the pattern for prisoners was: initial abuse as a child, continued abuse by large numbers, early abuser of others, and that became habitual. A person may be less damaged by abuse by strangers than if the abuser was a loved one. None in that interview study in South Australia had been involved in any re-education or resocialisation program, several offered no help or ways to learn non-deviant sexual arousal, but all in the New South Wales and Western Australian system were in programs of rehabilitation.

There is a range of groups of offenders: a fixated offender, whose primary sexual preference is for children; and a nonfixated offender, whose primary sexual preference is for an age-appropriate relationships. The fixated offenders can be broken into four categories: the transitional paedophile, who lacks the social skills for age-appropriate relationships; those who have a compulsive sexual preference for children; those who argue that sexual contact is good for the child and that they are providing an education program; and those for whom the victim is objectified and used only for sexual gratification.

Exhibitionists (one group of offenders) have a compulsion to flash from a safe distance, and that is the common form of their sexual behaviour. A minority have sexual misconduct that is persistent, anti-social and unmodifiable apparently by any other method than chemical treatment.

Another group of offender is paedophiles, who are typically non-violent, often unassertive and socially inhibited. They develop an empathy with children—engage in games, offer presents or treats such as camps, and make themselves interesting to children. The majority of paedophiles are attracted to girls, the minority to boys, and some to both. Men approaching boys are usually men with privileged access from a social situation.

Every major study indicates that offenders are usually male, and it has been suggested that female paedophiles are rare. The number of victims of paedophiles increases with time, so that treatments that can act early on the offender will have an enormous saving on numbers of victims, with health and legal cost savings. An extremely conservative report suggests that the average paedophile has 50 to 75 victims per lifetime.

The third section concerns parents in incestuous relationships. Most cases of incest involve a father, stepfather or de facto father, and most cases occur in the family home. The offending male usually regards his family as his property to abuse at will. Violent crimes are usually inspired by guilt rather than by lust, and many murders occur because of a frenzy of guilt. In the 1980s, 1 to 3 per cent of reported cases involved women, but now South Australian FACS does not record the gender of the offender for statistical purposes.

Explanations of sex offenders as having poor and inappropriate social skills and under-control and conflict in gender relationships would generally account for most offending. There is a subgroup of offenders for whom clinical and special psychogenic explanations remain highly relevant.

Intervention should be aimed at supporting the offender to modify their behaviour to avoid re-offending, and this could include drugs, psychotherapy, conditioning techniques and social skills training. Penalties are separated into management (that is, incarceration of the offender) and treatment or rehabilitation. Other members who have spoken on this issue have put on the record details of the average sentences that have recently been handed down in the Magistrates Court and the Supreme Court, and I will not repeat them.

Paedophilia is dealt with by a medical model in which treatment is provided with a view to preventing further conduct or by the punishing model, which goes through the courts. Assessments are made for treatment programs to determine the risk of reoffending, but there must be a desire to be treated. Cognitive behavioural programs are effective for child molesters and exhibitionists but not for rapists. The Victorian Crime Prevention Committee in May 1995 recommended mandatory assessment of all convicted sex offenders and that they should enter an extensive treatment program contrived until the parole period has expired. This should be seen as part of an overall strategy involving prevention, detection and early intervention and support, treatment and rehabilitation. 'From Victim to Offender', a study by Freda Briggs in 1995, states:

We found in South Australia when prisons lack special facilities and a rehabilitation approach to child sex offenders, perpetrators are unlikely to accept responsibility for their actions and imprisonment does not, by itself, change men's attitudes to children nor does it change their sexual orientation.

This was based on the Western Australian figure of 80 per cent reoffending. The treatment alone approach provides an offender with a psychological rationalisation for the offence and weakens the criminality of the sexual assault while strengthening the assault as a symptom.

The demand for longer terms of incarceration as a solution to the problem has escalated, and the rehabilitation and treatment of offenders has been accorded less attention. Sex offenders who are incarcerated will one day be released from prison and return to the community which needs protection. They will continue to be a threat of re-offending unless they come to understand and control their behaviour. In Australia, rehabilitation programs for incarcerated sex offenders are extremely limited.

Each sex offender needs a complete individualised assessment and treatment plan which is ongoing. They need to accept responsibility, understand the consequence of thoughts and feelings and the arousal stimuli that causes this behaviour. Getting offenders to accept responsibility is the early goal of rehabilitation, leading to impulse control. The offender needs to learn how to intervene in the process and actively turn away from re-offending. They need to replace anti-social thoughts and behaviours with pro-social ones and acquire positive self-concept and new attitudes and learn new social and sexual skills.

Each residential sex offender needs a prolonged period during his treatment to test his newly acquired insights without harming members of the community, and each needs a post-treatment support group. It should be acknowledged that rehabilitation treatment decreases inappropriate sexual arousal and increases non-deviant arousal, while increasing resocialisation skills and raising self esteem.

The basis of chemical control is to lower testosterone, lower sexual drive and lower subsequent deviant sexual activity. This resulted in recidivism rates of less than 5 per cent when the treatments were followed up to 20 years. Testosterone is the principal androgen produced by the testes of animals influencing male sexual behaviour and female behaviour. As a species becomes more complex, that is, they increase in complexity to the human race, the direct influence of hormones on sexual behaviour is lower, but for males it remains dependent on androgen whatever the species. Androgens (principally testosterone and dihydrotestosterone) are responsible for a range of developmental and sexual characteristics and the maintenance of sexual behaviour in males and some effects in females. Chemicals work by action on intracellular androgen receptors—a receptor-hormone complex is formed and is actively transported into the nucleus of the target cells, and the target cells respond according to their genetic compliment. It is the binding of the hormone to the receptor that results in the biological response. Binding is inhibited by competitive and non-competitive mechanisms.

Competitive inhibitors bind to the receptor site and prevent the hormone doing so. The non-competitive inhibitors provide numerous and alternative receptors for the hormone. It is sensitivity to androgen receptors in the central nervous system that determines male sexual behavioural patterns. Androgen receptors are in the prostate, the brain, the limbic system and the anterior hypothalamus. These biological processes are a focus of the antiandrogen and hormonal treatments of paraphilias, targeting a reduction in available androgen receptors through a variety of mechanisms. Androgens are steroid hormones synthesised from cholesterol and transported in plasma on specific transport proteins. The globulin has a high affinity for the testosterone, having specific receptor sites. A dynamic equilibrium exists between bound and free hormones.

It appears that the prime activation effect of androgens is at the hypothalamus. In humans a behavioural manifestation that appears to be testosterone dependent is aggression, and specifically sexual aggression. Pharmacological treatment of paraphilias is based on treating sex drive suppression through a variety of agents, which relieves a person of obsessive preoccupation with sexual thoughts and temptations to commit offences. The treatment produces physical impotence, reduces sexual drive and psychological arousability, and is most applicable to people with a high likelihood of offending.

The theory of preventative intervention is based on the belief that suppression of the sexual drive results in decreased paraphiliac behaviour and based on the need to control sexual fantasy, sexual urge and sexual acting out. A 'cure' would be the one that reduced the deviant action of a paraphilia and not the non-deviant action, otherwise the result is production of an 'asexual' individual, which may be argued for very serious paraphiles.

