# LEGISLATIVE COUNCIL

**Wednesday 19 August 1998**

**The PRESIDENT (Hon. J.C. Irwin)** took the Chair at 2.15 p.m. and read prayers.

## LEGISLATIVE REVIEW COMMITTEE

**The Hon. A.J. REDFORD:** I bring up the twentieth report 1997-98 of the committee.

# QUESTION TIME

## TRANSADELAIDE ADVISORY BOARD

**The Hon. CAROLYN PICKLES:** I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about the review of the Passenger Transport Act.

Leave granted.

**The Hon. CAROLYN PICKLES:** Last week the Minister announced the establishment of an advisory board, and I quote:

> . . . which will report to me on the measures required to aid TransAdelaide become a robust player in the competitive tendering stakes in the future.

My questions to the Minister are:

1. What are the advisory board's terms of reference, and do they include consultation with the relevant unions?

2. Does the Minister agree with the review which states:

> The board has not provided to a sufficient degree, and in a sufficiently clear manner, strategic direction and guidance to PTB management and staff (page 34).
>
> The PTB's Passenger Transport Industry Committee and the Passenger Transport User Committee are not functioning as well as they might (page 31).

3. Will the Minister confirm fairly widespread speculation that the advisory board is designed to prepare TransAdelaide for corporatisation at a later date?

**The Hon. DIANA LAIDLAW:** Certainly, as I said in my ministerial statement, the review indicated that a different structure for TransAdelaide would be recommended, and that is why the advisory board has been established to report to me. It simply does not have formal terms of reference, as such: it is speaking with TransAdelaide and looking at its corporate structure and its business—very much like the task force that I established when looking at changed arrangements for the Ports Corporation.

This board will simply look at what is happening within TransAdelaide and advise me whether, from its broader experience outside the public sector, this is the right way to go in terms of being a robust competitor as a publicly owned company in the competitive tendering stakes in the future. The PTB has indicated that, in the first quarter of the next calendar year, it will call for the renewal of tenders for operations of public transport services. It is simply a broad ambit of advice to me in terms of whether TransAdelaide is going the right way and whether it is addressing issues adequately in order to be a viable tenderer in this business.

I do not envisage that it will consult the unions because that is really what TransAdelaide does on a regular basis. It meets with all the unions, and it is to help TransAdelaide become an active player in the competitive tendering stakes and ensure that everything possible is done for that sole purpose. TransAdelaide will be the group responsible for continuing to talk with the unions.

The PTB is a separate issue in terms of the questions that the honourable member asked. I think that I indicated, and the report highlighted, that the PTB is looking again at its committee structures to see whether they are working as well as they should be. The PTB and officers have acknowledged that the review highlighted that they have not been working as well. The review also noted the need for a strategic plan and better communication with staff, and the PTB has endorsed that and that plan is now being prepared. As I think I indicated in my ministerial statement, performance arrangements between the board and me as recommended by the review are also being prepared at this stage.

In terms of any widespread speculation, I have not heard that in relation to the future for TransAdelaide, but a public corporation structure is certainly on the cards. In that regard, I have emphasised in the past and I emphasise again that TransAdelaide is recognised by this Government as a public bus, train and tram operator, and we wish to keep it as a publicly owned business. Our major concern is whether it can compete in that business, and that is what we are doing with the advice of others to make sure that it is fit for competition.

## SMITHFIELD LANDFILL SITE

**The Hon. P. HOLLOWAY:** I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question concerning the Medlow Road landfill proposal.

Leave granted.

**The Hon. P. HOLLOWAY:** There is a proposal by the Northern Adelaide Waste Management Association (NAWMA) to site a landfill in a disused quarry at Medlow Road, Smithfield. A proposal was lodged in 1996 but, following a response to the environmental impact assessment by the Environment Protection Authority, the proposal was not proceeded with. A supplementary EIA was undertaken in 1997 but it has not been concluded. The proposal has been the subject of a sustained campaign of opposition by local residents.

A section of land on Medlow Road near the quarry was recently put up for auction. The land agent was advised by Brian King, the Manager of NAWMA, that he had been informed by the Minister for Urban Planning on 12 August 1998 that the landfill would definitely proceed.

**The Hon. Diana Laidlaw:** Who said that?

**The Hon. P. HOLLOWAY:** That was Brian King, the Manager of NAWMA, who told the land agent responsible for the sale. However, a letter to the local member, Annette Hurley, from the Minister on 13 August states that the evaluation of the EIS has not been completed. My questions to the Minister are:

1. Did the Minister advise NAWMA that the landfill proposal for the Medlow Road quarry would definitely proceed and that it is to be a balefill site?

2. When will the proposal be evaluated by Planning SA?

**The Hon. DIANA LAIDLAW:** I can advise without any qualification that of course I did not tell Mr King that. I remember very specifically in that meeting—in fact, I do not recall whether it was Mr King at the meeting; it may have been, but certainly there was a representative of Boral Recycling—saying that there would be no comment, and nor could I legally make such comment of my personal views or progress. It would have been absolutely unsound and

inappropriate and I would not have prejudged the issues in that way. So, I regret that in terms of the land agents he should not to any degree at all rely on Mr King's advice.

I can advise the honourable member that the Environment Protection Authority has sought more information from the proponents to help them make a proper assessment and, if that advice has been received by the EPA, it would then be assessed and fed into Planning SA. I highlight in this regard, in terms of the planning arrangements not just for landfill, that I am very keen to have another look at some of the time frames for these issues. The honourable member has said there has been a very long time frame in respect of this project. This necessarily causes a lot of uncertainty and anxiety for local residents, especially if they are trying to sell land.

I am very strongly of the view that time frames are required for information from proponents and in relation to advice from Government agencies, as well as in terms of the public submission process, so that these things are not hanging around for so long in such a state of uncertainty. That is something that I am very keen to advance. I will ascertain for the honourable member the latest information from the EPA in terms of the information that it has sought from the proponent; I just do not have that information at hand.

## ABORIGINES, LIVING CONDITIONS

**The Hon. T.G. ROBERTS:** I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Aboriginal Affairs, a question about Aboriginal health, education and employment services.

Leave granted.

**The Hon. T.G. ROBERTS:** Recently I asked a question in the Chamber in relation to services to ageing and frail Aboriginal elders in remote regions, and I am awaiting a reply from the Minister. As I said, it is only a—

*The Hon. R.D. Lawson interjecting:*

**The Hon. T.G. ROBERTS:** Yes, I heard the reply from the Minister and he said that extra services were being contemplated and a commissioned report was being put together in the Coober Pedy region at least in order to work out a way in which these services can be directed. I think that was the substance of the report. He also mentioned a number of funding allocations that had been made to remote regions for support services to be incorporated. I have had further contact with people representing Aboriginal communities in remote regions recently, and it appears that, with the best goodwill of Governments and Oppositions, the circumstances in which a lot of Aboriginal people find themselves in these remote communities is deteriorating. According to the reports, the deterioration in many cases is due to alcohol and drug abuse and, particularly amongst the young, petrol sniffing.

I understand that the people working in Aboriginal health and welfare areas in the remote regions are stretched to the limit, as indeed I understand that the Government is trying to prioritise resource allocation. However, it appears that whatever we do the circumstances do not alter or change too much. In fact, the report that I was given today states that, bearing in mind the extra pressure on services for Aborigines in remote areas, if employment opportunities, training programs and education are not built into these rehabilitation programs, the remedial money being spent does not last very long, and it is very difficult to see any results. My questions are:

1. What steps are being taken to coordinate services to isolated Aboriginal areas and to people who have to manage and live with few resources with no employment opportunities, with poor health, elderly frail Aboriginal patients to deal with, and managing alcohol, petrol sniffing and drug related abuse?

2. Does the Minister believe that the Commonwealth support services that are currently provided are adequate?

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

## HEROIN

**The Hon. T.G. CAMERON:** I seek leave to make a brief explanation before asking the Attorney-General questions concerning South Australia's heroin laws.

Leave granted.

**The Hon. T.G. CAMERON:** There has been a lot of attention in the media in recent weeks regarding South Australia's ineffective approach to controlling the use of illegal hard drugs such as heroin. For example, just last week the Police Commissioner (Mr Mal Hyde) stated in the *Advertiser* that he believed substantial changes were required to the State's heroin laws. He again raised the issue on radio yesterday. Mr Hyde has raised doubts over the penalty based approach to heroin control in the wake of rising fatal overdoses, saying that it was time to challenge conventions in this area of policing—a very progressive statement.

There have been 24 fatal heroin overdoses in South Australia so far this year, compared to 34 for the whole of last year. One of the options being considered was to allow police to refer heroin addicts for treatment rather than arresting them. As the Police Commissioner Mal Hyde stated:

> It is not a matter of employing enforcement to incarcerate or penalise them in any way. If we upgrade our effort and apprehend more heroin users, can we in fact help break that cycle of use by bringing them into the treatment line?

*The Hon. M.J. Elliott interjecting:*

**The Hon. T.G. CAMERON:** I am not sure whether we can take interjections during a preamble, so I will speak to the Hon. Mike Elliott about that later. Mr Hyde went on to state that he feared that South Australia's heroin problem could be compounded by an influx of dealers and users because of crackdowns interstate, particularly in New South Wales. Mr Hyde also expressed concern at a 15 per cent increase over the past year in violent armed robberies, now averaging more than one a day, linked to drugs.

Mr Attorney, I have had some personal experience through a friend who was addicted to heroin. It was a real tragedy. I never looked at that individual, who was a friend of mine but who is now not here, as a criminal. I always believed that heroin addicts were sick and needed help. Indeed, I do believe that heroin addiction is a sickness and that these people need help. My questions are:

1. Do you agree with Mr Hyde's statement about challenging conventions and, if so, will the Government move to allow police to refer heroin addicts for treatment rather than arresting them?

2. What steps are being undertaken to deal with the possible influx of heroin dealers and users from interstate?

3. Considering the unacceptable number of people dying from overdoses, will the Government as a matter of urgency

increase funding for drug education programs and drug programs, particularly those aimed at primary and high school students?

**The Hon. K.T. GRIFFIN:** It is an important issue that needs to be addressed. Early this week or at the end of last week I was asked for some views on the issue. I indicate that the Model Criminal Code Officers Committee has presently a discussion paper on drug trafficking offences out for public consultation with a view to submitting a final report which focuses only on uniform approaches to trafficking and dealing. The rationale behind that—

**The Hon. T.G. Cameron:** Putting them in gaol.

**The Hon. K.T. GRIFFIN:** I am getting to that. The rationale for focusing on trafficking and dealing was that issues of use and abuse would remain within the Controlled Substances Act in this State and in similar legislation in other States. The Controlled Substances Act in this State is the responsibility of the Minister for Health. The Controlled Substances Act deals not only with possession and use but also with all the serious criminal offences relating to trafficking and dealing.

I have some sympathy with the division of the law into a law dealing specifically with the criminal aspects of trafficking and dealing, leaving the remainder to be dealt with under legislation such as the Controlled Substances Act. The Government has taken no policy position on that at this stage.

I will take the detail of the question on notice and undertake to bring back a considered response that draws upon advice from the Minister for Human Services, who has the responsibility for the Controlled Substances Act; the Minister for Police, who has the responsibility for the Commissioner of Police; and in my own area in respect of the Model Criminal Code Officers Committee and other issues which impinge upon the law relating to use, abuse, trafficking and dealing.

## ELECTRICITY, PRIVATISATION

**The Hon. L.H. DAVIS:** I seek leave to make a brief explanation before asking the Treasurer and Leader of the Government in the Council a question about electricity reform.

Leave granted.

**The Hon. T.G. Cameron:** You surprise us.

**The Hon. L.H. DAVIS:** I am glad that the Hon. Terry Cameron at his age is still capable of being surprised; it is pleasing to see.

*Members interjecting:*

**The PRESIDENT:** Order! The honourable member will get on with his explanation.

**The Hon. L.H. DAVIS:** I reflect on an article in the *Australian Financial Review* of 6 August headed 'Prices in Critical Infrastructure'. It was an article no doubt that the Hon. Sandra Kanck read because it made similar claims to the comments that she had made in her statements to the Council on electricity reform in South Australia.

The article in the *Australian Financial Review* headed 'Crisis in Critical Infrastructure' suggested that John Tamblyn, the Regulator-General in Victoria, had claimed that 'standards of electricity supply in this country have fallen since privatisation'. That was exactly the line that we heard in this Chamber and in letters to the Editor of the *Advertiser*, in which the Hon. Sandra Kanck has on more than one occasion claimed that privatisation has led to price increases in electricity and falling standards—

*The Hon. Sandra Kanck interjecting:*

**The Hon. L.H. DAVIS:** Would you like me to get the details for you? It was in a letter to the Editor of the *Advertiser*, which I quoted in my second reading speech. That is when you said it. If you cannot remember it, I am not surprised because you have not got too many of the facts right in this debate. My question to the Treasurer is—

*The Hon. M.J. Elliott interjecting:*

**The Hon. L.H. DAVIS:** I didn't make it up, it's in a letter to the Editor of the *Advertiser* by the Hon. Sandra Kanck, and I am happy to provide you with the details of that. In response to that heading 'Crisis in Critical Infrastructure' in the *Australian Financial Review* and the comments of the Hon. Sandra Kanck on more than one occasion in this Council and outside it, does the Treasurer have any comment on the accuracy of the claim in the *Australian Financial Review* that standards of electricity supply in this country have fallen since privatisation?

**The Hon. R.I. LUCAS:** I thank the honourable member for the question because I think it is important to correct the public record when mistakes have been made by journalists. Although I am sure it does not happen that often, occasionally it does and I think it is important to place on the public record the errors that have been made. It is important to do that because not only has the statement in the *Financial Review* been reported but the reported statements of Dr Tamblyn, the independent Regulator-General, have now been repeated in the most recent edition of the *Electricity Week* journal (11 August), which purports to quote Dr Tamblyn as indicating that power standards have become poorer in Victoria since privatisation.