It is imperative, especially in paedophiles, to correct cognitive disorders by way of individual or group psychotherapy. Some candidates are to be considered for long-term treatment on the basis of risk reduction alone. A comprehensive treatment program often has many facets but with one key factor, that is, sexual deviant behaviour is overcome and the other solutions fall into place. The decision to try to suppress sexuality by chemical treatment should never be taken lightly. Usually it is seen as justifiable for offenders who have seriously anti-social sexual acts to be chemically treated and where no other measure will suffice.

Being part of a whole of system approach, the focus on purely needing to punish does not take into account the realities of child sexual assault. Regardless of the length of incarceration, the offender is eventually released and often back to the family. Punishment must include measures to minimise the re-offending of these people. There should be a mandatory assessment of all convicted sex offenders with a custodial or non-custodial sentence. This was a clear recommendation of the Victorian Parliamentary Crime Prevention Committee which reported in 1995. Following its assessment, offenders should commence an extensive treatment program, which should continue until their parole period expires or until they are assessed as no longer needing this support. It is also stressed that this

treatment is not a substitute for incarceration but is done along with the incarceration program.

Freely given informed consent is an absolute prerequisite. The treatment should commence during the period of incarceration. When incarceration is completed, the offender should consider these treatment approaches with a view to successful community reintegration. A variety of pressures, or forms of duress, can be brought to bear, but most treatment methods are unlikely to work and are scarcely worth attempting if the offender does not want to cooperate in the treatment. To facilitate a change in behaviour and attitude, the offenders must confront themselves and deal with their offence. Some do not and will never give up their fixation on children, and there is no solution for them other than to separate them permanently from society.

Various chemicals can be used, and the first that I put on record is cyproterone acetate (CPA). The principal mode of action is as an androgen receptor to block testosterone taking its place. Antiandrogen and antigonadotropin effects are experienced in males with the specific mode of action of CPA as a competitive inhibitor of testosterone and dihydrotestosterone on specific androgen receptor sites. Effects are dose dependent. Sexual behaviour is affected by reduced testosterone. Erection, ejaculation, spermatogenesis and sexual fantasies are usually eliminated. Also, 100 per cent of the drug is bioavalable orally; the plasma has a half life of 38½ hours; and injection reaches maximum plasma in 82 hours.

CPA is effective in most extreme cases such as sexual sadism and paedophilia. CPA has reduced deviant sexual arousal in paedophiles which, having less impact on nondeviant sexual arousal, leads to normalisation of preference. Sexual fantasies and masturbation are significantly decreased with the use of CPA. CPA has a definite role. It is well documented that CPA substantially reduces recidivism rates and has continued beneficial effects when treatment is terminated. CPA can be gradually tapered off in a significant number of individuals without risk of relapse after a 6 to 12 month treatment period.

The second drug is medroxy progesterone acetate (MPA) or, as it is mostly known in the medical field, Depo-Provera. MPA works by enhanced metabolic clearance of testosterone by inducing testosterone-A-reductase in the liver, hence plasma testosterone is decreased. MPA has an antigonadotropic effect. MPA reduces sex drive, fantasy and sexual activity at doses of 300 to 400 mg/week intramuscularly, with beneficial effects that last up to eight years after the drug is removed. The third drug is Flutamide, an anti-antrogen, which is used for the treatment of carcinoma of the prostate and shows a positive effect in paraphilias. Germany has an anti-androgen to use as an implant slow-release.

The fourth drug is oestrogen, a hormonal agent which is a cytosol oestrogen receptor similar to androgen receptors. Oestrogen and progesterone receptors occur in the hypothalamus and pituitary and mainly affect female reproductive and sexual behaviour and male behaviour. The fifth drug is LHRH agonists, a lutenising hormone-releasing hormone. It has a potent inhibition of gonadotropin secretion.

In California, Assembly member Hoge, and co-authors Assembly members Baldwin, Boland, Margett and Miller, introduced legislation on 23 February 1996 for chemical rehabilitation, and it was amended in August 1996. This legislation allows for any person guilty of a sex offence against a child under the age of 13 years on the first conviction to be punished by the use of MPA. For any subsequent offence, the use of the drug is mandatory. Its effectiveness in terms of prevention of reoffending in other countries is as follows: 1.1 per cent in Denmark, 2.8 per cent in Germany, 7.3 per cent in Norway, 1.3 per cent in Holland, and 7.2 per cent in Switzerland.

Lowered self esteem characterises victims of sexual abuse, and the effects such as trauma and pain do not go away with time. A wide variety of later effects, such as sexual difficulties, inability to form lasting relationships, lack of self confidence and poor marital and parenting skills remain. Sexually abused boys may grow up to abuse their own or other's children, and women who have been abused as children are statistically shown to become battering mothers.

Repetition in the next generation is not inevitable. Nevertheless, the identification and treatment of sexually abused children becomes more vital when it is likely to help the next generation as well. Paedophiles 'groom' their victims over a long period and often after the abuse try to indoctrinate the victim into paedophilia and another generation of abusers is formed. There is not a direct correlation between abused becoming abusers, but there is a range of other external factors which are involved and make this happen.

Finally, in addressing the Bill, any person guilty of offences as specified—rape, indecent assault, unlawful sexual intercourse, incest, child pornography, indecent behaviour, gross indecency and prurient interest—shall be mandatorily assessed upon conviction to custodial or non-custodial sentence. The judge must inform the offender of the available treatment on conviction., Mandatory assessment will be ordered of the offender's psychological ability and willingness to be rehabilitated.

Post assessment, all sex offenders are offered entrance to a chemically induced treatment program two weeks prior to release, and they must continue treatment until both the Parole Board and the appointed psychologist have been satisfied that the treatment is no longer required. The Bill must provide that the Corrections Department explains fully the use of the materials and the possible side effects. The offender must sign an agreement, and no medical officer will be obliged to administer any drugs against their will. I seek the support of the House.

On 24 September 1996, Germany debated chemical castration (as they call it) following the abduction, sexual assault and murder of a seven year old girl in Bavaria. The family Minister, Claudia Nolte, was quoted in the Daily Express as follows:

We must examine all possibilities to protect children from sexual abuse.

Bavaria's ruling Christian Social Union said that it would examine chemical measures to prevent sexual offenders repeating their crimes. German prison psychologist Werner Hess said that psychologists should 'help offenders to bring their sexual impulses under control'.

California has introduced chemical castration as a mandatory condition after the second offence, and it is now being considered by other American States including Florida, Michigan, Massachusetts, Texas and Washington State. In several European countries, castration for rapists has been around for decades. Germany offers hormone suppressing injections and clinical surgery to violent sex offenders. Sweden makes chemical castration available to criminals who want it.

Denmark introduced chemical castration in 1973, and the results have been positive according to Heidi Hansen, the chief physician in the Copenhagen Penal Institute. The physician stated that it was safe, reversible and effective. Of the 26 prisoners chosen to receive the injections since 1989, 16 have been released on probation on the condition that they continue to receive injections, and only one has committed another offence.

Generally, the treatment of paraphiles with antiandrogens and hormonal agents has been successful in reducing reoffending rates through the reduction of sexual behaviour, sexual fantasies, sexual drive, sexual arousal and other effects. Wincze in 1987 reported 80 per cent of incarcerated sex offenders who did not receive treatment will reoffend but, when they receive treatment, the rate falls to 20 per cent. Some form of treatment affords the community the best protection and effectively prevents further victimisation.

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

ADJOURNMENT DEBATE

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

That the Council at its rising adjourn until Tuesday 26 August.

As we traditionally do at the end of a parliamentary session, I thank you, Mr President, for your presence in the Council. I thank all the staff, particularly the table staff. Last night was a particularly long session for the table staff, as it always is. I thank Jan and the table staff for all that they do. I thank the Chamber staff, *Hansard*, in particular, and all the other staff in Parliament House for all that they do, not just in the concluding weeks but throughout the year in terms of support for members. I thank the Hon. Carolyn Pickles and the Hon. Michael Elliot. Again, in most sessions—except for the first session of these four years, when we had some particular problems in terms of processing legislation—the cooperation from all Parties has been terrific. I thank the two Leaders for their support. I have not done an exact count but I suspect

that, in the past two weeks or so, this Chamber has processed about 20 to 25 pieces of Government and private legislation.

Members interjecting:

The Hon. R.I. LUCAS: Not in the past two days—the past two weeks. The Hon. Carolyn Pickles says that it is said that we are not productive, but we certainly are productive. Whatever our perspectives, one of the great strengths of this Chamber—which existed prior to the past four years, I freely acknowledge—is the degree of cooperation between the three Parties. I regret the occasions when that does not occur but, as I said, by and large, the cooperation is terrific and I thank all members. I particularly thank the two Whips, the Hon. Jamie Irwin and the Hon. George Weatherill, for their whipping and for their smooth processing of Government and private members' business in the Chamber.

I understand that the Hon. Anne Levy will, in due course, make what she terms potential farewell remarks to the Chamber. I am advised that we should all expect to be back here in September or October this year, so they may well be pre-emptive farewell remarks by the honourable member and, I presume, by you, Mr President. Within that context, I will make some brief comments, first, about you, Mr President, and then the Hon. Anne Levy.

Mr President, I think I speak on behalf of all Government members in wanting to thank you for your almost 15 years of service to this Chamber. You and the Hon. Diana Laidlaw and I came in as three Liberal members on a joint ticket in 1982. I well remember, as does my wife (then very pregnant with our second child) the eight or nine ballots it took to separate you and me from the third and fourth positions on the Legislative Council ticket in 1982. We three have been firm friends since then, which we duly capped—albeit briefly—with a lunch at Parlamento today as a partial celebration, and on 6 November we intend to celebrate more formally in an appropriate location your 15 years of service, the fifteenth anniversary of our election and our shared time together in the Legislative Council.

Mr President, I have certainly enjoyed the personal friendship we have had over those 15 years. I was delighted earlier this year to be able to spend some time with you again and other colleagues in visiting the Pitjantjatjara lands. Back in the mid 1980s one of our first trips was with the Hon. Martin Cameron, the Hon. Diana Laidlaw, Christabel Hirst and a photographer from the *Advertiser* to visit the Pitjantjatjara lands, and that was my first experience of the conditions that exist for the Anangu people on those lands. It was a pleasure and also fitting that the last trip I shared with you was a very pleasurable and enjoyable experience—witchetty grub eating and all at Amata (and we could share a funny story or two there, but time will not permit)—at those Anangu communities a bit over a month ago.

In particular, I congratulate you on your last four years in this Chamber as President. Certainly as Leader of the Government in the Council—and I know all members would join with me—I thank you for your Presidency. You have presided over the Chamber with humour. As we have seen on occasions when some members have presided in another Chamber, when a presiding member uses humour for maintaining control of a House it is a very powerful way of ensuring that the majority of us behave as best we can. Your humour, wit and ability to be seen by all members in this Chamber as fair and as impartial as possible has been well accepted by all members of this Chamber.

I intended to make some personal comments and share some anecdotes, but perhaps we will do that on the 6 November celebration. In thanking you for your 15 years of service to the Chamber, I also acknowledge your 15 years of service to the South Australian community, in particular the constituents of the West Coast and Far North and other country regions of South Australia and, in more recent days, perhaps some of the residents around the Unley and Parkside area, as you have spent a bit more time there.

On behalf of my colleagues, I also publicly pay tribute to your wife, Heather, for the tremendous support she has provided to you personally and politically in terms of your positions within both the Party and the Parliament. I know that all my colleagues would want to place on the public record our acknowledgment of the shared task that you and Heather had in your 15 years of service to the Chamber.

I will now address a few comments to the Hon. Anne Levy. I thank Anne for 22 years of service to the Legislative Council. I cannot remember my first recollections, but my earlier recollections of working with the Hon. Anne Levy were in two forums. One was the disposal of human remains select committee, with the Hon. Dr Bob Ritson and Gordon Bruce.

The Hon. L.H. Davis interjecting:

The Hon. R.I. LUCAS: As the Hon. Mr Davis indicated, that was 'dead' boring! We produced a very good body of work, which is largely unrecognised at the moment, Anne, by both your Government and ours in many respects. Also, between 1982 and 1985 I served on the University of Adelaide Council with the Hon. Anne Levy, and I do know the respect and esteem with which she was held by members of the University of Adelaide Council. I know she has always maintained a special link and a special affection.

The attributes I saw in the Hon. Anne Levy in both those fora, the select committee and the University of Adelaide Council, were attributes that she brought to the Legislative Council Chamber. There are a few members on all sides of Parliament whom I would describe very high in their mix of capacities as being a legislator. I am sure the Hon. Anne Levy would expect me to say this: on many occasions we have had vigorous disagreement, both personal and political. However, let me assure members that it has never been anything that I have taken away beyond the particular exchange that we might have had.

The one attribute I have always admired and respected has been the Hon. Anne Levy's capacity as a legislator and her willingness and capacity to look at the minute detail of clauses and subclauses and where they link. It might have been wearing on occasions not only to Ministers of the Government but also to her own Ministers and Caucus colleagues—although they can speak for themselves.

This Chamber and the Parliament operates on the basis of members' being prepared to do the hard work, to put in the time and the hours, to look at the clauses and the subclauses, and to see what is happening, intentionally or unintentionally. I want to place on the public record the fact that I respect the honourable member's tireless capacity and her willingness to work assiduously in terms of all legislation, whether it was pieces of legislation that she was handling or dissecting and whether it involved her Government's or a Liberal Government's piece of legislation.

I had intended to share some personal anecdotes, particularly in relation to the Select Committee on the Disposal of Human Remains, but I know other members want to speak and I know the lateness of the hour. I hope that perhaps, if not on this occasion on some future occasion, members from all sides of the Chamber might have the opportunity to have a

farewell celebratory drink with not only the honourable member but also the President. It might be possible to organise that at some stage in the not too distant future, so that we can say farewell and 'Thank you' for your 22 years of service to the Council, your own political Party, the beliefs you have held and your service to the South Australian community as well. Mr President, I thank both of you for your years of service to the Legislative Council.

The Hon. CAROLYN PICKLES (Leader of the Opposition): I second the motion. I, too, would like to record my thanks to you, Sir, for your tolerance, forbearance and good humour; the table staff, the Clerks, the messengers, in particular *Hansard*, who are always so patient and so accurate, and to all the people who work in this place. I put on the record my thanks to the Government, Government members and to the two Whips who have helped me personally through the past couple of very difficult weeks that I have had at a personal level. I thank you for your tolerance and forbearance during that time.