A claim was made in the *Financial Review* and people have picked it up and repeated it. As I said, the *Electricity Week* magazine has now repeated it again, and I think it is important to place on the record what Dr Tamblyn has said about this statement. I have a letter sent from the Office of the Regulator-General that attaches a copy of a letter of 7 August from the Regulator-General to the Editor of the *Australian Financial Review* which at the time of my receiving it had not yet been published by the *Financial Review* seeking to correct the public record. The letter from John Tamblyn, the Regulator-General, to the Editor of the *Australian Financial Review* of 7 August states:

> Your article 'Crisis in critical infrastructure' makes the erroneous statement that I have claimed that 'standards of electricity supply in this country have fallen since privatisation'.
>
> This is certainly not the case in respect of electricity supply in Victoria—which is regulated by the Office of the Regulator-General. The office's performance monitoring reports for 1996 and 1997 clearly state that key standards of service to Victorian electricity consumers have been generally maintained or improved since this office began regulating the disaggregated Victorian electricity supply industry in 1994.
>
> The 1997 monitoring report shows that, while there has been a significant overall increase in the reliability of supply, a small proportion of customers experience lower reliability in certain areas at different times (as was the case prior to privatisation). The report also identifies the reasons for those reliability problems (e.g., natural events or system failures) and the remedial actions being taken by the distribution companies where the causes are within their control.
>
> When the price improvements being enjoyed by Victoria's electricity customers are taken into account, the evidence available to the office suggests that both electricity service standards and the value for money provided to consumers have been improving in Victoria since the electricity reforms were undertaken in 1994.
>
> I am therefore at a loss to understand the basis for this sweeping and quite misleading statement by your reporter or why she chose to attribute it to me.

I think it is important to publicly read this letter because up until the time of its being faxed to me on 18 August that very strong rebuttal of the independent Regulator-General had not been printed in the *Financial Review*. I think that is disappointing when, clearly, a journalist and a newspaper have made a most significant error attributing statements to an independent Regulator-General that have been picked up like wildfire by those who are seeking to oppose the privatisation in South Australia and who have been quoting it. As I said, most recently it has been repeated in the *Electricity Week* journal, as well as a number of other journals. The simple answer to the honourable member's question is that the statement has no basis in fact and the Regulator-General has very strongly refuted the claims made by the *Financial Review* journalist.

**The Hon. L.H. DAVIS:** As a supplementary question, during the course of that answer, the Hon. Sandra Kanck, who—

**The PRESIDENT:** I ask the honourable member to ask his question immediately, please.

**The Hon. L.H. DAVIS:** Was the Treasurer aware that, during the course of his answer the Hon. Sandra Kanck, who has responsibility for the Australian Democrats' attitude on this matter, was heard to interject on more than one occasion that, in fact, possums may well have something to do with some of the problems in Victoria? Could the Treasurer comment whether Mr Tamblyn discusses possums in his annual report?

**The PRESIDENT:** Order! The supplementary question is out of order.

## NATIONAL WINE INDUSTRY CENTRE

**The Hon. IAN GILFILLAN:** I seek leave to make a brief explanation before asking the Treasurer, representing the Premier, a question about the National Wine Industry Centre.

Leave granted.

**The Hon. IAN GILFILLAN:** Members would have read, as I did, on 17 August in the *Advertiser* that a $17 million privately funded South Australian wine centre was about to be built in Grote Street in the city. In fact, that building work has already started. According to the press report, two directors of Australian Wine Distributors Limited, Mr Colin McLeod and Mr Pua Hor Ong, are planning the centre on the site of the former Adelaide Girls' High School on the corner of Morphett Street.

**The Hon. M.J. Elliott:** A good location.

**The Hon. IAN GILFILLAN:** This site—and the interjection, I must say, mirrors my next comment—is very close to the Gouger Street restaurant precinct and the Adelaide Central Market and therefore will have the benefit of being able to link the best of South Australian wine to the best South Australian food. It is also within easy walking distance of the major city hotels. The $17 million private enterprise initiative comes at a time when the State Government is planning what could be described as a rival $40 million wine industry centre in contrast to the private initiative.

The Government proposal involves taking at least $35 million from the State taxpayers, with possible top up from the Commonwealth taxpayers, and handing it to the wine industry. The Government proposal is to take 2.9 hectares of what is currently the Botanic Gardens and turn over the land to a profit making concern. The Government proposal is for a building of 15 metres height, which is the equivalent of at least a four storey building, with no restriction on its going higher. The Government proposal conflicts with the Adelaide City Development Plan in regard to minimising buildings on parklands and not restricting public access.

The Government proposal requires $5 million of earthworks to flood proof the site. The Government proposal involves constructing on parklands parking space for at least 148 cars because, it is anticipated, most visitors will drive and not walk from the city. The Government proposal removes the centre from the city's restaurant and food district and it will, of course, be in direct competition with the private industry proposal. My questions to the Treasurer are:

1. Will the Government at long last now rethink its commitment to the proposed parklands site for the National Wine Industry Centre?

2. Will it enter negotiations with Mr Ong and Mr McLeod to try to merge the two proposals on the Grote Street site and capture the advantage of locating in the city's food and restaurant district, rather than on parklands?

3. Will the Government explore any other site and, in particular, the newly available Glenside Hospital site?

4. Will the Government explain to taxpayers why it is proposing still to spend the $35 million of taxpayers' money to compete against a $17 million private enterprise development?

**The Hon. R.I. LUCAS:** I will take advice from the Premier and any other appropriate Minister on the honourable member's question but, I would imagine, the answer to the question whether the Government will move the Wine Centre from its proposed site will be 'No'.

## STRATHMONT CENTRE

**The Hon. J.S.L. DAWKINS:** I seek leave to make a brief explanation before asking the Minister for Disability Services a question about the Strathmont Centre at Oakden.

Leave granted.

**The Hon. J.S.L. DAWKINS:** I recently noted a report in the *Advertiser* concerning the refurbishment of buildings at the Strathmont Centre for people with disabilities. I understand that an allocation was made in this year's State budget for Strathmont. Will the Minister advise the Council on developments at that centre?

**The Hon. R.D. LAWSON:** The Strathmont Centre was constructed at Oakden approximately 25 years ago and comprised a number of residential villas for people with both physical and intellectual disabilities. Strathmont Centre is conducted by the Intellectual Disability Services Council. In keeping with the policy of successive Governments of deinstitutionalisation of people with disabilities, the number of persons accommodated residentially at Strathmont has been reducing. Presently, approximately 370 people with disability live at Strathmont.

Unfortunately, Strathmont was built on a clay soil which was not a good basis for building. A lot of soil movement has taken place which has led to cracking in the structure and some of the villas at Strathmont have had to be closed. The eastern side of the centre has been most adversely affected by this and a series of residential villas on that side have had to be closed. The Government has been looking at the utilisation of the site to its best advantage and it approved last year the refurbishment of one villa, Bungoora—which is occupied by about a dozen residents—to see whether refurbishment is a realistic option for Strathmont. I am glad to say that that villa

was re-opened only a couple of weeks ago. The refurbishment program has been quite successful and points the way to the possibility for refurbishing much of Strathmont Centre. However, it is clearly envisaged that much will also have to be demolished.

At the same time the population of Strathmont Centre is ageing and there is a need in the community for a new aged care facility for those with disabilities. In the last budget, as the honourable member mentioned in his explanation, an allocation was made partly for the redevelopment of Strathmont and partly for the establishment of this aged care facility. Thought was given to using Strathmont for the purposes of that aged care facility, but it has been decided that the facility will be established at Northfield on land owned previously by the Multi Function Polis. Approximately $9.5 million was identified in the budget for redevelopment at Strathmont: of that sum $3.5 million was allocated for the new aged care facility which will cater for 40 persons.

The development of Strathmont has taken quite some time. It has involved extensive consultation with residents, the Parents and Friends Association and with the board of directors of IDSC. A number of surveys have been conducted with families to ascertain their particular needs, because it is very important in the establishment of a facility of this kind that the needs of clients, consumers and families and carers are taken into account. I envisage that there will be new and refurbished facilities on the Strathmont site, and that the population of the centre will reduce from its current 370 to a little over 200.

The refurbishment work that has taken place points the way of the future. An emphasis is being placed upon the privacy of residents, and respect for the privacy of residents in this type of facility has in the past, I regret to say, not been a great priority but that is now being addressed. Comfort and safety are other issues that are being addressed in this refurbishment.

## DRUG EDUCATION PROGRAMS

**The Hon. CARMEL ZOLLO:** I seek leave to make a brief explanation before asking the Treasurer, representing the Minister for Education, Children's Services and Training, a question on the Education Department's drug programs for young people.

Leave granted.

**The Hon. CARMEL ZOLLO:** Recently I asked a question concerning education programs and the use of cannabis by children, and I thank the Attorney-General for his response. The issue of drug use by our children was taken up by the *Sunday Mail* editorial on 26 July. The editorial pointed out that we have a real problem in our community when children as young as eight are caught smoking marijuana and popping pills, and that we simply cannot continue to sweep the issue under the carpet. Some of the information sought in my earlier question is controlled by the Education Department, and I now ask the Minister for Education, Children's Services and Training:

1. What specific State Government sponsored programs are in place to ensure that young people are educated in both the legal aspects and, more importantly, the health dangers involved in the use of cannabis and other illegal drugs?

2. What is the 1998-99 budgeted amount for these programs and how does that compare to the expenditure for the previous three years?

**The Hon. R.I. LUCAS:** I am happy to refer the honourable member's question to the Minister and bring back a reply. There have been some comprehensive Commonwealth and State jointly funded programs in this area, and I am sure that the Minister will be delighted to provide the honourable member with some considerable detail of not only what has occurred in the past but, more importantly, the exciting programs for the future.

## MOTOR ACCIDENT COMMISSION

**The Hon. NICK XENOPHON:** I seek leave to make a brief explanation before asking the Treasurer a question in relation to the Motor Accident Commission.

Leave granted.

**The Hon. NICK XENOPHON:** Early today I received a letter from the Chief Executive Officer of the Motor Accident Commission (Mr Geoff Vogt) headed 'MAC financial position'. That letter refers to an actuarial report prepared by Cumpston Sargeant Pty Ltd, consulting actuaries, and I add that they are well regarded in Adelaide. The report was prepared under instructions from the Australian Plaintiff Lawyers Association on the MAC which, in turn, was referred to Trowbridge Consulting, the CTP fund's actuary, and the Australian Prudential Regulation Authority, and both organisations criticise the Cumpston Sargeant report. In this regard, the letter states:

> The Trowbridge Consulting report also notes a number of other inaccuracies in Cumpston's work, some of which may be due to a lack of access to full information about MAC, but the vast majority of which could have been properly addressed through publicly available information and careful analysis.

The letter goes on to say:

> It is important that the current debate on the level of CTP benefits which the community of South Australia can afford is based on a balanced summary of the financial position of the South Australian CTP fund.

The MAC's previous assertion that 83 per cent of non-economic loss claims would be affected by the Government's proposed changes was changed to 52 per cent last week. My questions to the Treasurer are:

1. Will the Treasurer release the Trowbridge Consulting and the Australian Prudential Regulation Authority reports to which I referred to allow for independent scrutiny and analysis, particularly by Cumpston Sargeant?

2. Will the Treasurer release further information about the MAC to enable analysis by Cumpston Sargeant, given the MAC's acknowledgment that there has been a 'lack of access' to full information about the MAC?

3. Will the Treasurer provide the documents that the MAC relied on initially in its assessment that 83 per cent of claims would be affected by the proposed changes to the MAC, and also the documents presumably prepared more recently which now indicate that only 52 per cent of claims would be affected by the Government's proposed changes?

**The Hon. R.I. LUCAS:** I think that within 24 hours or 48 hours of establishing a conference of both Houses of managers in which I understand the honourable member will participate, as will I, the Government will be as reasonable as is possible in terms of trying to reach some sort of compromise on this. There is a misapprehension by some people that some of these calculations come by the nature of voluminous reports. I understand that they are calculations that the SGIC originally undertook and then provided. It is my understanding, that by the nature of it, it is not a formal

report which concludes that the figure was 83 per cent or 52 per cent. Someone did some figures down in the bowels of the SGIC and came up with a figure. In relation to the second figure, some further figures were done and they were checked by an actuary and, in the second case, confirmed as being appropriate or accurate.

The appropriate place for us to try to resolve most of this and for the Government to be as reasonable as possible in terms of the provision of information will be at the conference where we can sort our way through what information reasonably members will require to make some sort of judgment. I do not think that we will be in a position to have everyone running off to their independent consultant actuaries during the conference proceedings. If that is to be the case, clearly we can then make a judgment as a Parliament as to whether we want to go down that path or whether we let the Bill lapse, which I know is the preferred course of the honourable member and some others, so the drivers of South Australia will just have to accept the additional cost of the 4.9 per cent premium this year. All those options are open to the Government.

The Government will be infinitely flexible in relation to its approach to the conference in seeking a reasonable resolution of what are complex issues, but I do not think it will be possible to open up the bowels of the SGIC and the Motor Accident Commission to teams of actuaries, whether they be from the Plaintiff Lawyers Association, the AMA, or the RAA.

**The Hon. M.J. Elliott:** So we will do it without actuaries.

**The Hon. R.I. LUCAS:** I am not sure what point the Hon. Mr Elliott is trying to make. I can only give a reasonable, rational response to a reasonable and rational question from the Hon. Mr Xenophon. I am indicating a willingness, as I have right through the debate, to sit down reasonably with people to try to sort it out without trying to make snide political comment. I am willing to work not only with the Hon. Mr Xenophon but with the Hon. Mr Elliott, or whomever the Democrats choose to nominate to represent them on the conference, and with Labor members as well. It will be with a spirit of goodwill that I enter the conference in an attempt to resolve it. If we want a snide political conference with sniping from the sides and backbiting, although reluctantly, I am quite happy to engage in that sort of political endeavour.

*Members interjecting:*

**The Hon. R.I. LUCAS:** As members will know, that is not my preferred course of action. It is generally the last course of action that I wish to pursue.

**The Hon. L.H. Davis:** You are the original reasonable man.

**The Hon. R.I. LUCAS:** Exactly. That would be the last course that I want to pursue. However, if that is the way the majority of members wish the conference to be conducted, so be it, I will be dragged kicking and screaming down that path. As I said, I understand from discussions that I have had with the Hon. Mr Xenophon, with representatives of the Australian Labor Party and with Independent members in another place, that all of them are willing to enter the conference in a spirit of compromise, trying to determine in a reasonable fashion what information is required, what might be needed and how we might be able to provide it to members, acknowledging that members are not actuaries and are not able to do this sort of complicated calculation themselves. I think there is a little bit of a campaign going on to suggest that in some way I as Treasurer, on behalf of the Government, am concocting figures to suit the Government's argument in relation to this matter.

*An honourable member interjecting:*

**The Hon. R.I. LUCAS:** No, but the hidden inference that has been suggested from some is that, in some way, the figures that I am producing are not to be trusted. All I can say is that in my second reading explanation I honestly represented to the Parliament the figures that I had been presented with by, first, SGIC and, secondly, the Motor Accident Commission. I indicate a willingness to continue to share that information. If the conference says, 'Let us go away and get some further information in a reasonable fashion,' then again I am happy to try to respond as reasonably as I can, given the time constraints we will have over the next two weeks, hopefully to resolve this one way or another.

I am happy to take on notice the honourable member's questions and to further explore the information that he and his constituents might require as we move through this process of trying to resolve the differences that members have about the specific provisions of the Statutes Amendment (Motor Accidents) Bill.

## PARLIAMENT, QUESTION TIME

**The Hon. T. CROTHERS:** I seek leave to make a precied statement prior to directing some questions to the President on the subject of Question Time.

Leave granted.

**The Hon. T. CROTHERS:** Mr President, it is a truth to say that you have known me for some 11½ years and it is a truth for me to say I believe that you regard me as an acute observer of the ether which surrounds me every day and the subject matters that emanate from that. It is also true to say that there have been some considerable discussions from time to time between officers of both sides of the Chamber and your good self in respect of the composition of Question Time. However, my acute observation leads me to note that in the past several days there has been a paucity of questions from some of the Government backbenchers in this Chamber, and any honourable member being an observer in here would find that most unusual.

**The Hon. Caroline Schaefer:** Remember what you were like in Opposition?

**The Hon. T. CROTHERS:** Plenty of interjections but very few questions. My question to your good self is as follows: is the lack of questions from some of the more self proclaimed wordsmiths on the Government back benches due to the fact that a ferocious factional fight is going on at the moment between the wets and the dries of the Government in respect of preselections, and that one of these members to whom I have referred and whom I shall not name (never playing the man, but always sticking to the substance of the question) has been particularly silent due to his 25 hours a day, eight days a week commitment to the pre-election fiesta that is currently going on within the ranks of the Liberal Party between the wets, the dries and all others? Alternatively, am I gauging the matter wrongly and are those rumours, which I have heard from Government members within the confines of this building, simply just what they are—another set of false rumours emanating from Government members?

**The PRESIDENT:** I thank the honourable member for his question, which I decline to answer because it has absolutely nothing whatsoever to do with the Chair. As the honourable member has called me to my feet, I must say that

it is a misuse of Question Time to ask that sort of question, and the honourable member should know better.

### DECS*tech* 2001

**The Hon. M.J. ELLIOTT:** I seek leave to make a brief explanation before asking the Treasurer, representing the Minister for Education and Children Services, a question about the DECS*tech* project.

Leave granted.

**The Hon. M.J. ELLIOTT:** The Department for Education, Training and Employment has stated a commitment to the introduction of information technology in South Australian public schools. However, there is growing concern among school communities in metropolitan and regional South Australia about the cost of the implementation of these resources and the need to shift resources from other important curriculum areas to meet this demand.

I understand that the Minister plans to wind up the DECS*tech* project team, which was responsible for implementing information technology in schools, at the end of this year. I have also been told that an upgrade of library IT hardware and software, the Library 2001 project, is planned, but questions have been raised about whether the department will pay for the implementation and ongoing costs of this system.

There is also concern about how public schools in regional and rural South Australia, which, because of their clientele, are unable to charge higher school fees, will be able to upgrade to the new Library 2001 project without compromising the rest of their school budgets. I also understand that schools are yet to receive the DECS*tech* subsidy, which is usually paid at the end of term 1. This has meant that at least one school has been unable to buy the computers planned for purchase this school year. My questions to the Minister are:

1. How many public schools have the Department for Education, Training and Employment connected to the Internet and paid for this connection?

2. How does this compare with New South Wales and Victorian public schools in terms of their respective Governments paying for Internet connections?

3. Why does the Minister plan to wind up the DECS*tech* project team, which was responsible for implementing information technology in schools, at the end of this year?

4. How will the upgrade of computers in schools and TAFE colleges be funded to allow them to make use of the Library 2001 project software?

5. When will the Library 2001 project be implemented and, when it is, will the department pay for the data transfer cost between schools and their servers or will this cost be borne by the schools?

6. How will public schools in regional and rural South Australia, which are unable to charge higher school fees, be able to upgrade to the new 20001 project without compromising the rest of the school budget?

7. When will the DECS*tech* subsidy be paid to schools?

**The Hon. R.I. LUCAS:** I just waited because I was anxious: I thought maybe somewhere in those questions the Leader of the Democrats might have congratulated the Government for putting $85 million into DECS*tech* 2001, albeit that he might have then gone on and asked the questions. I thought perhaps he might have said something marginally positive and then gone on to ask the questions. As the honourable member knows (and I have discussed the issue with him on a number of occasions), the previous Labor Government put a total of $360 000 into computers for schools.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. R.I. LUCAS:** The Liberal Government is putting in $85 million—$75 million for DECS*tech* 2001 and, because we listened to and heard the concerns of parents, teachers and students about the additional peripheral costs, and so on, prior to the election, we made a commitment of a further $10 million in the computer plus program to go to schools. As I said, I was ever the optimist. I still await the first positive comment from the Hon. Mr Elliott about the Liberal Government and in particular its education policy.

*An honourable member interjecting:*

**The Hon. R.I. LUCAS:** We are talking about the education area. I intend to live long enough and stay in the Parliament long enough eventually to hear a positive word from the Hon. Mr Elliott about Government and the education program.

In relation to the specific questions, I am sure that the Minister for Education and Children's Services will come back and indicate a very strong and ongoing commitment to the provision of information technology in schools and in TAFE institutes. As to the detail of the forward program, I will refer the honourable member's question to the Minister and bring back a reply.

### ELECTORAL BOUNDARIES COMMISSION

**The Hon. G. WEATHERILL:** I seek leave to make a brief explanation before asking the Treasurer a question about the Electoral Districts Boundaries Commission.

Leave granted.

**The Hon. G. WEATHERILL:** The Constitution Act 1934 clearly states that the purpose of the Electoral Districts Boundaries Commission (EDBC) is to ensure that general elections within the State of South Australia follow the principles of one vote one value and that a majority of voters win a majority of seats. The EDBC 1998 draft report released on Friday 14 August 1998 appears to have satisfied the provisions of the Act, and I congratulate the Hon. Justice Cox, Mr Tully and Mr Kentish for their efforts.

Will the Treasurer provide to the Council an itemised market value account of costs to the State of the EDBC, and all State assets and resources employed by the same for the period 1993-97 and from 1997 to date, including compensation to the members of the commission and its secretariat, office space used, travel expenses, services employed for Planning South Australia and the Electoral Office, and all other costs?

**The Hon. K.T. GRIFFIN:** The Electoral Act is committed to me as Attorney-General. I will give consideration to the questions raised with a view to bringing back a reply.

### GORGE ROAD

**The Hon. CARMEL ZOLLO:** I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about a proposed bike lane for Gorge Road.

Leave granted.

**The Hon. CARMEL ZOLLO:** Following an article that appeared in my local Messenger Press recently, I have been contacted by a resident concerning Transport SA's attempts to add a bike lane on both sides of Gorge Road, from Russell

Road to Lower North East Road. The article reported that Campbelltown council did not support the bike lanes as they thought the need was not there and that there was not enough demand for a bike strategy in the area. The council also expressed concern about increased traffic congestion on lanes narrowed to accommodate bicycles. I believe, in fact, that the opposite would be the case: bike lanes would help reduce speed and the often dangerous overtaking.

In February, the *Payneham Messenger* reported that Campbelltown council was the only metropolitan council without a local area bike plan, despite offers by BikeSouth to help develop one. I am sure that many people would be extremely disappointed if the council's reported attitude is still correct. I believe that, on balance, bike lanes have been well accepted by most people in the community and that the BikeSouth project has proved a great success in Adelaide, with the many benefits that come from exercising and commuting in a safe environment.

My constituent reminded me that roads are meant to be shared by everyone—pedestrians, cyclists and motorists. Whilst it would be preferable for the project to proceed by cooperation between State and local government, given the State Government's commitment to have bike lanes on all arterial roads to provide safe cycling paths, my question on behalf of cyclists who want to see a bike lane on Gorge Road is whether the State Government is prepared to go ahead with its commitment, regardless of the attitude of the Campbelltown council?

**The Hon. DIANA LAIDLAW:** The honourable member is correct in that Campbelltown council is the only council in the entire metropolitan area that does not have a local area bike plan. I am pleased that the honourable member has raised that matter in this place. I trust that the council will soon catch up with the good practice that is being adopted by councils across the metropolitan area.

With respect to the Gorge Road, Transport SA is currently looking at a number of issues, including safety, which is a huge issue, overtaking lanes, safe passage on the road, and provision for bicycles, because the road is used extensively for training by some of Australia's best cyclists. Clearly we have to come to a better practice than is tolerated or accepted today. I will undertake to make further inquiries on my own behalf and that of the honourable member and her constituent to see how we can accommodate cyclists in a safe manner in an area that they are already using.

*The Hon. T.G. Cameron interjecting:*

**The Hon. DIANA LAIDLAW:** I have no more admissions to make in this place about my cycling!

## MATTERS OF INTEREST

### SOUTH-EAST AREA CONSULTATIVE COMMITTEE

**The Hon. A.J. REDFORD:** I recently received a copy of the final draft of the South-East Area Consultative Committee Incorporated, being the three year strategic plan entitled 'Job South-East'. In that regard I express my thanks to the committee's Executive Officer, Elaine Pollock, who has been an enthusiastic promoter of the strategic regional plan.

The report identified a number of key regional areas facing the South-East, including population and services decline, strategic planning and community leadership skills development, better coordination and communication between Government and non-government agencies and organisations, development of long-term vision for business, new business development—for example, taking advantage of opportunities from the viticulture industry, etc., infrastructure planning, demands of the labour market—including alleviating skills shortages, skills auditing, particularly in the value-adding areas, and training.

It also identified six broad strategies, including the maximisation of the employment potential of the region, to ensure the readiness of the job market to take up opportunities, to promote the short-term stabilisation and longer-term growth of the region's population, to promote and disseminate information about Government employment and training programs, to foster regional partnerships involving business, the community and Government, and, finally, to support the community development and leadership.

The report sets out a number of important pieces of information concerning the South-East and, in particular, outlines some important key performance indicators. The strategy outlines some outcomes, and I will list them as follows:

1. A net increase of 5 per cent in the number of employment positions in the region over a three year period.
2. Stabilisation of the number of public sector positions in the region.
3. Vacational education and training programs offered in the region corresponding to identified needs of business and industry in the short, medium and long term.
4. Seasonal and skilled demand for labour being met.
5. That unmet employment needs of business and industry be sourced from outside the region to fill identified gaps and allow business expansion.
6. Increased levels of recognition across the region for the role and services offered by the ACC.
7. To increase the level of joint proposals, co-funded projects and cooperative undertakings leading to employment growth.
8. Identification and fostering of a core group of leaders to act as drivers and champions in each population centre in the region.
9. The establishment of a program of activities aimed at employment creation and expansion in all population centres across the region.

Indeed, this does identify a very important demand on the part of Government, and that is at the minimum to maintain current public sector employment in the region. It is important to note that unemployment in the South-East is running at 6.5 per cent, which is well below what one might imagine is the average for South Australia and Australia as a whole. There are nearly 2 100 unemployed people in the South-East, most of them being in the Lower South-East, with an unemployment rate of 8 per cent. That in fact might explain some of the concerns that emanate from the city of Mount Gambier.

This is a very important document in relation to the South-East, and I would commend all community leaders and all people interested to obtain a copy. Indeed, I was attracted to the recommendation that community sponsored training programs improve leadership skills by coordinating activities of Youth Week and establishing ongoing youth participation on youth councils. There is a novel suggestion that a 'hall of

fame' be initiated in relation to business activity in the community. I commend the report, and if anyone wants a copy I am happy to provide it.

The challenge is to the Federal and State Government, and that goes without saying, but the most important challenge is from the local community. In that regard, I know that both I and the Hon. Terry Roberts would be able to assist as best we can to access funding and other opportunities to put into place this very important strategic regional plan.

## GOODS AND SERVICES TAX

**The Hon. CARMEL ZOLLO:** Last week the Prime Minister and Treasurer announced that they had solved Australia's, if not the world's, economic problems by shifting the emphasis of Australia's taxation system from a progressive income based system to a regressive goods and services tax. The Treasurer claimed that if their reforms were not implemented the current taxation system would collapse in a heap in a year or two. It would probably collapse into another black hole—perhaps the same one that they invented after they were elected in 1996. The Australian community is expected to believe that everyone will be better off, that the income tax changes will more than compensate for any overall price increases, that the black economy and tax minimisation rorts will be virtually eliminated, that there will be a big boost to private health insurance numbers and that there will be a new financial deal for the States. When asked who they thought were the losers they were stuck for words, but perhaps those who operated in the cash economy were losers.

No wonder economic commentator Terry McCrann wrote in the *Australian* that Mr Costello would be expected to publish the figures on bracket creep when Paul's pigs took to the air. Mr McCrann is no friend of the Labor Party, but he summed up the Howard-Costello package in the *Advertiser* in two words: fiscal fraud. McCrann claims that about two thirds of the tax cuts will be paid for by the year 2000-1 through income tax bracket creep and the rest by subsequent bracket creep, and, I would also add, through their savage budget expenditure cuts.

Of course, the projected surpluses may be totally illusory and the Federal budget could well be in the red if the Asian economies do not improve. I suppose any tax cuts at all may depend on whether they are a core or non-core promise. To quote Mr McCrann's article:

> The tax cut is a mirage at best, a cynical con at worst. And the 'reform' to Federal-State financial relations is a second or third best reform. The other major sleeper is that an awful lot of people will actually be worse off because they won't be fully compensated by their tax cuts.

The Coalition backbench was briefed the night before the announcement. Wilson Tuckey said afterwards that the package was so good that everybody would be dancing in the streets when they found out about it. Needless to say, I did not see anyone dancing in the streets the next day, but I know that they would have been celebrating in the boardrooms of big business. The only bottom line for big business is to maximise profit by minimising the number of people employed, whilst at the same time paying those who run the show enormous salaries and perks.

The Government's new-found allies—the accountants—are certainly pleased with every small business and service provider turning into a tax collector. Our taxation system is not about to collapse, but of course it should be adjusted as required to keep pace with rapidly changing economic circumstances. What we do not need is a broad-based, unfair and regressive goods and services tax, which hits the already disadvantaged people in our community. Computer modelling does not indicate expenditure patterns in the real world. Just because the GST has been introduced in many other countries does not mean that it is a good system and that we should adopt it without question. Many of the countries that introduced a GST system have regretted doing so and the overwhelming majority have increased their rates, some by more than double. There is only one way I know to ensure the rate is never changed: entrench it in the Australian Constitution.