Sir, in the past four years I believe that you have been an excellent President. I thank you for your sense of humour and sometimes your rather spirited joining-in of the Committee stages; it must be very difficult when legislation is before you and on the debate on which you would like to take part, yet, unlike the other place, you are not allowed to stand down to come to debate the issues. I know that when the Hon. Anne Levy was President she, too, had a few little asides—very audible asides at times—that we tried very hard to ignore. I believe that you have had an excellent sense of humour and, when one compares it favourably with the other place, I think your sense of humour has kept us in check. I think that is probably the way to go rather than to get too aggressive. You have not thrown anyone out, Sir, and I believe that that is a tribute to your forbearance at times.

An honourable member interjecting:

The PRESIDENT: A few have walked out.

The Hon. CAROLYN PICKLES: I would like to thank the Leader of the Government and the two Whips, who always perform very well, indeed. Certainly, the place could not run smoothly without them. I hope that we will have another opportunity to speak at more length about the members who are departing from this place.

In relation to my friend and colleague the Hon. Anne Levy, 22 years in this place is an awfully long time. I am not sure that I would want to be here quite so long, but Anne has served—

An honourable member interjecting:

The Hon. CAROLYN PICKLES: Who said that? We will let that remark go. I will deal with him later.

An honourable member interjecting:

The Hon. CAROLYN PICKLES: I believe that probably those kinds of comments are inappropriate in this debate, Mr Redford. I believe that the Hon. Anne Levy has served the South Australian community in an absolutely excellent fashion. Anne's commitment to women, to the arts and to every cause that she takes up is absolutely dedicated. She has, in all the years that I have known her—more years than I care to remember, Anne; I do not like to go back that far but—

The Hon. Anne Levy interjecting:

The Hon. CAROLYN PICKLES: Primary school council, that is right. The Hon. Frank Blevins brought me in a very old Labor *Herald* picture from 1979, when we were looking considerably younger. But I believe that Anne has had the admiration of many women in the community, of both sides of politics and of people without politics. As to her dedication in the area of the arts, I am sure that the Hon. Ms Laidlaw outside of this place would recognise that—

The Hon. Diana Laidlaw: Inside it.

The Hon. CAROLYN PICKLES: And inside this place, too. Her dedication is very genuine. I know that Anne will not leave politics. She will leave this place as a politician but she will certainly not leave politics, and I am sure that in many Labor Party meetings and publicly we will still see Anne's dedication to the causes that she holds so dear.

I believe that it is a tribute to her dedication that she has managed to get something through that I know she believes in very strongly, and that is the Voluntary Euthanasia Bill that has now gone to a select committee. I knew Anne's husband, and I know the kind of devastation that is involved when one loses one's partner from such a serious illness. I believe that Anne's dedication is a tribute to the memory of her husband. I have promised Anne that I will carry on that battle on her behalf, as I know that members opposite will do, until perhaps some time in the future when we might have some sensible legislation in this State. We do not have any more time to deal with these issues.

I know that Anne wants to say a few words, and I know that she wants to leave very quickly to go to an art function—as always. So, with those few words, I would like to again thank you, Sir, for your excellent service to the State and to the Parliament. And you, Anne: your name will go down in history.

The Hon. M.J. ELLIOTT: I want to thank the table staff, *Hansard*, clerks, messengers and the staff of Parliament House generally. They are the real workers around this place and we just fill in the gaps in between. I want to thank the Hon. Peter Dunn for the 15 years that he has spent in this place. I have spent about the past 11½ of those years with him. He has carried on an important tradition in this place of impartiality in the President's Chair. There have been three Presidents in my time, and all of them have been absolutely impartial. I believe that that is very important for the proper working of this place. I was wondering, in his early days, whether the Hon. Peter Dunn was going to do it, but he has not had to put the dogs out among us. So, we survived that fate—but only just, on a few occasions.

The Hon. Anne Levy is also a member of great integrity. Twenty-two years seems to be above and beyond the call of duty for anyone. I suppose that the one thing that I must try to uphold in the honourable member's memory is the Levy amendment. We must always ensure that that remains in Bills. I look forward to the day when we do not have to put it into Bills. That is not too far away, but in the next five or six years I will try to keep the Levy amendment in mind. If we do not see the President and the Hon. Anne Levy in here again as members of this place, I am sure that we will have a chance to see them around the place and they will be welcome visitors.

Finally, I note that the business of this place, aside from the politics, which has its ups and downs, has worked exceptionally well. The business has gone smoothly over the past couple of sessions. Even when we have a bit of a backlog, we do get through it. Although we had what might politely be called a bit of a glitch today, I note that the Leader of this place did offer not to proceed with the Bill, recognising in so doing that there is good form in terms of the way things are handled. I congratulate him on upholding what is an important tradition in the place generally. I wish all

members well. We will not have a relaxing break: until we know when the election is and until it is over, nobody will stop. All I can do is wish people well.

The Hon. DIANA LAIDLAW (Minister for Transport): I appreciate, as my Leader indicated, that this may not be the final sitting before the Hon. Anne Levy and yourself, Mr President, retire from this place but, like my Leader, I would like to make a few comments. I was amused when the Hon. Rob Lucas mentioned the ballot. When I first met the Hon. Peter Dunn it was at the ballot for preselection, and you were going for third and fourth spot. There were nine ballots. I remember that occasion so well, because I did not know the fifth position until about 8.30 that night, and we had to have a change of venue as well. Friendships have withstood a lot since that time.

The Hon. Peter Dunn and I shared an office in the basement when we first came to this place, and I am still in the basement. Since then, we have gone on to hold other positions, although my office just seems to shift up and down the corridor. When I shared offices with the Hon. Peter Dunn I learned a lot about farming, seasons, prices and fertilisers, country roads and the like. It gives me some considerable pleasure to be Minister for Transport at this time and to be partly responsible for the sealing of the Kimba to Cleve road, because that has been an issue on which the Hon. Peter Dunn and the Hon. Caroline Schaefer have been unforgiving in their representations.

Peter Dunn is a pilot. The Hon. Rob Lucas mentioned our trip to the Pitjantjatjara Lands some 14 years ago, and I will never forget Peter Dunn's horror when I arrived at his tiny plane with a suitcase that looked as though I was ready for overseas travel, and in my green gum boots. We were going to Yalata, and it had not rained for about three years, but they were the only boots I had. I did not have anything like riding boots, and I knew that the Hon. Peter Dunn would be in his moleskins and boots and I had the closest thing. Notwithstanding all the clothes I had, I was most inappropriately dressed for that occasion. I pack much better since, and I think Peter has not been quite so embarrassed by taking me places subsequently.

The Hon. R.I. Lucas interjecting:

The Hon. DIANA LAIDLAW: The stall button! We were certainly over weight. I have travelled since. But I want to tell another brief story about Peter Dunn and the plane. I arranged a couple of years ago to speak to the executive of the Eyre Peninsula Local Government Association at Wudinna about a special road project and art project that I was keen to have it sponsor. I slept in and missed the plane, and they were meeting especially to see me. I rang Peter Dunn, and he was absolutely extraordinary. In half an hour he and Steve picked me up. We left Parafield and reached Wudinna in time for the meeting. It was just the mightiest effort, Peter, and I will never be able to thank you enough for coming to my aid at a very awkward time in terms of my credibility as Minister for Transport and Minister for the Arts.