The package has not tackled the real issues of tax minimisation through trusts and other contrived devices. It will not stop the cash economy and in fact is likely to increase it, going by overseas experience. No matter what controls or penalties are put in place, price reductions where applicable will not all be passed on in full and the GST will become another hidden tax, especially if it is not required to be itemised separately. The package does nothing about the number one problem in Australia—unemployment. It is also criminal that with an election supposedly only weeks away the Government is spending millions of dollars of taxpayers' money to tell us how good the package is. Providing a public service means telling both sides of the story.

## ETSA MANDATE

**The Hon. NICK XENOPHON:** In the opportunity I have been given today to speak on matters of interest, I have reluctantly had to temporarily diverge from my primary passion—the impact of gambling and poker machines in particular on South Australians—

*The Hon. A.J. Redford interjecting:*

**The Hon. NICK XENOPHON:** I am not moralising. The Hon. Angus Redford says that I moralise. This is a question of good Government and ethics and I am sure he will be patient and listen. Rather, I need to reflect on the remarks made yesterday by my colleague and friend (hopefully that will not lead to a personal explanation), the Hon. Legh Davis, in the course of his second reading contribution on voluntary voting. I note that today's *Advertiser*—

**The Hon. T.G. Cameron:** What is your definition of 'friend'?

**The Hon. NICK XENOPHON:** A very broad definition in the best sense of the word. I note that today's *Advertiser*, reporting on the Hon. Legh Davis's speech last night, refers to the 'hypocrisy' of those opposing the ETSA sale on the so-called mandate argument and states that 'there was no logic and justification in the no mandate argument being put forward' in this House.

I wish to put on public record my position on the ETSA sale *vis-à-vis* the arguments raised by the Hon. Legh Davis last night. With the greatest respect to the Hon. Legh Davis, I query his logic and rationale in comparing a promise to introduce voluntary voting with a promise not to sell ETSA. I believe he has got himself tied up in a knot, a Gordian knot, that needs to be sliced through to liberate him and others who harbour such a fundamental misapprehension.

The Hon. Legh Davis mentioned last night and last week during his matters of interest speech the fact that in my contribution on voluntary voting I said:

> A Bill must be judged on both its intent and its likely outcome.

I stand by those words with absolute resolution, particularly in the context of the ETSA Bill. I agree that the sale of ETSA at an appropriate price with appropriate safeguards could have a net economic benefit for the State, but I was also concerned with the likely outcome of supporting the sale in the absence of a referendum, given the Government's absolute promise during the election campaign not to sell ETSA.

I referred in my second reading speech on the ETSA Bill to Hugh McKay's recent article in the *Age* entitled, 'The Lying Game'. I know the Hon. Angus Redford is a great fan of Hugh McKay. What I quoted then is worth repeating for honourable members. Hugh McKay said:

> With trust in the political process being eroded with every bent principle, every broken promise and every policy backflip, the level of cynicism has reached breaking point for many Australians.

He went on to say:

> Their response is, of course, to seek relief partly because they find the whole political scene too depressing to focus on and partly because they know they can be damaged by the corrosive effect of their own cynicism.

He further states that this is captured in an attitude of 'who cares?' and that this:

> . . . captures the mood of people who might not yet have revised their view of truth but who have decided that for the time being it makes more sense to worry about themselves and their own concerns, and leave the politicians to talk among themselves.

McKay also says:

> If you think the retreat into the comfort of relativism is dangerous, how much more dangerous is the retreat into disengagement? This is the short cut to apathy, and apathy is tantamount to an invitation to politicians to abuse their power. Once the electorate has lost interest in the idea of accountability, the democratic process loses its real meaning.

I hope the Hon. Legh Davis and others can understand and respect my position on this issue. My belief is that to have voted for the sale of ETSA in the absence of a referendum would tear a large piece out of the democratic and social fabric of our State. It would send a message to all voters, and especially to our youth, that no election promise, no undertaking by a politician is too big to break, that political trust can be bent and twisted at will.

I again encourage the Government to have faith in the good sense of the people of South Australia, to take them into its confidence and to give them an opportunity to vote on this most important issue at a referendum—an issue they have not previously had an opportunity on which to express their will, given the absolute promise not to sell ETSA made by this Government at the last election.

## ETHNIC COMMUNITY BROADCASTING

**The Hon. J.F. STEFANI:** Today I wish to speak about the role of ethnic community broadcasting. Ethnic community broadcasting has been one of the successful ingredients in developing a cooperative and successful multicultural society in Australia. The sector assists in building communities, providing information, assisting with settlement, maintenance of cultural identity and language, skills development and enhancing a sense of worth and contribution to the social, economic and cultural life of Australia. If these services were to be provided by Government they would cost hundreds of millions of dollars.

With the emergence of the race debate, it is important that the values, principles and practices of multiculturalism are defended and supported. Ethnic community broadcasting promotes these values. Governments can play a positive role in supporting the national communication and information system established by the ethnic community broadcasters throughout Australia. In South Australia 5EBI-FM has been established for over 23 years and provides an effective, efficient and low cost means of supplying information, cultural and language services to a very significant part of the South Australian community.

Originally broadcasting in only five languages, 5EBI has expanded its broadcasting services through the diversity of our multicultural community to a 24 hour, seven day a week operation. As a broadcasting organisation, 5EBI-FM has demonstrated a high degree of professionalism and has been supported by the competence of a technical and administrative team to operate as a full-time radio station.

5EBI-FM is unique because it provides an essential service to the South Australian multicultural community in 46 different languages, enabling many members of our community from a non-English speaking background to receive important information and listen to their favourite music and programs broadcast in their own language. 5EBI plays an important role as a partner between the various multicultural community groups and the State Government in promoting the basic principles of access and equity, racial understanding and social cohesion within our society.

In South Australia multiculturalism is a success story. 5EBI is part of this success story, embracing the right for all South Australians to express and share their linguistic and cultural heritage and to enhance a greater cross-cultural understanding between all community groups. 5EBI provides important information programs incorporating news, sport, current affairs, education and local community activities as well as traditional music from around the world. It is an effective tool for informing and educating the wider South Australian community.

During the past 23 years 5EBI has harnessed an immense wealth of knowledge, experience and skills and has maximised the benefits of this experience by utilising the linguistic diversity within our community to promote economic and social development, both in South Australia and overseas. The work undertaken by 5EBI has been accomplished on a voluntary basis and the various communities involved with this ethnic broadcaster have provided most of the funds to build the infrastructure that has been required for this radio station to be effective.

The South Australian Liberal Government values the continued work of 5EBI and its team of volunteers and has strongly supported 5EBI with financial assistance through the annual Radiothon Appeal, which this year will be held from 16 to 18 October 1998. As a strong supporter of multiculturalism and the shared benefits of our cultural diversity, I have been privileged to be involved with the 5EBI Radiothon Appeal for more than 10 years. I take this opportunity to express my sincere congratulations to all the people who have been involved with the valuable community work of 5EBI and to wish it every success for the future.

## ELECTRICITY, PRIVATISATION

**The Hon. R.R. ROBERTS:** I rise today to touch on the subject of Government waste and parliamentary hypocrisy. Earlier this year we were advised by the Premier, after an absolute commitment to the people of South Australia that there would be no sale of ETSA, that he had changed his mind having discovered a black hole that he did not know

was there. I do not want to go over the subject of who knew what and when, but the Premier staked his political judgment and career on the sale of ETSA.

We have had a long and tortuous debate about the sale of ETSA. In fact, the Government insisted that this sitting of Parliament be extended by a fortnight because it had to get this legislation through, that it was absolutely essential. There were even threats thrown around that we would stay here until this Bill had passed. In the last few weeks we have been threatened with a mini budget, which will now probably end up being a financial statement.

The Government has very little credibility left. It insisted that we come back for a fortnight, with all the costs that that will entail, and what have we seen since last Thursday when the call was put out, 'Are there any more speakers on the Electricity Corporations (Restructuring and Disposal) Bill?' There were no more speakers, and the Treasurer then decided that he would take the adjournment, and one would have expected it would have been wrapped up. However, we have the situation of the honourable position taken by the Hon. Nick Xenophon, who said, 'You can fix this up. We will have a referendum.' What we have now seen is the greatest act of political cowardice that I have witnessed in nine years in this place. This Government is not game to put this motion before the Parliament.

Since last Thursday, yesterday it was adjourned, today I see that it has trotted out the Hon. Mr Lawson QC to speak to it. This is a member, along with a couple of others over there, who had the opportunity to speak last Thursday on this matter but who took the option not to do it. So the Government has trotted him out today to try and make it look good. I challenge the Government in relation to this Bill which is supposedly of such importance to South Australia. This parliamentary process will cost millions of dollars. By the time we get to the end of next week it will have cost hundreds of thousands of dollars at the very least, just in the cost of running this Parliament.

The Government has wasted the time of the people of South Australia. It has wasted the time of this Parliament, and for what good reason? It is not prepared to take a shellacking. John Olsen decided that this was a matter of importance. He wanted to stake his political future on it. Now when it comes time, when push comes to shove, it is ducking and diving. They will not front up. I challenge them: if they have any political guts, let's get on with it today or let's get up tomorrow night and go home and do some work with the electors. They are disenchanted enough with the shenanigans. I do not want to waste my time down here with a Government that does not have the guts of its own mandate. Government members threatened everybody and now when it comes time to front up they are ducking and diving.

*The Hon. K.T. Griffin interjecting:*

**The Hon. R.R. ROBERTS:** Why don't you bring it on? Why don't you show a bit of guts? I want to see just how much courage you have. You wanted to put this Bill up; you threatened everybody; and you were going to take us all to the cleaners. We are now giving you the opportunity, here it is, it is crunch time. All you have to do is call on the vote. I do not think that you have the courage and you ought to apologise to the people of South Australia for messing them around. Why will these people not go to a vote?

*The Hon. K.T. Griffin interjecting:*

**The Hon. R.R. ROBERTS:** Why will you not go to a vote? You can sit there and make all the snide remarks you like. I know that the Attorney-General is embarrassed. He is embarrassed by his Premier and the Treasurer who have stated that this was a Bill for which they had the numbers. As soon as the Government finds that there is the slightest chance that it does not have the numbers it does not want to risk taking a shellacking. What you are trying to do is to come up with another plan to hoodwink the voters of South Australia. That is what you are about. You are politically bankrupt. You have no credibility in this State.

Time does not allow me to touch on the sorts of things that the voters of South Australia have been subjected to by the Liberal Party. I do not want to go over all this stuff that we read about in the *Sunday Mail* last week, about Corey Bernardi and Nigel Winter and the details of civil actions being levelled against them. It says Mr Winter was going to respond but he decided that he did not want to. However—

**The PRESIDENT:** Order! The honourable member's time has expired. The honourable member will resume his seat.

## WOMEN, IMPRISONMENT

**The Hon. SANDRA KANCK:** Late in June I attended the release of a report entitled 'Who's minding the kids?', which was aimed at developing a coordinated service for children whose mothers are imprisoned. When fathers are incarcerated their children stay with their mothers but when mothers are incarcerated their children are cared for by the extended family, which usually means the grandmothers. Because of their age these women begin the caring role usually with a reduced health status and often being stressed by the process. Some of them are on the pension when they take over responsibility for the children, and those who have jobs often find themselves forced to give them up. Not surprisingly, the children of incarcerated parents have more emotional and behavioural problems and exhibit more aggressive behaviour than other children.

All the children in this South Australian study had experienced instability in the two years leading up to the mother's imprisonment. Many had moved house on a number of occasions. There was a high absence of male partners. Large numbers of these children had witnessed violent abuse of their mothers by their male partners. Most of the mothers were substance abusers of drugs and alcohol, and the children had been placed in the role of parenting the parent. The children felt disadvantaged because their mothers were not able to provide for their needs like other mothers and, saddest of all, these children felt that they were burdens. When mothers are incarcerated, no matter what else may be ordered in terms of foster care, these children want to stay with the extended family; that is, for the most part, the maternal grandmother.

These grandmothers expressed guilt that their daughters had reached a point where their behaviour had led to imprisonment. Quite often the grandmothers have been helping their daughters in the lead up to imprisonment and they begin the task already exhausted. Taking responsibility for their grandchildren results in some of these women cutting themselves off from their friends and their usual social activities because they would otherwise have to admit to their friends that their daughters are criminals. With the loss of their own dreams and plans for the future they feel trapped. They experience a sense of isolation and a sense that their goodwill is being exploited. Often they are stressed and exhausted. This again puts the children in the position of

feeling that they are responsible for the carers and reinforces their views of themselves as being burdens.

The carers are wary about becoming involved with welfare organisations and, even though they might be entitled to some respite, they do not apply for it because they do not know it exists. If they do know about it they will not access it because this would indicate to the system that they are not coping and they fear this would result in the children being taken from them. The children want to maintain normal contact with their mothers even in prison, so, when the prison system suspends visits, or restricts visits to non-contact ones because of some perceived misdemeanour by the mother, both she and the children are punished.

The prison places a 15 minute time limit on telephone calls and this 15 minutes is tougher on both mother and children where the mother has more than one child. The longer the time the mother is in prison the bigger the attachment between their children and their grandmothers, which can mean further physical dislocation and emotional upheaval when the mother is finally released. This study has revealed a number of areas which need improvement. There needs to be a shift of focus to supporting the carers because what is good for the carers is good for the children. Conversely, providing services for these children would also provide cross-generational benefits back to the grandmothers.

More advice needs to be provided, perhaps in some immediate counselling after sentencing, so that the grandmothers know what support services are available to them. Our correctional services system needs to examine closely some of its practices to find ways around its need to run a tight ship and the need to cater for the emotional needs of these children. This report has revealed an extraordinarily sad situation for the 40 or so children in this State whose mothers are imprisoned. If we do not intervene we are allowing injustices to be perpetrated on the children and the grandmothers, and they simply do not deserve to be cast off in this way.

Where do children stand in terms of those who argue for tougher penalties for crime? As a society we must ask ourselves whether we are better off for imprisoning a person when three generations are affected by that imprisonment. To what sort of society do we belong when we discount the welfare of children in favour of retribution?

## NORTHERN AREAS BUSINESS ENTERPRISE CENTRE

**The Hon. T.G. CAMERON:** I recently had the pleasure to visit the Northern Adelaide Business Enterprise Centre (NABEC) located at Salisbury. The NABEC was launched in March this year and is an initiative of the Northern Adelaide Development Board to foster the establishment and development of successful businesses in the northern Adelaide region. Assistance provided by the NABEC is at no or low cost and is independent and confidential. It is a non-profit organisation supported by the SA Government, local councils, corporate and local businesses and community organisations.

There are four BECs in operation already in South Australia, including Port Adelaide, Norwood, Murray Bridge and Goolwa, with two more to soon open. BECs assist in the creation, retention and development of small business opportunities, including import replacement and export markets, and promote local employment initiatives that lead to job creation—something we sadly need in this State. The majority of clients are people who wish to commence a new enterprise, or existing small to medium sized businesses wishing to expand or improve their current products and services.

The northern BEC does this by providing starting up advice for new small businesses from a resident business adviser; opportunities to meet and make contact with people who provide and use the services of a wide range of businesses in the region; assistance in accessing information databases relating to the 'must know' for successful business operations; free or low cost practical advice and assistance to small businesses and people seeking to establish a business; opportunities to network through invitations to business breakfasts and lunches; invitations to low cost seminars on issues affecting small business; and monthly and quarterly newsletters—all very practical assistance to small business.

Business enterprise centres are not new, with several hundred operating interstate. The concept was originally initiated in New South Wales by the Rotary Club of Sydney in 1985 from an idea imported from England. BECs are now strongly supported by all sectors of commerce and industry. The northern BEC has the strong support of large and small businesses, local, State and Federal Government agencies, the Northern Adelaide Development Board, the Regional Chamber of Commerce and secondary education and training providers. The Business enterprise centre has been operating from various locations around the northern region since April, including Elizabeth, Munno Para, Smithfield, Gawler, Virginia and from its office at Salisbury. I am informed that in the first four weeks the northern BEC assisted more than 80 clients.

Another very worthwhile initiative is the northern BEC school to work industry links, a trial program which is currently under way with the Salisbury High School year 9 students. Seven different business operations, ranging from sole traders to companies, will be interviewed by students—again, another very worthwhile initiative integrating high schools into the local business communities. Students will also conduct an observation survey of local Salisbury businesses to judge some basic marketing tactics employed by traders.

Similarly, there is also the CaBLE trial, which will involve five local schools in Salisbury and Two Wells and which will introduce students from years 6 and 9 to the world of work, another worthwhile initiative which is getting young kids out of their high schools and into the business world where they can gain some understanding and idea of what exists in the real world rather than what goes on within their high schools. The object of both initiatives is to gain a better understanding of the way business operates. They are projects close to my heart, as I have long believed in the need for closer ties between the benefits of education and its application to the real world of business.

With youth unemployment in the northern suburbs exceeding 40 per cent and adult unemployment exceeding 12 per cent, the northern BEC is a worthwhile and welcome initiative. I take this opportunity to thank Northern Adelaide Development Board Manager, Mr Max Daviols, as well as Mr Jim Montgomery and Mr Michael Olive, the northern BEC manager, for taking the time to meet with me to explain the history and functions of the BEC. I wish them all the best for the future in their endeavours and urge both the State Government and the various local councils involved to continue to support the northern BEC in the valuable role it

is playing in assisting new small businesses to get established in the northern suburbs. I would also encourage the *Advertiser* to give some support to these BECs. I know that it is not sexy and sensational but it helps small business and creates jobs.

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

## RAILWAYS, EASTERN STATE LINK

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

That this Council calls on the Environment, Resources and Development Committee to be required to investigate and report on rail links with the Eastern States to ascertain the best configuration for the future development of South Australia.

I do not intend to speak at length on this matter. It has been entertaining my mind for some time and what brought it to a head was my attendance as a member of the Environment, Resources and Development Committee at a meeting in Sydney of representatives of parliamentary environment and public works committees of Australia. At that joint conference, there was significant discussion about links between Sydney and Canberra, Sydney and Melbourne and there was even some brief discussion about the alternative link between Melbourne and Darwin. It got me thinking that perhaps South Australia, whilst pursuing the Adelaide to Darwin line—which the Democrats support very strongly and, contrary to claims of some Government members, we have always supported the Government on this and we have praised the Government on what it has achieved so far—

**The Hon. Diana Laidlaw:** It is just too hard to remember when you do because it is so rare.

**The Hon. M.J. ELLIOTT:** There is another one. That is twice in two days.

**The Hon. T.G. Cameron:** He was on radio this morning giving you a big plug, saying that you were the best Planning Minister that he has seen.

**The PRESIDENT:** Order! The Hon. Mr Elliott is on his feet.

**The Hon. M.J. ELLIOTT:** At least a decade, I said. This motion is not a reflection on what we are doing but perhaps a suggestion that we should also look in the other direction. As an example of the sort of problems we have with links to the Eastern States, I point out that it is not possible to have double-stacked trains running between Adelaide and the Eastern States because double-stacked trains will not go through the tunnels in the Adelaide Hills. The potential to double stack railway carriages can have a significant impact on the economics of rail transport and the problem with the tunnels is enough in itself to impinge upon the economics, not just of Adelaide to the Eastern States but also the Eastern States to Adelaide, the Eastern States to Perth and, potentially, the Eastern States to Darwin.

I am also aware that proposals have been suggested from time to time that the line between Adelaide and Melbourne should go behind the Mount Lofty Ranges and come through the Barossa Valley to Adelaide. As I understand it, such a route could take at least an hour off the trip and, because of the change in the grades, it would also lead to reduced fuel use. For both those reasons, it could have a significant long-term impact on the viability of rail transport between Adelaide and the Eastern States, and vice versa. The current structure is a further disincentive for Melbourne to support the Adelaide to Darwin railway line. So far, I have raised two serious concerns and we have only got as far as Murray Bridge!

Between Murray Bridge and the border, I understand that the line is in reasonable condition, but between the border and Melbourne the line is in appalling condition and, as a consequence of that, it seriously impacts on travelling time, which has created severe disadvantage for passenger transport in competition with other means of transport, particularly buses, which are rail's closest competitor.

**The Hon. Sandra Kanck:** It adds an hour.

**The Hon. M.J. ELLIOTT:** If it adds an hour and we add on the time that we could save by not going through the Hills, between 1½ hours and two hours could be taken off the trip for passengers. While time might not be quite so critical for freight, it is still having an impact on some freight services as well.

In the Eastern States, the proposal is to have very fast trains between Canberra and Sydney and, at the very least, trains that travel significantly faster than the present trains between Sydney and Melbourne. If we are to look at the routes to the Eastern States, we might even ask whether we should continue to use the current form of trains. Should we look at superior tracks that will carry superior rolling stock? I do not pretend to have the answers to those questions, and that is why it should be referred to the committee.

I would go further to ask whether or not the current route is the best route, because to send freight to Melbourne and then to Sydney is a rather long deviation. If there is a new Sydney to Melbourne route we could re-examine the route between Adelaide and the Eastern States and even meet that line halfway between, which would give us greater efficiencies into the Sydney market, and the Brisbane market, as well. I would also argue that, with that major upgrading, we have then provided the Melbourne to Darwin railway line. I find it of concern that there are two projects on the drawing board, one which is being called the Adelaide to Darwin railway line and the other one is called the Melbourne to Darwin line, when it could be one project—Melbourne to Darwin via Adelaide—that we should be promoting.

We have been so focused on getting the Darwin to Alice Springs line built that we have not looked over our right shoulder and recognised that the biggest disincentive for support for that route from the Eastern States is that their linkage into it is at the moment inferior, and therefore they do not see a lot in it for them. I argue that, even with the current proposal, there is a lot in it for them but, if the ERD Committee was asked to look at the issue of links to the Eastern States, these are the sorts of things that could and should be taken on board.

It is not my intention to speak at great length. I have raised the key concerns at this stage. I think that a review of our links to the Eastern States is overdue and, being a member of the Environment, Resources and Development Committee, I have a great deal of confidence in the committee's ability to look at issues like these and contribute something positively for the State. I urge all members to support the motion.

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

## MOTOR VEHICLES ACT

Order of the Day, Private Business, No. 4: Hon. A.J. Redford to move:

That the regulations under the Motor Vehicles Act 1959 concerning administration fee, made on 23 April 1998 and laid on the table of this Council on 26 May 1998, be disallowed.

**The Hon. CAROLINE SCHAEFER:** On behalf of the Hon. A.J. Redford, I move:

That this Order of the Day be discharged.

Motion carried.

## WORKERS REHABILITATION AND COMPENSATION (MENTAL INCAPACITY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 August. Page 1371.)

**The Hon. R.R. ROBERTS:** I thank all members for their contribution to this debate. I am particularly pleased by the indications of support from the Hon. Nick Xenophon and the Hon. Mike Elliott. I am disappointed, once again, by the contribution made this time made by the Hon. Angus Redford in respect of these matters, which again run the smokescreen of stress. I pointed out in my second reading speech, as I did on the previous two occasions, that we are not talking about stress in the true sense of the term. Those matters were well canvassed in the debates that we had in this place when we addressed the WorkCover Bill on the last occasion, and the Hon. Mr Elliott would be fully conversant with that debate as he is conversant with the debate in respect of the matters that are embraced in this Bill.

I am very hopeful that this Bill will pass. As has been pointed out by others, it has the support not only the three Parties represented in this Chamber—the Labor Party, the Democrats and the No Pokies—but also the complete support of people such as the Law Society, the Plaintiff Lawyers Association, the Labor Lawyers Association, psychologists and psychiatric practitioners. They have all supported this Bill as a just and proper piece of legislation. I hope that this matter can be resolved by the other House of Parliament. It was unsuccessful on two other occasions and I hope that on this occasion we are successful.

The Council divided on the second reading:

AYES (12)

| | |
|---|---|
| Cameron, T. G. | Crothers, T. |
| Elliott, M. J. | Gilfillan, I. |
| Holloway, P. | Kanck, S. M. |
| Pickles, C. A. | Roberts, R. R. (teller) |
| Roberts, T. G. | Weatherill, G. |
| Xenophon, N. | Zollo, C. |

NOES (9

| | |
|---|---|
| Davis, L. H. | Dawkins, J. S. L. |
| Griffin, K. T. | Laidlaw, D. V. |
| Lawson, R. D. | Lucas, R. I. |
| Redford, A. J. (teller) | Schaefer, C. V. |
| Stefani, J. F. | |

Majority of 3 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Clause 2.

**The Hon. A.J. REDFORD:** Does the Hon. Ron Roberts agree that this Bill, if passed, will have a retrospective effect?

**The Hon. R.R. ROBERTS:** Given that this clause provides that 'this Act will be taken to have come into operation on 10 December 1992', it is very clear that it has a retrospective effect.

**The Hon. A.J. REDFORD:** Could the Hon. Ron Roberts explain what special circumstances exist in this case to warrant retrospective legislation?

**The Hon. R.R. ROBERTS:** The reason for this retrospectivity is that on 10 December 1992 the legislation in respect of workers' compensation and this schedule, to which this Act refers, was amended. At that time, under the schedule, people who suffered a permanent reduction of brain function through psychiatric or psychological disability were excluded, more by oversight than by intention. This matter has been discussed with many of the participants and, as I said in my final summation of the contributions, it has been agreed that there was an oversight, and all this Bill seeks to do is right a wrong.

There is a problem in this case, if I may perhaps pre-empt what I think the honourable member will ask me next, namely, whether more stress claims will be made. Those people who are still on Workcover's books with ongoing claims and who have not taken a settlement and signed a disclaimer for any further compensation will certainly fall within the purview of this clause, and rightly so. However, there is considerable doubt in respect of those cases because, although justified under the principles of natural justice, they may not do so because they have signed disclaimers for any further compensation.

**The Hon. A.J. REDFORD:** Could the honourable member indicate whether or not he voted for the initial legislation which caused the alleged difficulties and to which he alluded in his second reading speech?

**The Hon. R.R. ROBERTS:** It is hardly pertinent. In fact, I probably did so as a member of the Labor Party Caucus. I would have voted against them, but the problem was that the Democrats and the Liberal Party had the numbers to pass the legislation. My memory is that there were many parts of that legislation to which I was personally opposed. Indeed, there were many parts of that legislation to which the Labor Party was entirely opposed, and members would recall that the carriage of this Bill occurred because of the Independent member for Semaphore at that time, the Hon. Norm Peterson. It was he who introduced this legislation, with the help of WorkCover.

If there is any criticism that there was an oversight, I admit freely that I did not pick up the particular fault. Whilst I was firmly opposed to most of the changes that took place, it is true that even I, with my interest in the matter, as with every other member of all Caucuses, missed this in the oversight. So, we are big enough on this side of the Chamber to admit there was an oversight. Whilst we did not agree with the changes, we accept that they occurred. We freely admit that we did not pick up the oversight, but we seek restitution now for those injured workers who deserve it.

**The Hon. A.J. REDFORD:** I am not sure that I entirely understood, because I was not a member of this place at the time. Is the honourable member saying that the then Government opposed the legislation that caused the difficulties to which the honourable member alluded in his second reading speech?

**The Hon. R.R. ROBERTS:** There was support from the Independents, who carried the numbers. I think it was

supported by both Mr Norm Peterson and Mr Evans at the time. When the Bill came to this Chamber, I know that we were certainly not happy with the situation, but the numbers at that time were with the Liberal Party and the Democrats, and it was carried. In fact, I do not think we even divided.

**The Hon. A.J. REDFORD:** Could the honourable member explain why he has not specifically stated in this Bill that those matters which have already been settled cannot be reopened or revisited so that people can claim from WorkCover the amounts that are suggested in this particular amendment?

**The Hon. R.R. ROBERTS:** There is a very simple explanation for that. This Bill is designed to give justice to those who deserve it. However, as my colleague opposite would know, from time to time people make settlements, and the vagaries of the law, whilst very confusing to us mere mortals, is something that I am sure he has more to do with. In fact, when this Bill was drafted two or three years ago and was passed by this Chamber, I was not aware that there had been—

*The Hon. K.T. Griffin interjecting:*

**The Hon. R.R. ROBERTS:** No, my Bill, not your Bill. To my knowledge, I was not aware of the practice of people absolutely signing away their entitlements. I am not even certain whether that was legal, but that is a matter that has been brought to my attention since this Bill has been under discussion by this Parliament on this occasion, and I only make the observation that that may be a problem. If those disclaimers are invalid and those people have had legitimate psychological or psychiatric disabilities which have been brought about by the circumstances of their work, I am happy for them all to be paid. I have no desire to move away from the fact that those who ought to be receiving compensation justly, rightly and legally ought to get it.

**The Hon. A.J. REDFORD:** I hope it was not deliberate, but I think the honourable member misunderstood my question. The honourable member has said he is not sure whether those matters which have been settled between 10 December 1992 and now can be revisited or reopened if this legislation should pass. My question to him is: if there is some doubt, why is there not a clause in this Bill to settle that issue once and for all—that is, that they can revisit them or, alternatively, that they cannot re-visit them? Why is the honourable member giving succour to the legal profession in the sense that this issue may well become the subject of lengthy, complicated and expensive litigation, and why is he putting some of these claimants in a position where they may potentially have their hopes raised, later to be dashed by a court?