Heather Dunn has been a remarkable support for you. Her personality, her political nous and her hospitality is just legendary and certainly, like Robert Lucas, I wish to acknowledge her today. I am certainly very keen to see your portrait. Robert (Alfie) Hannaford is also painting the former Prime Minister, Mr Keating, at this time. Alfie has won many awards for his work and we will be very privileged to have his work in this place. I acknowledge your excellent choice in having him produce that work.

In terms of the Hon. Anne Levy, I refer to 1982 when the Hon. Anne Levy, the Hon. Barbara Wiese and I were in this Chamber. I knew Anne mainly because her mother talked so much about her to me when I used to visit my sister, because Anne's mother lived next to Sue and Michael Armitage and was a very special friend to my niece and nephew. But I did not get to know Anne very well until I came here. It is true that, across political Parties, there are many issues on which we will not agree, but I can only say Anne, very sincerely, that there have been hosts of occasions when you and I have communicated silently by raising our eyebrows about certain behaviour and speeches. It has been a powerful form of communication. For me, when I was lonely many times either in this place or in the Parliament generally, your presence if not company has been appreciated.

Certainly, there were times when you and I would sit down around the place and talk. It was often believed that we were plotting, simply the two of us, but we had many things in common: the arts and women, and we have also shared an interest in smoking. It was just a moment ago that I had possibly my last cigarette with Anne as a member on the steps of Parliament House. Anne is particularly diligent in the arts, as we all know. She is passionate about the subject, and I should say—and I do not say it for any political smugness—that she is generally introduced as the shadow Minister for the Arts still, although she has not held that position for three years. We never see the shadow Minister but we see Anne everywhere. At times she has helped me out, and I acknowledge that, every now and again, she will lend me her glasses when I have forgotten mine and cannot read my own notes when giving various speeches.

As the Hon. Robert Lucas mentioned, Anne is highly detailed and diligent in her contributions and probably today is one of the most intellectual and conscientious members in the whole of the Parliament and not just the Legislative Council. I think the quality of debate will be different and potentially poorer for her absence. I do not want to reflect on all her colleagues, but I think it is a different schooling that Anne had and a different commitment. I recognise that and so do my colleagues. Perhaps it is her science background or perhaps it is just because she came through at a time when there was a different way in which people behaved here and a different way in which they saw this as a House of Review. I want to acknowledge Anne and thank her for her contribution to this place, to the arts community and as a woman, having led the fight for women in so many places and made it easier for all of us, no matter our political persuasion or age, as we pursue our careers. I wish you well.

The Hon. L.H. DAVIS: Mr President, before you came into the Parliament, you were a very active member in the Liberal Party organisation, and you were an excellent representative for the West Coast. Of course, you followed in the footsteps of the Hon. Arthur Whyte in that sense, who served with distinction, as you have done as President of the Legislative Council. As has already been mentioned, the President has a passion for flying. He is a highly respected pilot. I have had the pleasure of flying with him on many occasions. Indeed, he became affectionately known as the 'flying dunny'. I can remember on one occasion we flew to Tasmania on a fly/drive trip with our spouses. I hasten to remark it was privately funded. It was not taken out of the parliamentary travel fund—although, on reflection, it was an overseas trip. I can remember that some months later I was visiting the Australian Aviation College in my parliamentary

capacity, where some of the most distinguished pilots of the nation reside, training future pilots, both for Australian commercial airlines and also for many overseas airlines.

I related this wonderful experience I had had fly/driving around Tasmania in a single engine plane with the Hon. Peter Dunn. That was heard in deathly silence; everyone put down their knives and forks and listened to this. Finally, the head of the aviation college said, 'Well, I would certainly never do that; that was a brave thing to do.' I said, 'This person is a very good pilot.' Indeed, we flew in good weather, but anyone who has flown with Peter has always had extraordinary confidence in him. He has been a very practical person, and that reflected in his flying and also in his politics. He has always had a practical, commonsense approach to politics. In his time, particularly as a backbench member in Opposition and on select committees, he always had that practical point of view, which comes from his years of experience on the land—something which I must confess that many of us who have a city background did not have. Again, that is one of the great strengths of the Parliament, particularly the Legislative Council. The variety of skills brought into this place is reflected by the contribution that the Hon. Peter Dunn has made. As has been mentioned, his wife Heather has been an undoubted asset in assisting Peter in carrying out his duties as President which, of course, are many and varied.

I also want to make brief reference to Anne Levy, who can lay claim to being the first mother of the Council. She may not like that term, because normally she strongly disapproves of sexist language. However, on this occasion, she may forgive me for using that phrase, because she is arguably the first woman in the history of the South Australian Parliament to be the longest serving member. Indeed, in terms of length of service, that has been the case since the retirement of Chris Sumner. For the record, I would indicate that that bat now passes to the Attorney-General.

I have served on several select committees with Anne for many years, and for a long time we often reluctantly obtained pairs to go off on a sitting night to attend arts functions. Over the past three years, she has been a dedicated, hard working and enthusiastic member of the Statutory Authorities Review Committee. Anyone who has worked on a parliamentary committee with Anne knows how meticulous she has been in her preparation for her meetings. Her integrity is unquestioned, and as the first woman President of the Legislative Council she has served her Party with distinction in that position, as has the current President. She then served with equal distinction as a Minister in the Bannon and Arnold Governments.

Finally, it is not inappropriate that, on an occasion such as this, comment should be made about her sporting prowess. For many years, Anne and I were doubles partners in what was then the regular annual tennis contest between politicians and the media. Anne took a while to adjust, but I have to say she played the right wing with distinction while I battled in the left-hand court. That was about as far right as Anne ever got in a political context. I wish her well, as I do the President.

The Hon. R.D. LAWSON: I feel that I should join in the remarks, especially the Leader's remarks in relation to the staff of Parliament House. If this is farewell to you, Mr President, I would like to record my admiration for your service to the Parliament and the community, and briefly thank you for your guidance and your friendship since I came into this Parliament. I think you have done extremely well as President and, as I say, I have greatly admired your work.

To the Hon. Anne Levy, if this is farewell, I must say that I have enjoyed serving with her in the Parliament, especially on a number of select committees, and I have come to appreciate her great commitment and her precision of thought. If it is farewell, I wish you both a fine retirement.

The Hon. CAROLINE SCHAEFER: I am mindful of the hour but I, too, would like to add my farewells and thanks to you, Mr President, if this is to be your last night as Presiding Officer. I suppose if one has a mentor in this place, you have been that mentor to me since I have been here. When I first attended the State Council of the Liberal Party you and Heather were always most gracious hosts to me. You showed me the ropes in the State Council. I am never quite sure whether or not to thank you for this, but I believe you actually got me onto the Rural Executive of our State Council some years ago now. You have always been there to give me solid and sound advice in words that those of us who come from west of Spencer Gulf understand—and there are few enough of us around.

I have also, as have many members, appreciated the fact that you have been the pilot on many expeditions all over the place and, in doing so, have enabled me to travel widely in the north of the State when I would otherwise have been unable to physically get there and certainly unable to afford to go. Your prowess and your expertise as a pilot is well-known, but I must say that since you got that GPS it has been somewhat concerning to me to be in a little two seater, single engine aircraft and, just west of the airport in Adelaide, to watch the pilot read the *Advertiser* and then drop off to sleep. I am sure, Sir, you were only resting your eyes but one does have some concern about the technologies of today for single engine aircraft. I thank you most sincerely for your support. I also think that you have been a very fair and diligent Presiding Officer.

I have been in this place for only a very short time with the Hon. Anne Levy and, as such, it would be inappropriate for me to do anything other than to wish her very well in her retirement. I know that you have a number of interests outside this place, particularly the arts, which you will no doubt enjoy even more than you do now when you have the time to follow those interests appropriately. However, we may well be jumping the gun: none of us actually knows whether we will have a repeat performance of this some time in September. I offer you my thanks.

The Hon. T. CROTHERS: I would not normally rise except that, in this valedictory debate, we are making particular reference to two of our retiring colleagues from this place. To the Presiding Officer, Hon. Peter Dunn, let me say that the way in which you have handled the business of the Council with fair play and equity, and with rigour and vigour, and your dispensation of that to both sides of the House should serve as a role model to other incoming Presidents who would follow in your wake.

Presidents before you, Sir, have also pursued policies similar to that. When one compares the way in which debate and business is conducted in this place and another place, under Presidents of all political persuasions, one realises that there is much to be said and desired for the sort of fair play and equity that you have displayed on many occasions with firmness, but without fear or favour. You have been a President with a conscience. You shall be missed, and I

would hope that your successors will carry on in the same honourable and fair way that you have.

I now refer to my colleague Anne Levy. I have known Anne for some very considerable time, even prior to her coming in here. It is only after the past five years that I have really got to know Anne for the person she is. It would be remiss of me, even though time is lacking, if I did not ensure that my feelings and thoughts are recorded. In private we do say some extremely rude things to each other, although we have never fallen out. That is a tribute to her sense of fair play. She is one of the best—and I make no bones about this—democratic socialists I have ever met.

I have served on two select committees with her, one of which holds the record for sitting times and periods of existence—and I refer to the Marineland select committee—of any select committee in the history of either House of this Parliament. The second one, on which the Hon. Attorney-General served as well, was the Stirling bushfires select committee. That almost made me feel at times like putting a fire to this place so that we could terminate the business of the committee.

Anne Levy has been to me a courageous, loyal and very good colleague in the trenches. She is one of the finest of the old-fashioned breed—and I think I am the same—of democratic socialists, true to her principles, and courageous enough to stick to those principles. She is a good colleague in the trenches; there is no doubt whatsoever about that. She shall be sorely missed by me if in fact it is the case that there will be an election between now and when this Parliament is scheduled to sit again.

It would also be remiss of me not to say that Anne has always been a strong supporter of affirmative action. Given that I had an ancestor in the Swedish Diplomatic Corps, I would put it this way: she has been a very strong advocate of matters in respect of affirmative action. Sometimes, when I thought she was waxing too long and I would get a bit fed up listening to the story being retold again, when I thought about the matter and about the treatment in respect of equality that the female of our genus has suffered for thousands of years, I well understand why she was the way she was in respect of the strength of her support for affirmative action.

Anne may not know this, but I was not always a strong supporter of affirmative action. It was in no small measure due to the example she set that I have now become very firm in my belief with respect to affirmative action of a logical and rational kind. I shall miss Anne. I am sorry I have had to take up the time of the Council. If it had not been for the valedictories, I would not have spoken at all. I wish both honourable members exceedingly good health and a long life in a well-earned retirement.

The Hon. J.C. IRWIN: I would endorse the remarks made earlier by the Leaders of the Government and the Opposition and my colleagues on the subjects of the table staff and *Hansard* and all the other remarks made in relation to you, Mr President, and to the Hon. Anne Levy. On behalf of the Whips, I thank the Leaders of both the Government and Opposition for their help. I do not know what has happened to my counterpart. Anyway, I thank George for his cooperation and tremendous help. Mr President, most members of this Chamber have been subject to what I call your 'rollicking, vigorous debating style'. It really was rollicking, vigorous, enthusiastic and rustic. Mr Elliott also mentioned—

The Hon. T. Crothers interjecting:

The Hon. J.C. IRWIN: I was just going to say that the introduction of the drover's dog was almost inevitable. That term was very effective and was used quite often by the President. We had fun times together in Opposition when I was a new member, having been elected a term after Peter. I recall the late nights, the games in the corridor, the cricket, the frisbees and the frequent billiard games. As well as that I had a great respect for Peter in the way that he looked after what I call his 'native territory', that is, the West Coast, Eyre Peninsula, the northern areas and the Aboriginal lands. Without any planning at all, each member of the backbench of the Liberal Party in opposition looked after an area of South Australia.

Peter came from the West Coast, I from the South-East and other people from other areas; in effect, the entire State was covered. We became and stayed fervent barrackers for our own area—and even competitive with each other—but eventually we did get to know the whole State. I have great respect for Peter who, with his great skill as a pilot, would take off in his plane and look after those areas for the people of the State—not just for the Liberal Party.

Finally, I want to mention—and we will miss it—the fact that Peter always provided the meat for the cricket gatherings. Perhaps he should be contracted forever to do this. Not only did he provide the meat when he was an enthusiastic cricketer but he did so in latter years when he retired to help George with the cooking. We appreciated the good old mutton that had, no doubt, been hung in one of Heather's old sheets which had been cut in half and sewn together. After the meat had been hung from the limb of a tree and then cut up by the meat saw it was brought down here—perhaps illegally, like the flying!

Members interjecting:

The Hon. J.C. IRWIN: I am only surmising. I thank you, Peter, for that. I hope that you will be able to continue providing the meat. I now turn to my colleague and friend Anne Levy, my first President. I have no doubt that she performed most of her duties with distinction and in the tradition of this place. I say 'most' because there are one or two that she did not, but I have great respect for her integrity on most issues. She effectively changed some of the administrative procedures here and helped make this place work better. I had the pleasure of being shadow Minister for Local Government Relations when Anne was the Minister for two or three years. I grew to enjoy that experience and, as a result, have a great respect for her intelligence, dignity and clarity of argument.

Finally, I refer to my first select committee—I am not sure whether she was Chair of it—which related to section 62 of the Development Act. For those who know, that section dealt with the existing land use clause. So, there was a whole select committee on tiny little clause 62. Frankly, it was the first time I realised that the words we use in this place in legislation mean something out there, because courts have to judge what we are saying. It is all very well when dealing with a whole Bill and one may not think about that, but upon entering Parliament, as a layman as I was, and being suddenly confronted with expert legal advice one realises that you must get right—and it must have been right because I have not heard anything more about it since those days. I have told the story often enough in that the entire select committee was on virtually one clause; but I very much enjoyed that enlightening experience. Thank you Peter, Anne and all members.

The Hon. ANNE LEVY: I thank members for the kind comments that they have made about me and I echo many of their sentiments regarding you, Mr President. I have been here 22 years. I think that I hold the record as the longest ever serving woman in the South Australian Parliament, and that will stand for a few years before anyone can catch up with me. I am not the longest serving woman in Australia: I think that I am the fifth longest serving female parliamentarian in Australia. I was elected in 1975. Mention was made earlier of the three members from the class of 1982 having lunch together today. Yesterday Frank Blevins and I had lunch together as the only remaining members of the class of 1975. Six of us came into this Chamber in 1975 and, although Frank left the Council, we still celebrate on 12 July each year.