**The Hon. R.R. ROBERTS:** It has never been my experience that the legal profession needed any encouragement from me to get involved in legal shenanigans. I have already explained—

*The Hon. A.J. Redford interjecting:*

**The Hon. R.R. ROBERTS:** You can ask all day. You may get the same answer. The fact of the matter is that, whatever the law is, the law will prevail. Regardless of whether I think something is just or unjust, there are mechanisms within the tribunals and the purview of the Workcover system, and there are also remedies at law, and people will avail themselves of those options. I will just go through it very slowly once more.

This Bill was drawn up some years ago. It has been passed on two occasions. I have introduced it again because of the changing situation and, hopefully, a more just Lower House situation. When there were 37 Liberals in the Lower House and only 10 from the Labor Party, it was always on the cards that a hard and callous Liberal Government would defeat these matters in the Lower House, despite the fact that they know and have had it explained to them on numerous occasions that this is not about stress but is about psychological and psychiatric disabilities that have been brought about by work conditions which have left these people impaired in their ability to go about their normal work functions.

It is not my job to tell adults, who have legal advice in many instances, whether they ought sign or ought not sign settlements for workers compensation. That is their business. It is a matter that is between them and their legal advisers, and the counsel will advise them to do one thing or another. In many of these cases, we are talking about psychological and psychiatric disability. In the view of the professionals, it may be for no other reason but to relieve the tension and pressure that these people are under that they are advised from time to time to accept something.

Each of those matters will be determined on the merits and on the wording of any settlements if there is going to be a problem with it. If there is not, and people with psychological or psychiatric disabilities have gone through the proper process of establishment, I am reliably advised that psychiatrists and psychologists are able clearly to identify and measure these injuries and apply a percentage formula to them so that justice can be done. Undoubtedly, there will be an involvement by the legal profession in some of these cases, and that will take place whether I like it or not.

**The Hon. A.J. REDFORD:** We have just had a clear demonstration of why the Hon. Ron Roberts is sitting on the back bench, although I will try to take into account the honourable member's understanding. It is a simple question and all it requires is a simple answer. Why is there not in this Bill a statement to the effect that those matters that have been settled since 10 September 1992 either can or cannot take advantage of this change to the law?

**The Hon. R.R. ROBERTS:** I am not certain what the legal position is. What this Bill set out to do—and in relation to what is now occurring I do not want to descend to the depths of personal attacks on people—

*The Hon. A.J. Redford interjecting:*

**The Hon. R.R. ROBERTS:** If you want to play we will play. I am happy to do it, for as long as you like. If you want to get into a slanging match I can yell very loudly, and my microphone is on. If you want to play that game we will do it. The simple fact is—and it is very difficult to explain simple things to the Hon. Angus Redford as he has trouble coming to terms with simple propositions. This Bill was put together to provide the maximum opportunity for people suffering psychological and psychiatric disabilities as a consequence of their work. The Bill says that, when the legislation was inadvertently, by oversight, changed to disadvantage those people in 1992, there is a natural justice principle that says that it ought to be reinstated.

Is the honourable member suggesting that we ought to have a different date which will exclude those injured workers? They ought to have a right to put their case. If this member, who was a member of the legal profession prior to coming into this Council, is denying people's right to pursue their rights with the help of lawyers, let him say so. This clause gives those with a genuine right to make a claim a right to make that claim. I do not know what the honourable member really wants out of this. In fact, I do know: he is just being mischievous, as is his wont. Well, I have nothing better

to do; I can stand here all day and answer this questions if that is what he wants.

**The Hon. A.J. REDFORD:** I will have another try, because I must say that I am not that impressed with law reform Ron Roberts style. The question I ask is: why is there not a clause to the effect that this Act will be taken to have come into operation on 10 September 1992 and will only apply to those cases which have not been settled? Why is that not the clause?

**The Hon. R.R. ROBERTS:** It is not there because I did not put it there. If the honourable member wants to make an amendment it is perfectly within his purview. He has 23 of his mates in the Lower House. If they want to introduce an amendment to that extent, let them put it in. We are trying to give injured workers the maximum opportunity for compensation for identifiable, measurable disabilities. He can ask this question 56 more times. He will only get the same answer.

**The Hon. A.J. REDFORD:** First, my position is that this clause ought to be opposed because it has a retrospective effect. Secondly, it is not clear whether or not those people who have already settled their matters with WorkCover will gain the benefit of this amending legislation. The Hon. Ron Roberts, on being asked on no fewer than five occasions, has refused to answer this question. It is a fair indication of what the Hon. Ron Roberts thinks of the parliamentary process. He stands up and lectures this side of the Council about parliamentary standards and honesty to Parliament but comes in with this legislation and refuses to answer a simple question. The simple question is whether or not those matters which have settled ought to be revisited and have their assessments re-evaluated, in the light of this amendment. He refuses to answer the question, and thereby, in my view, leaves the matter in an unclear state. The only beneficiaries of that will be the legal profession. I have to say that, whilst I am a great admirer of the legal profession, we do not pass laws deliberately ambiguous for the benefit of the legal profession.

This is a sloppy piece of legislation and the other point I make for the Hon. Ron Roberts' benefit, just in case he ever aspires to or happens to fall into a front bench position, is that it is an important position when one looks at the position of WorkCover in a financial sense. I accept the decision of the vote on the second reading, but what I do not accept is sloppy drafting. It is important to understand the difference, because then one can assess what is the financial effect on WorkCover. If, in fact, a matter has been settled between 10 September and whenever this Bill comes into existence and a person cannot revisit, then the consequences upon WorkCover will be far, far less than if every one of those claimants can revisit and reassess their claims on the basis of this legislation. That is the first point I make.

The second point I make is that the Hon. Ron Roberts has on occasions, and I have been subjected to speeches of his, made various comments about whether or not legislation should be retrospective, generally on the side of the premise that legislation should not be retrospective. He has now come in here today without any justification as to why this legislation should be retrospective other than that he wants to revisit a decision which he lost back in 1992 and one which, on his own admission earlier in the Committee stages, he said he did not even understand at the time. He comes in here and says, 'I want justice to those who deserve it,' but will not then identify those who deserve it. He would rather leave it to the courts and to the uncertainty of interpretation of the law rather than clarify this legislation. It is pig-headed. It is stubborn, and shows in my view someone who will probably never aspire to the front bench again.

**The Hon. R.R. ROBERTS:** I find this amazing that somebody tells me that I do not understand. There is the person who read out the prepared speech from the department that talked about stress in respect of this matter. He makes the point that this might have some effects on WorkCover. Mr President, I can tell you, I do not really care what the effect is on WorkCover. What I am interested in, and what this Bill seeks to do, is to provide justice and appropriate compensation for those injured workers who have suffered a real and measurable disability. That is what I am interested in. The workings of WorkCover in no small way have played a large part in exacerbating the stresses that these people are put under.

The Hon. Angus Redford ought to make himself available to go and see some of these victims, some of those who have been in my office with the slash marks and their attempts at suicide in their frustration with the system. What we are about doing on this side of the Council is a very simple matter: to provide justice which has been overlooked.

*The Hon. A.J. Redford interjecting:*

**The Hon. R.R. ROBERTS:** It is not unclear justice. If the Hon. Angus Redford is as proficient at the law as he claims to be, he will know that some people will make claims that are not going to be accepted, and some people will make claims that will be accepted. There are all these people, whether they have signed off with WorkCover—and I do not know whether that is legal or not. I do not know whether those disclaimers would override their rights. The truth of the matter is that many of those workers had those rights coming to them on the principle of at least natural justice in 1992. They can avail themselves of their rights. They can make claims.

Anybody can make a claim on WorkCover if they think they have a compensable injury. They will be judged against all the standards that WorkCover takes into account. Some will succeed and some will not. It will be no different with this. These people, for the first time since 1992, are going to have the ability to have their cases tested against those yardsticks and, if they are successful in getting their just deserts, I am all for it. If some of them, through actions of their own, have not given themselves the best opportunity to do that I cannot do anything about that. But what I can do, and what this legislation and this Parliament can do, is give injured workers the opportunity to get what they are entitled to.

**The Hon. A.J. REDFORD:** In the event that a court holds that no person who has already settled a matter can revisit a claim, will the honourable member give an undertaking that he will not then bring in another piece of retrospective legislation on this topic?

**The Hon. R.R. ROBERTS:** I do not make predictions on speculation: we will see what happens when the time comes. I have no intention of introducing any further legislation with respect to these matters. I am about giving these people the opportunity to test their arm and get their rightful compensation. The honourable member can ask me a series of ifs but I do not deal with ifs. I will deal with a situation when the time arises.

**The Hon. A.J. REDFORD:** All I can say is that the honourable member's stubbornness, his inability to understand simple questions and the importance of having clear laws so that people can understand them, leaves this place open to the risk that the honourable member will revisit this

topic. If in fact that should happen it will come about purely and simply as a result of the honourable member's stubbornness—not his Party's but his—and the fact that the honourable member does not seem to have the capacity to understand the sorts of issues that I have just raised.

Clause passed.

Clause 3 and title passed.

Bill read a third time and passed.

## MULTILATERAL AGREEMENT ON INVESTMENT

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

That this Council—

I. Opposes the Federal Government's signing of the Multilateral Agreement on Investment (MAI) until this Parliament and the people of South Australia are fully cognisant of the implications the MAI will have on policies under State jurisdiction; and

II. Urges the State Government not to support the MAI if it is found that the governance of this State is severely impaired.

(Continued from 5 August. Page 1195.)

**The Hon. SANDRA KANCK:** I have great pleasure in supporting this motion. The Multilateral Agreement on Investment (MAI) is a set of rules governing the flow of international capital through foreign investment. In particular, it sets the rules as to how Governments, including State Governments, should behave in relation to foreign investment.

There are 29 OECD countries involved in negotiating this particular treaty and there is large concern that other countries will ultimately be shanghaied into agreeing with the MAI, despite the fact that they are not even at the negotiating table, and for developing countries that is likely to have quite horrendous consequences.

The agreement aims to free up foreign investment rules to the advantage of foreign investors. That is done by ensuring that the foreign investors are treated no less favourably than domestic investors. Under the MAI the definitions of both 'discrimination' and 'investment' are very wide and no industry type or sector is exempt from its coverage.

To ensure the rights of foreign investors, provisions in the MAI will allow corporations to sue foreign Governments, including State Governments, for damages if they believe they have been discriminated against. Even though countries can and have negotiated reservations to protect some of their country's interests, these are not permanent and thus will be subject to roll-back provisions.

Current laws, and perhaps State based laws that we take for granted, will have to be eliminated if they are in conflict with the MAI. So, despite the MAI primarily being a Federal issue, given that the agreement will also impact on State Governments it is important that this Parliament and the people of South Australia are fully aware of its existence and how it will impact on State based policy making. Even though Australia, together with the other OECD countries, began official negotiations on the MAI three years ago under the previous Labor Federal Government, I personally became aware of its existence and implications only in January this year.

My learning of the proposed agreement was not through any sort of formal Government channels but, rather, through a member of the Economic Reform Australia (ERA), Dr John Hermann. Dr Hermann had become aware of the MAI through a fellow ERA member from Queensland, Dr Richard Sanders, who in turn had learnt about the MAI through his contact with Canadians via the Internet.

In Canada the MAI has been publicly debated by Federal and provincial Parliaments, with many members of Parliament expressing grave concerns about the proposed MAI. Perhaps one reason the Canadians are so eager to debate the MAI is because they have experienced the bitter taste of a free trade agreement through their commitment to the North American Free Trade Agreement.

Dr Sanders, after becoming aware of the MAI via the internet, was not only concerned about its ramifications but also the secrecy surrounding the negotiations. He set about mobilising community groups known as 'Stop MAI Coalitions' that have held very successful public meetings all around the country.

As the community become activated on the issue, a number of articles started appearing in well-respected Australian newspapers expressing grave concerns about the MAI. Notably, the *Australian Financial Review* published an article by Geoffrey Barker called 'Money, Foreign Investment and the New World Order' on Monday 19 January 1998. In the *Business Review Weekly* of 26 January 1998 there was an article by David James titled 'A Conspiracy Theory Worth Worrying About'. On 5 February the *Age*, in its opinion page, published two pieces: 'Australia's Selfhood Vanishes in the Market' by Kenneth Davidson and 'Stealthy March Towards a Single Global Economy' by Matthew Townsend, a Melbourne barrister.

This publicity about the MAI put the Federal Government on the back foot. In an article published in the *Age* of 9 February titled 'Potential of Treaty Deserves a Hearing' the Assistant Federal Treasurer, Rod Kemp, attempted to answer the critics. He stated:

> There have been many claims that these [MAI] negotiations have progressed in secret. There is nothing secretive about the negotiations or the MAI. Australia's participation in the negotiations was announced at the outset. Unlike the previous Labor Government, the Coalition Government has put in place a rigorous treaty making process which will ensure that binding action is not taken on the treaty until it has been subjected to proper parliamentary and public scrutiny.

Like the previous Labor Government, the Liberal Government had been quite happy to keep the negotiations out of the public's attention. However, once caught out, the Government was left trying to explain that it was not keeping the negotiations secret, although, strangely, it still refused to table a draft copy of the MAI in Federal Parliament. It needs to be put on public record that the Government finally released a copy of the draft MAI only once it became available to the public from an unofficial source via the Internet. Besides claiming that the Government was not being secretive about the MAI, in that same article Mr Kemp also stated:

> The Government has also actively consulted and continues to consult the States, industry organisations and other interested non-government organisations about the details and implications of the MAI.

This is especially interesting when one considers that my colleague the Hon. Mike Elliott asked a question of the Treasurer in this place about the MAI nine days after this article was published. On 18 February the Treasurer replied:

> I am not familiar with the detail of the MAI agreement.

This was the Treasurer's response—one of the most senior Ministers in State Government and he was not familiar with the detail of that agreement. It must be noted that, at this time, there was talk of the agreement's being signed in May, and

here we had a senior member of our Government not being aware of its detail. So much for Mr Kemp saying that all other States were being consulted! To his credit the Treasurer did promise to get advice on the MAI and bring back a detailed response, which he duly did on 11 March. In his reply the Treasurer made the following statements about the level of consultation which, on the face of it, could be seen as reassuring, and I quote:

1. In determining its final position, the Commonwealth Government will take account of the views of State and Territory Governments.

2. Like the Commonwealth Government, the South Australian Government will consider the full implications of the MAI before forming a final position. In the meantime we will provide the necessary information to the Commonwealth Government to ensure the inclusion of exceptions relating to South Australia's laws and policies.

3. Departmental level consultation has occurred and the Commonwealth is now seeking views regarding the impact of the proposed agreement on South Australia and any exceptions the South Australian Government considers should be lodged.

However, as has been stated by the two members who have already spoken to this motion, the Treaties Committee's interim report on the MAI is very critical of the Government's handling of the MAI negotiations. In particular, the Treaties Committee is critical about the inadequate degree of consultation with State parliaments and the lack of detailed information about how the MAI will impact on policy making generally. I might add that it is of concern that the State Government and other senior Opposition members have not yet contributed to this debate by speaking to this motion. I trust the delay is occurring because they are researching the matter and that they will recognise the potential for dire consequences which the MAI may well bring.

It would not be good enough to discover down the track that we will lose State governance—as has happened with the electricity market and competition policy—and for the Government to then claim that it is not its fault and blame its Federal counterparts for signing the document. Mr Rod Kemp's article appearing in the *Age* further states:

The Government's position on the MAI, or any other treaty, is clear. We will not sign the MAI unless it is demonstrably in Australia's national interest. Our national interest encompasses the interests of the community as a whole . . . not just the interests of large firms.

He further states:

The aim of the MAI is to provide a strong and comprehensive framework for international investment. The MAI would provide investors with greater certainty as to the 'rules of the game' when investing in foreign countries.

Mr Kemp then went on to make a number of unsubstantiated claims. He said:

A major benefit in the treaty is that it would help Australian companies gain greater access to foreign markets. Also, existing and future Australian investments would be more secure because of the legal protection offered by the MAI. Joining the MAI would not endanger Australia's existing laws and policies. While the proposed MAI generally requires foreign investors to be treated no less favourably than domestic investors, it will be possible for countries to make exceptions where they want to impose more stringent requirements on foreign investments than on domestic investors.

Australia will create whatever exceptions are required to protect our laws and policies, including immigration, foreign investment (including the media and real estate) and Government grants and subsidies. Likewise, Australia will be able to protect its environmental and labour standards, Australian content in programming, the sale of public assets, fishing rights and the affairs of our indigenous people.

The Federal Treaties Committee's interim report is critical of the Federal Treasury's official submission to the committee because it asserts many advantages of the MAI without providing sufficient detail on the implications.

The Democrats have identified a number of key problems of the MAI, some of which I will now deal with as they relate to State based law. It is current practice for Australian governments to impose certain conditions on investment. Investors, both foreign and local, do not have *carte blanche*: they must abide by the rules of the country. However, under MAI such conditions could be illegal. The conditions include some of the following: restrictions on foreign ownership, for example, on real estate or privatised bodies; requirements to enter into joint ventures; environmental, human rights or labour standards; restrictive criteria on the use of natural resources; performance requirements on local content; local employment or technology transfer; and even affirmative action quotas.

It seems all too obvious that one role of the Government is to protect its citizens, and a classic example of this is with respect to anti-smoking laws. The Tobacco Products Regulation Act, which was passed last year by this Parliament, states:

In recognition of the fact that consumption of tobacco products impairs the health of the citizens of the State and places a substantial burden on the State's financial resources, the objects of this Act are:

and I quote just one—

to reduce the incidence of smoking and other consumption of tobacco products in the population, . . . by prohibiting or limiting advertising, sponsorships and other practices designed to promote or publicise tobacco products and their consumption.

Some might be rather surprised to learn that the MAI could impact on such a commonsense and perfectly legitimate object of such legislation. Indeed, under the MAI rules, this legislation could well be challenged by large tobacco firms which could argue that the prohibition of advertising and sponsorships reduces their ability to make profits thereby expropriating the company's future earnings. As a result, they could sue the State Government for damages. If that sounds far-fetched, members might be astonished to learn that the Canadian Government, under NAFTA rules, is currently being sued by a US based multinational because the Canadian Government banned the sale of a dangerous chemical in the interests of protecting Canadian citizens. It is precisely the sheer open-endedness of the MAI and lack of detail of its powers which makes it extremely dangerous.

Under international law, the term 'expropriation' is very broad and it applies to any act where a governmental authority denies a person or company some benefit of property. The Government does not need to take title to the property; all it must do is deny the benefit of the investment to the investor. The MAI is a very generous treaty when dealing with quantifying investor compensation. An investor must receive what is termed 'fair market value' for its expropriated property.

Another big unknown of the MAI relates to public funding of health services. As with publicly funded education, governments might find themselves unable to assign public funds for public hospitals on the grounds that foreign hospitals are being discriminated against. The Federal Government has not provided precise information on these sorts of matters. I do not know whether that is because it does not have the information or it is unwilling to share it. Either way, it is a matter of concern.

There are many South Australian laws that pursue social, environmental, labour and cultural issues. For instance, with respect to the arts, any Government policy to promote local culture over foreign culture could be seen as discriminatory under the MAI. What impact would the MAI have on our State-funded South Australian Film Corporation, which was established to promote the local film industry? Is it at risk of being banned under the proposed MAI rules? I note that the Arts Minister is listening with great interest, and I wonder whether she was consulted in February at the time the Assistant Federal Treasurer said that State Governments had been consulted on this issue. The recent decision about New Zealand content in Australian film and music may well be a portent of things to come.

There are myriad State-funded programs aimed at promoting the development of local industry and employment such as information technology and agriculture. Would those job-promoting policies be banned under MAI? This Parliament needs firm answers on these sorts of issues before the Federal Government commits to the MAI. In this State, we have the Mining Act of 1971, which regulates and controls mining operations in this State. The powers vested in the Minister via this Act are broad. For instance, section 34(6), which deals with the terms and conditions of granting a mining lease, states:

> . . . the Minister is to give proper consideration to the protection of—
>
> (a) the natural beauty of any locality or place that may be affected by the conduct of operations in pursuance of the lease;
>
> (b) flora and fauna that may be endangered or disturbed by those operations;
>
> (c) buildings of architectural or historical interest, and objects and features of scientific or historical interest, that may be affected by those operations;
>
> (d) any Aboriginal sites or objects within the meaning of the Aboriginal Heritage Act 1988 that may be affected by those operations; and
>
> may take into consideration such other factors as he considers appropriate in the particular case.

All five of those points are very important and very valuable for South Australians but, under MAI, they may well be threatened. We do not know precisely how the MAI will impact on this legislation. On current understanding, these broad ministerial powers aimed at protecting the interests of South Australians will, it appears, be banned.

These sorts of details have been left very open ended and it appears under the proposed MAI that such questions might be left to an international tribunal, which will make an assessment on purely economic grounds. Although the MAI is an international treaty being dealt with by the Federal Government, it will have enormous ramification on policy areas made in this Parliament. Therefore, it is most important that State politicians are fully aware of the consequences of the MAI and the impact it will have on our ability as State MPs to make laws in those areas under our jurisdiction.

Foreign investment is a two-way street. Any investment we choose to have in this State should be to the benefit of South Australians as well as to the investors who may choose to invest in our State. The MAI as it stands gives an overwhelming power to multinational corporate giants, which are predominantly US-based, at the expense of democratically elected Governments. Such Governments will be impeded from making policies on behalf of their community. Arguably, in an increasingly global economy, capital already has an advantage over the general community and Government because of its mobility.

The MAI will intensify this power by giving capital more rights than Governments, with such rights not being matched by responsibility. The Democrats believe the MAI is unfair and unbalanced because it puts the interests of multinational companies ahead of Australia's democratic sovereignty. I urge all responsible MPs in this Parliament to take the time to fully investigate the ramifications that the MAI will have on the Australian democracy.

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

## PROSTITUTION BILL

Adjourned debate on second reading.

(Continued from 12 August. Page 1372.)

**The Hon. M.J. ELLIOTT:** I support the second reading of this Bill. I do not intend to go through a detailed analysis of the Bill but I want to talk in more general terms about the issue of prostitution itself. I have a view that my approach to prostitution is similar to my approach to cannabis and that, rather than its being legalised, it should be regularised. To legalise something suggests that there will be no legal involvement, but I think there is a place for legislation to regulate some aspects of prostitution, although in my view that regulation would be limited to particular matters.

I find something of an anomaly in people who find prostitution—in other words, sex for money—to be offensive and yet they fail to recognise that the work done by amateurs in our society far exceeds it in quantity. In terms of being a threat to our society, some enthusiastic amateurs are a far greater threat than some of the professionals. I think that some people take too narrow a view. We should look at those aspects of prostitution that are of real and reasonable concern. In my view, we are not talking about sex between consenting adults: we are talking about prostitution where there is not consent in any real sense; we are talking about people who have been brought to Australia in almost a sex-slave type approach, and that is happening. That sort of prostitution is one that the Parliament has a legitimate interest in.

*The Hon. T.G. Cameron interjecting:*

**The Hon. M.J. ELLIOTT:** I agree that it is going on and that is one of the reasons why this legislation is important. I am just saying that it is one of the aspects of prostitution that needs to be regulated. Clearly, prostitution involving minors obviously also should be illegal. As I said previously, when we are talking about sex between consenting adults, I do not believe that there is any legitimate interest other than when it becomes intrusive on someone else. And how does it become intrusive? A large brothel, which is a commercial operation, has the capacity to be intrusive in the same way as any other business that has many people coming and going, and one would seek to regulate it in terms of the nuisance that it can create.

I would also say that people who find prostitution personally offensive have some right to be protected in the same way as we have made decisions that covers of certain magazines will be covered. For example, we have legislated to ensure that, when a person goes into a service station, they will not be confronted by the sorts of covers that used to be on display only four or five years ago.

I supported that legislation very strongly because I argued that I did not want my children being confronted by that, nor would I want my children to be confronted by advertising in

any blatant form that could occur if we had simple legalisation. This is another example where the Parliament respects the views of those who find it personally offensive or do not want their children to be confronted by this material. It is another point about which there is a need for legislation to confront advertising, promotion and soliciting not only for customers but also for potential workers. There are a range of areas in which legislation legitimately should be involved.

*The Hon. T.G. Cameron interjecting:*

**The Hon. M.J. ELLIOTT:** There are. The way in which to confront advertising is not to ban it, but clearly to have some means of regulating certain advertising and setting standards. One would set standards not only in terms of the advertising that might go into the print media or electronic media but also in terms of what sort of advertising might occur at the premises as well. I remember previous legislation that essentially suggested a very simple brass plaque such as a doctor's residence might have out the front, saying what the place is and not much else, but certainly not having flashing lights and lurid detail loudly proclaiming, 'Here is a brothel.'

**The Hon. T.G. Cameron:** The mind boggles as to what an advertising agency would do with a contract on this.

**The Hon. M.J. ELLIOTT:** What an advertising agency could do, given half a chance, yes. Again, there are places for legitimate involvement in that regard. Yes, there are a range of areas in which legitimately we can and should involve ourselves. We should ensure that the legislation that eventually goes through this place does all those things, and we should have some argument about the detail in those areas. What I do not want to see is this Parliament repeating the mistakes that were made in Victoria. The Victorian model of prostitution is one of the worst and essentially one where they have limited the entry into the market. They have not limited the amount of prostitution; let us be real.

I do not think the amount of prostitution either before or after the legislation in Victoria would have changed a whole lot. However, the way in which they have set about regulating their brothels, limiting the number of outlets and where they might go has created almost a limited licence arrangement where a small number of people are making huge amounts of money—

*The Hon. A.J. Redford interjecting:*

**The Hon. M.J. ELLIOTT:** But the legislation empowers local government to do that. So, I am sorry, I stand by what I said: there is still a deficiency in the legislation and what it has created in Victoria.

*The Hon. T.G. Cameron interjecting:*

**The Hon. M.J. ELLIOTT:** I do not think we are disagreeing. The greatest harm in prostitution is the harm that is done when pimps and standover merchants are involved and when you have people on the streets. All those things are happening in Victoria, and they are happening there because of the particular form of regulation that they have decided to impose. As far as I am concerned, the only winners in the Victorian scenario are the people who own the limited licences and the pimps who are still working with them outside the law. In that regard, the community of Victoria has not gained at all. It has left the overwhelming number of sex workers in the impossible position they were in before the legislation was first enacted.

It is apparent that this legislation has no chance of passing through both Houses in the next week. For that reason, it is not my intention to go into a more detailed analysis of the Bill (I have not done that, because we will not get to that detailed discussion now, anyway), but I wanted to put on the table my view about the prostitution issue more generally in order to try to identify those areas where we should involve ourselves legitimately; that is, in relation to the protection of minors and people who are being forced into the industry.

I know that some members will argue about people being forced into prostitution because of a drug habit, but members will know that I have a view about what we should be doing about those sorts of issues as well. Ultimately, though, the answer to all those problems is not debating the issue of prostitution: the answer to that will be found by our having some more profound debates about our society and where it is heading, as well as about a society that is becoming increasingly materialistic and where some people seem to think we live in an economy rather than a society.

They are the problems that force people into prostitution not out of choice but because they are being pushed towards it. My argument would be that, regardless of the legality, those people are being pushed in the same direction and, if we are seriously concerned about those people and we want to take moral stands, we should be taking some more moral stands about the way in which the economy works and about what Governments seek to deliver to people more generally.

Let us get to the real problem. If there are problems with prostitution, it is, first, the form it takes and, secondly, why people become involved in it. The latter set of problems will not be fixed by prostitution legislation; rather, they will be fixed by confronting another range of issues way outside of prostitution. I wish that some people who are concerned about prostitution would stop long enough to think further behind the issue and ask what are the real problems as distinct from what are some of the symptoms.

*The Hon. T.G. Cameron interjecting:*

**The Hon. M.J. ELLIOTT:** I think there are bigger moral issues. The bigger moral issues are, 'What are we doing to people in terms of marginalisation?'—and this applies in a whole range of ways: economic marginalisation, racial marginalisation and whatever else. To me, they are the moral issues, and until we confront those we are avoiding the real issues in our society. It is only when people feel valued and have a purpose that one can make progress on a whole lot of issues on which people have focused more narrowly.