I have certainly enjoyed my time in Parliament and I hope that I have contributed something to Parliament and to the people of South Australia. Parliament has changed a great deal since I was elected. It is slightly less male oriented and macho-male in its attitudes, although it still has a way to go, but, when I came in, there was still a notice on the door to the President's Gallery which read 'Gentlemen Visitors Only'. Men and women were not allowed to sit side by side in the President's Gallery. The then President removed it or had it removed at my request and that was my first feminist action in this place. Years later that sign was about to be thrown out with a lot of old rubbish and it was rescued by a friend who gave it to me as a keepsake. I still have it at home although I never followed my children's advice to nail it to my bedroom door.

I was also the first female member to make use of the Parliamentary Bar. There were three women in Parliament before I was elected, and none of them had ever gone into the Parliamentary Bar. When I was first elected I was shown around by the then Clerk and, as we walked past the door of the bar, he said, 'That is the Parliamentary Bar and you won't be going in there.' I was in there 10 minutes later.

An honourable member: What happened?

The Hon. ANNE LEVY: I got a drink. Female members really had a lot of problems in Parliament at that time. Not only were we ignored and our comments and contributions not heard in that way that men have of not hearing women—and that applied in both Party rooms as well as debate in the Chamber—but there were very few facilities for women, particularly regarding toilets. The food available in the dining room was roast and three veg. Sandwiches or light lunches were not available. At least smoking was permitted, particularly in that small space behind the President's chair, and many a deal was struck and pleasant conversations took place there. It was really the place where members of the Council socialised together, involving members from both sides of the Chamber.

When I became President in 1986—and I was the first and have been the only woman to preside in this Parliament and the first woman to preside in any House of any Parliament in Australia—I tried to do something about the facilities in the place. The food improved considerably, although I was not cooking it and, after certain struggles, I managed to achieve two extra ladies toilets on this side of the building. Unfortunately, the Speaker of the day and the two subsequent Speakers were not particularly interested in adequate facilities for women being available on that side of the building.

That may have to wait until we have a female Speaker. While on the facilities of the Parliament, I am sorry that the changes that were begun nearly four years ago are not yet complete—nearly but not quite. The lift is not fully finished and neither is the centre hall. I certainly hope that, with the opening of the next Parliament after the election, to which I presume I will be invited as an ex-President, I will be able to walk in through the centre doors at the front of the building. I certainly enjoyed my time as President—as I am sure you have also, Mr President—and the opportunities it gave me to participate in the administration of the Parliament, as well as meeting a wide range of people. However, I certainly missed the cut and thrust of debate and never being able to state my point of view or support a good argument. As President I felt gagged. I probably more than made up for it in Caucus.

The Hon. T. Crothers: Seconded.

An honourable member: Or since.

The Hon. ANNE LEVY: Yes, or since. Given the numbers in this Chamber and, of course, the very efficient pair arrangements that are organised by the Whips, I was never able to even vote during the time I was in the Chair, as with 21 on the floor a tied vote never occurred. I could not even give a casting vote. I spent nearly five years as a Minister, and I certainly agree with the comments made by the Hon. John Burdett, before his retirement four years ago, when he said that his best years were those as a Minister. I would echo those remarks.

As a Minister I could not only formulate and consider policy but actually implement it. As part of the Cabinet I was able to really contribute to running the affairs of the State and to the development of the arts and other matters within my portfolios. I certainly do not want to take up the time by giving an exhaustive list of what I am proud of achieving as a Minister, but I would certainly put high on the list the establishment and construction of the Lion Arts Centre, the establishment of the South Australian Country Arts Trust, the reorganisation of the Film Corporation, the beginning of the new relationship between Government and local government, and the process of reform of local government by signing the first ever Memorandum of Understanding between Government and local government.

I was pleased, too, to have started the refurbishment of the cultural precinct of North Terrace by planning and financing the extensions to the art gallery, and to have seen many arts organisations grow and prosper. There has been a lot of talk recently about integrity and conflict of interest for members of Parliament and questions of parliamentary privilege. I think I can honestly say that, to my knowledge, my integrity has only once been questioned, and that was when, as Minister of Local Government Relations, I had to sack Stirling council. I did not enjoy doing that, and some here will remember that a select committee was set up to examine this matter and that the committee completely exonerated me—a select committee, I might add, which finished with a majority of Liberal members and which was Chaired by the Attorney-General.

With regard to parliamentary privilege, I do not think I can be said to have abused this most important right. The only time in 22 years when I have said something in the Parliament which I would not have said outside, where there is not privilege, was once to quote a poem by Dorothy Hewitt which was the subject of a libel case in another State. In quoting the poem in Parliament, I helped overcome censorship of artistic product. I felt that was a worthy cause.

With regard to conflict of interest, I am the only member of Parliament who has consistently declared in my Register of Interests not only my own assets but those of the family trust of which I am a trustee but from which I have never been a beneficiary.

Furthermore, when Premier Arnold made me Minister of Consumer Affairs in 1992 I immediately sold my few shares in SA Brewing (as it was then called), as there was a potential for conflict of interest between those shares and my new responsibility for the Liquor Licensing Commissioner. I would point out that I was not a director of SA Brewing—certainly not—nor were my few shares anything even remotely resembling a controlling interest, but I sold them anyway. Perhaps members of other Cabinets could take note.

I was elected to Parliament as a member of the ALP, and I have always firmly adhered to ALP policies and principles. I have always felt that the world is a most unfair place, both within and between countries around the world. I consider that one of the jobs of Government is to redistribute power, wealth and income so that the inequalities of society can be ameliorated, if not remedied. Small government means very little being done in this regard. I believe that Governments should be as active as possible in the redistribution of the good things that society can and should offer to everyone. I am proud to have been part of Governments which have attempted to undertake redistributive policies, albeit within the constraints of a capitalist system. To misquote Dubcek, 'capitalism with a human face' is all that the ALP can aim for in today's Australia. But I do not shrink from calling myself a democratic socialist, however unfashionable that may be in the 1990s.

I am also very proud to call myself a feminist. The feminist analysis of the world provides valuable insights into the power structures and motives of many individuals, and feminism is probably the most important new philosophical idea of the late twentieth century. It has influenced the lives of millions, including many women and men who would not describe themselves as feminists. Attitudes towards women's participation in society have changed enormously since I was young, and even in the 22 years since I entered this place. The fact that so many women and men today feel that women are unfairly treated in the workplace, in promotions and in achieving positions of responsibility in society, is testimony to the strength of feminism. There is still a long way to go, however, before women achieve equality with men, and attempts by the Howard Government to put the genie back in the bottle and return Australia to the attitudes and values of the 1950s are doomed to failure.

I certainly have regrets in leaving Parliament—regrets that certain social advances have not yet been achieved. In my maiden speech of 22 years ago I spoke of the necessity of cannabis law reform and, while there has been some reform, it has been minimal. Voluntary euthanasia is another reform whose time has surely come, but only the first, tentative steps have been taken so far. I hope that these and other reforms will not be too long delayed.

I would very much like to thank all the staff of Parliament who have been unfailingly helpful throughout my 22 years—the many staff in all sections of the Parliament who have helped me so willingly. I also thank a group of people who are rarely acknowledged, and that is the staff of the parliamentary car park, who so cheerfully wave us in by day and night. I will miss their assistance, and I will certainly miss the perk of being able to park in the car park. I think that is the greatest perk that members of Parliament have, and it has never even been commented on by the media.

Members interjecting:

The Hon. ANNE LEVY: Well, I won't have it any more! Finally, I pay tribute to and thank all my colleagues both in Caucus and here in the Parliament. When we are first elected, we all come in with a deep abiding hate of the people who sit opposite, for political reasons, but as time passes we learn to appreciate their good points and we learn that there are good and bad on both sides of the Chamber. I can certainly say that there are members opposite, as well as on this side, whom I respect very much and admire as people. I will not name names, but I certainly hope that my feelings are reciprocated.

I regard Parliament as the most important institution in our society for serving the people of this State. I wish this Parliament well and I will watch its progress with great interest from the outside for, I hope, many years to come.

The PRESIDENT: Congratulations to the Hon. Anne Levy for being able to survive here for 22 years. It is a remarkable effort. I wish you all the best for the next 22 years or for however many years you want to look upon this Parliament. To leave you with something that might help you after your comments about the garage: this week we sent a letter to all Leaders and retiring Presiding Officers allowing them to have a card to sit out the front of Parliament House for periods of up to two hours.

The Hon. Anne Levy: Bless you.

The PRESIDENT: I have been blessed by a lot of people, but thank you. I feel humble standing here today. I thank all members for their remarks, which are much appreciated. When I sat here today I thought that I came in here 15 years ago at about the end of November and there were 21 other faces here. I thought that I would make a quick comment about those 21 faces. There are six left here from that group.

The first was Arthur Whyte, the President of this outfit, and he single-handedly ran it. He gave me the best advice I have ever had. I asked him one day—being very philosophical, which I am not—when walking down the front steps, 'How do you know when you have made it in this outfit?'. He said, 'When you have six knives hanging out of your back.' He was right. Martin Cameron brings back memories of bagpipes, snooker, guile and plastic suits. Trevor Griffin, with great respect, is one of the great politicians of our time—a workaholic. I have shared a secretary with him and I know how much work he puts through. If ever I wanted someone to pick stumps on my farm, Trevor would be the person.

Murray Hill: ethnic lunches and the following Question Time—something to be noted. Chris Sumner's hand expressions and his Chamber acts with Barbara Wiese were of note. Legh Davis: I give him the hand for the best interjections in the Parliament and Anne Levy for her responses. Cecil Creedon was somebody whom I enjoyed immensely—a lovely man. He comes to see me about once a fortnight. Sometimes I thought that his eyelids were attached to his posterior because, every time he sat down, his eyes closed. Mario Feleppa spoke infrequently but at great length and with a lot of thought. Bob Ritson: the great Bob Ritson—philosophising, smoking and losing his keys. John Cornwall: long answers and getting wild. Brian Chatterton: never smiling or, if he did, rarely.

I refer also to the late Gordon Bruce—a very gregarious man, a friend to all and someone who had a good head of hair. Di Laidlaw—getting excited and smoking, I suppose. Rob Lucas: talking about rusty Volkswagens and being cool. Lance Milne was a gentleman and a chocolate thief. Ian Gilfillan had a fear of turning into a pumpkin; he was the Cinderella of this place and brought in the 12 o'clock closure. At about two minutes to 12 every night he quietly got up from his back seat, walked out through the door and that was the

end of the days of late sittings. He introduced the 12 o'clock finish: he really was the Cinderella. The late John Burdett was adviser to the mob and a gentleman. Frank Blevins: wearing poloneck sweaters and being pragmatic—

An honourable member interjecting:

The PRESIDENT: Yes, and very cool! Ren DeGaris: grandfather of this House, but not Martin's mate. Barbara Wiese—a fellow country member and a great snooker player. My great love in this place has been the fact that I have met so many tremendous people, not only in here but also in the outback, which is still one of my great loves. Fortunately, my aircraft has given me the opportunity to do that.

I now talk about the story of dogs. I have been bitten by a few, and only just recently I went up to my friend the Speaker's property, only to step out of the car in the dark to have half a dozen sets of teeth hanging out of my calf. His dog did not like me. The Speaker and I have sometimes had differences of opinion, but I did not think his dog took that much of a dislike to me.

For those of you who have not had much contact with Aboriginal communities, I must say that they are rare places and some of them most beautiful. However, they live in conditions that you and I would not accept, and it behoves us to make sure that they finish better than they were when we started in here. I am sure that has happened during my period here—not because of me but probably despite me.

I also remember alarm clocks. I remember being at Leigh Creek during a run-up to an election. Someone who looked after the Leigh Creek Motel did not like me or the Speaker too much, and they set off an alarm clock for 3 o'clock, and it went off for an hour. We could not get in there to turn it off.

I would like to thank a few other people. I have had some personal secretaries who have looked after me—Pam, Sharon, Lynne, Celia, Josie, Noelene and Sue. I do not know whether I was hard to get on with, but to have that many during a 15-year period is something, and I thank them for the great work that they did.

My most enduring memories are those of the people who influenced me in here. Parliament is not a profession but a period in one's life serving the community and making the State and the nation a better place for our children—and in my case my grandchildren. It is nearly 15 years since I was elected to this place, having been elected on 6 November 1982. For a farmer living in the back blocks, some 600 kilometres from Adelaide, to come to a seat in this Legislature involved a great change for me, my family and my lifestyle. Heather, my wife, and my two boys stayed on the property at Rudall and I travelled home as soon as I could after Parliament rose, naturally. I thank them for their tolerance and persistence.

I have travelled to the Pitjantjatjara Lands more than 40 times during my period here. That was not a task at all, because I enjoyed it immensely. For the past 3½ years, with your support, I have had the pleasure of presiding over this Chamber. There have been many and varied emotions running through it, but time does not allow me to recall these emotions chapter and verse. However, when emotions have reached a high note and I have requested decorum, it has been observed without fail. This has made this Chamber a civilised and sensible forum from which useful and productive legislation emanates. It is a credit to you all. I have been reminded that I have not docked anyone a day's pay since I have been here.

My advice has come without fear or favour. I have had advisers of the calibre of Jan Davis and Trevor Blowes, and they have given me great confidence when guiding legislation through this House. My sincere thanks go to them. If I had my time again, I would not mind introducing a Deputy President so that, once in a blue moon, in the Committee stage, I could get on the floor, like Anne Levy would have liked to, and have a bit of a go. That is the thing I have missed most—

The Hon. Anne Levy: You need to have a referendum before you can do that.

The PRESIDENT: Yes, I realise that. It is a very difficult job to do, but it is something that you miss: being able to get up and contribute to the debate. My thanks go to all those people in *Hansard*, the library and catering, because the JPSC is something that, as a President, you fall into.

One of the most satisfying things is the upgrade of Parliament House, which I have chaired since I have been here. It is not quite finished, as Anne reminded me. We did not quite get there; we ran out of money an hour or two too early. So, when it is finished, I will be delighted to come back and have a look at it. It is a treasure that belongs to the nation and to the people and it behoves us to look after it in a proper and sensible manner.

So, I thank you all very much for those 3½ years. I hope I can come back in March and still say 'Cheerio', or something like that; that would be great. But, for the time being, good luck and God bless you.

Motion carried.

At 8.48 p.m. the Council adjourned until Tuesday 26 August at 2.15 p.m.