However, I have digressed in my summary: we should intervene in relation to children and people who are being forced into prostitution in a range of ways and intervene when other people are interfered with—and that interference can occur in relation to where brothels are located. However, I will draw a distinction between small and large brothels and debate that further at another time. We should intervene in relation to issues of advertising, procurement, soliciting and those sorts of things where there is a potential for children to be confronted (and I do not believe that should happen), and where adults who do not want to be confronted by prostitution will be. I guess, for almost the same reasons, I would like to see some tightening up on some of the stuff we see on television. Frankly, some of the late night advertising we are getting for some of these 0055 numbers is grossly offensive and has no place on television. I say that as a person who is a strong civil libertarian. People with public television should be able to turn on a TV and—

*The Hon. A.J. Redford interjecting:*

**The Hon. M.J. ELLIOTT:** Well, it is only after late sittings here that I ever see a TV. It is where people are being confronted against their will with offensive material that we really should be intervening as well.

*The Hon. T.G. Cameron interjecting:*

**The Hon. M.J. ELLIOTT:** Some are apparently just a little inquisitive.

*An honourable member interjecting:*

**The Hon. M.J. ELLIOTT:** I will not reflect on people who get overly inquisitive repeatedly. Frankly, it is their business, but I guess the difference is that they dialled the numbers themselves and did not have it forced upon them, compared to turning your television to a public channel and having that sort of material flung at you.

I indicate my support for the second reading, recognising that we will not have the legislation passed in this place and, hopefully, giving some pointers as to the sorts of things I will be looking for in the detailed legislation. I hope that this new committee that has been established by the Government moves quickly. I do not think much more fact finding needs to be done. What it needs is a few people to sit down and actually get something done. I hope that we see legislation go through this place quickly one way or another.

**The Hon. K.T. GRIFFIN (Attorney-General):** I want to speak briefly and refer to the ministerial statement which was made by the Minister for Police, Correctional Services and Emergency Services and which I tabled in this Chamber yesterday. Because it was tabled, it will not be incorporated in the *Hansard* for the Legislative Council. I think it is important for that to be on the formal record.

The ministerial statement made reference to a report by South Australia Police entitled 'Prostitution in South Australia', prepared recently by the Strategic Development Branch. The tabling of that report was important because it reflected the position related by the previous Commissioner of Police in 1994 when again an assessment was made of contemporary prostitution in South Australia and current prostitution laws.

As a result of the presentation of that report by the Commissioner to the Government, the Cabinet did give consideration to the way in which it would address the issue, recognising that in the view of the Commissioner and the operation of police the current law in relation to prostitution was not satisfactory or particularly workable and had a number of consequences which were undesirable. Whilst not concluding that there ought to be any particular reform of the law relating to prostitution, the Commissioner did seek through that report to draw attention to important issues about the operation of the current law.

The Cabinet, having given consideration to the report, supported by the joint parliamentary Liberal Party, determined to establish a working party which comprises the Minister for Human Services, the Minister for the Status of Women, the Minister for Local Government, the Minister for Police who will chair the working party, and me. The task of the working party will be to consider options for dealing with the issues; have draft Bills prepared reflecting those options which may include making the criminal law more workable on the one hand or, on the other hand, removing some criminal sanctions in regulating the industry; and offer strategies for dealing with the issues in a way which retains the ultimate right of all members to deal with the issues as a matter of conscience.

The working party will seek to distil the policy basis for action, with a view to preparing draft legislation to achieve either a more workable legislative framework or a regulatory model so that the Parliament will have a choice. It is expected that the Bills will be debated in Government time but, importantly, at least for Government members, including Ministers, it will ultimately remain a conscience issue.

The Cabinet acknowledged that there had been numerous reports on this issue, more recently by the Social Development Committee, with draft Bills being proposed, and acknowledged also that the Hon. Terry Cameron has this Bill in the Parliament, and an indication, as I understand it, that other members, particularly in the House of Assembly, have proposed to introduce their own Bills. It may be in the end that the individual members will continue to propose their own solutions to the issues and may themselves propose Bills.

However, the object of the Government is to endeavour to have, on the one hand, if there is a regulatory framework which is preferred by the majority of the Parliament, the benefit of Government expertise in relation to the administration of such a model, not necessarily believing that all wisdom resides in the Government or its officials. Nevertheless, the resources of Government will be available for examining those issues. On the other hand, if the majority believes that a criminal law approach should be retained, the Government's objective is that the most appropriate and most likely workable approach is achieved. So, resources will be available to endeavour to develop those alternatives.

The Hon. Iain Evans, as the Minister chairing the committee, has indicated that he wishes to consult widely, and I can give an assurance that from my point of view my involvement will be based upon endeavouring to get the best models from which members can then make a choice according to their conscience.

I recognise that a number of important issues are involved in the debate in relation to prostitution, not the least of which is how to minimise if not eliminate the exploitation of women, to ensure that children are not involved in prostitution and to remove or, if not remove, to ensure that appropriate penalties are in place for acts of intimidation and victimisation. There is the issue of drug abuse which is of particular concern right across the community, not just in the prostitution industry, and importantly, the issue of organised criminal activity.

I note what the Hon. Mr Elliott said about the Victorian model, and I guess that if one were to move down the path of a regulatory framework, the issue of whether there ought to be regulation or at least negative licensing—a form that does not require bureaucratic involvement in the regulatory process except to ensure that the industry is fairly and properly practised—is one that we will all have to address.

I suppose one could draw a parallel with occupational licensing in other areas—not that I would suggest that occupational licensing in the consumer affairs area is an appropriate model. However, merely as a matter of principle, if an industry is in some way to be regulated, we could look at why it needs to be regulated, what is the least intrusive mechanism for regulation, and how that can be implemented effectively without the heavy hand of the public bureaucracy being brought to bear in a way which really compounds the problem rather than alleviating it. I indicate that there will be a conscientious approach to the review of all of the issues involved in this. I am not therefore prepared to indicate support for the second reading of this Bill, but reserve my position for when the working party reports.

*Members interjecting:*

**The Hon. K.T. GRIFFIN:** There is a time frame, but I cannot remember what it is. I do not think one can get it done by Christmas time but I would like to see it work, because I

have been in this place for 20 years—longer than most—and the issue has been constantly debated. Whilst we may not be able to resolve it this time around one would have to be more optimistic about resolving it one way or another because of the extent of the work that has been done by so many people both in the Parliament and previously and within the wider community. I wanted to put that on the record for the purpose of ensuring that the Council did understand both from where I came on it and where the Government is proposing to go in relation to assisting to resolve the outstanding issues.

**The Hon. CARMEL ZOLLO** secured the adjournment of the debate.

## DENTISTS (DENTAL PROSTHETISTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 March. Page 544.)

**The Hon. SANDRA KANCK:** Two years ago I indicated Democrat support for the Clinical Dental Technicians Bill which had been introduced by the Hon. Paul Holloway. We are now dealing with the dental prosthetists Bill, introduced by the Hon. Angus Redford, which has quite a number of similarities. When I dealt with Paul Holloway's Bill two years ago, the Dental Association lobbied me after I had supported his Bill and attempted to get me to see the error of my ways.

I have been lobbied twice this year by the Dental Association against the passage of this Bill. I was not totally impressed with their methods. On the first occasion they were quite up front about what they were doing: they rang and asked for an appointment to speak with me about the issue. On the second occasion it was much more surreptitious. I received a phone call saying that a review of the Dental Act is going on and that they wanted to talk to me about that. I said, 'I know nothing about it, but, sure, come in and talk to me about it.' We talked about a review of the Dental Act for at least two or three minutes and it then turned into about a hour long foray again on this Bill. I was not impressed at all by their using that method to have a second go at lobbying me under what I regarded as false pretences.

This is certainly a Bill that gets them upset. I wanted to read some comments that the Dental Association made about the Bill in a publication of theirs called *ADA Dental News*, Issue No. 2, March 1998. They refer to an interview the President of the ADA (South Australian Branch), Dr Greg Jaunay, said when he appeared on *Today Tonight* on Channel 7. These were the points that he made:

1. That Mr Redford had not researched the matter anywhere near satisfactorily;

2. That the proposed amendment does not meet a need in the community;

3. That CDTs (clinical dental technicians) do not have the knowledge or training needed to provide this complex treatment. Of the 35 registered CDTs in South Australia, some have received no formal clinical education; about 67 per cent have the full-time equivalent of four weeks formal training; some have the full-time equivalent of seven weeks formal training.

The clinical dental technicians or dental prosthetists (by whichever name you choose to know them) strongly object to those sorts of comments. The ADA has a briefing paper about this Bill and, again, I quote some of the comments about this Bill. It is quite a substantial paper—in fact it is six pages long. Taking up this issue about the training of clinical dental technicians or dental prosthetists, this document from the ADA says, at point 3.6:

Amongst the 37 known to ADA (SA) registered clinical dental technicians in South Australia, there is no evidence of formal clinical education in 23 cases—

I am not sure what the ADA means by 'formal clinical education'—

the remainder having gained mutual recognition from education and training of various standards from other States.

When they met with me again they were quite patronising towards these people and said they could have got their qualifications in Albania, for instance. Obviously there is no such evidence. They continue:

3.7: ADA (SA) understands the current situation to be clinical training and education for clinical dental technicians ranges from the equivalent of four, seven, eight and 17 weeks of clinical training to one year of full-time study.

3.8: The argument of ADA (SA) in relation to education and training rests on the premise that adequate clinical education and training must be undertaken by all persons involved in invasive procedures.

3.9:—

and this is one really gets to me—

ADA (SA) acknowledges that some, but by no means all, individual clinical dental technicians may currently be able to demonstrate clinical competence and ethical behaviour as well as the desire and the ability to learn and therefore could be of benefit to the community.

Let us pull that sentence apart. They are saying that some clinical dental technicians may be able to demonstrate ethical behaviour. This is appalling—

*The Hon. P. Holloway interjecting:*

**The Hon. SANDRA KANCK:** Yes, all dentists obviously demonstrate ethical behaviour. That is a most incredibly patronising thing to say about people in another profession who are clearly competing for business with dentists. I can understand why the dental prosthetists would be upset by comments like that. I would find it a whole lot easier to deal with the Dental Association if it did not exhibit such superior attitudes.

The basis of the Dental Association's argument is its view that the prosthetists lack suitable training and that, as a consequence, these people will be unable to deal adequately with infection control. Again, I find this to be somewhat patronising. Surely it is in the interests of a dental prosthetist to know how to deal with infection. After all, when they are dealing with patients they are not aware of the health status of their patients and given that they could be dealing with someone who has HIV or hepatitis there is a danger to themselves if they are lax in their procedure. So it is in their interest to be able to handle infection control procedures well.

The ADA's view is that disease patterns of oral health are becoming more complex and as dental prosthetists do not have degrees they would not be capable of understanding the degree of complexity of this. Again, I find this a very patronising argument. In the last few months I have come across quite a number of economists who have degrees and I have heard some of the most amazing cant from some them. A degree is certainly not a measure of either intelligence or commonsense.

Dr Greg Jaunay of the ADA told me that his organisation supports the use of hygienists and dental therapists because they have undertaken what he termed 'properly designed courses'. On the other hand, the ADA pours scorn on the various courses that dental prosthetists have undertaken, including one offered by the Royal Melbourne Institute of

Technology. I find it hard to believe that an educational institution of the stature of the RMIT would approve a Mickey Mouse course, as the ADA would have us believe. The clinical dental technicians sent a letter to me, and I will quote what they said in regard to this claim:

> The ADA claims that the RMIT course is inadequate. It might well be asked why were two delegations sent to Melbourne to try and stop South Australian clinical dental technicians from gaining this qualification. The ADA did all within their power to stop all courses and when they failed in that they then tried to discredit them.

*The Hon. A.J. Redford interjecting:*

**The Hon. SANDRA KANCK:** I am reading from a letter from the dental technicians and dental prosthetists. They say that the ADA actually went across to Melbourne to try to prevent South Australian dental prosthetists from going over and doing the course. The letter continues:

> It is simply not believable for the ADA to sustain the argument that CDTs in South Australia are not qualified to provide partial dentures when they are considered qualified in other States. One could predict they will oppose the Bachelor of Oral Health having a dental prosthetist component.

On the record of what we are seeing so far, I would not be surprised to see that. The ADA has also argued that it is inappropriate for us to be dealing with this Bill now ahead of a review of the whole Dental Act. I think it is important that a review of the Dental Act should be happening and should be happening right now, but that is not good reason to hold off on dealing with what has now become a perennial issue with dental prosthetists. By way of example, the Government has been saying for the past three years that the Mining Act needs a complete review, and everyone knows that that is the case, but we continue to deal with amending legislation for that Act. We cannot as a Parliament refuse to deal with issues as they arise simply because a major review might be pending.

In general I support aspects of the Hon. Angus Redford's Bill. I would appreciate knowing at some stage about a couple of the issues that the Dental Association has raised, in particular with regard to the Dental Board and the tribunal. It is arguing that it is unfair to impose a dental prosthetist on those bodies, so I would like to know—

*The Hon. A.J. Redford interjecting:*

**The Hon. SANDRA KANCK:** No, that was not argued. It was arguing that on the basis of the number of dentists in South Australia, as opposed to the number of dental prosthetists. I would appreciate knowing—

*The Hon. A.J. Redford interjecting:*

**The Hon. SANDRA KANCK:** No, but that is obviously how it is arguing. I would like some information about the make-up of the—

*The Hon. A.J. Redford interjecting:*

**The Hon. SANDRA KANCK:** Well, it has presented that view to me. I would be interested in some feedback from the Hon. Angus Redford about the numbers who are represented on the board, how democratic they are and that type of thing. I believe that by recognising dental prosthetists they can be registered and that this, in itself, provides the opportunity for ensuring that standards are maintained and for further policing of adequate infection control.

In relation to the issue that the Dental Board used as proof that prosthetists should not be on it, the ADA complained that there is no dental hygienist on the board. My reaction to that is that we should amend the Act so that dental hygienists have representation on the board as well. Again, the Hon. Angus Redford might like to address that later. It is clear that a review of the Dental Act is necessary, and I know that from evidence that the Social Development Committee took when it was looking at its reference on HIV/AIDS and hepatitis.

There are matters of concern to me such as the fact that the Dental Board does not have a compulsory right of entry to premises; and that the Dental Board can conduct an inquiry into a complaint about professional conduct but it only has the power to reprimand not even to impose a fine and the only alternative it has is referral of the case to the Professional Conduct Tribunal.

This Bill recognises dental prosthetists and the only way it will be able to prove the ADA wrong is to have a system that allows them to demonstrate their capacity to implement infection control procedures. That can only be done if the Dental Board has the necessary powers of inspection. I believe that a pre-condition, so that those two bodies will not be inclined to misuse their power against the dental prosthetists, is that the prosthetists must be represented at the very least on the board.

In order to put the ADA's concerns to rest in the longer term, I suggest also that, if legislation such as this is ultimately passed, a review of the Act be undertaken after it has been in operation for two years and if there are problems then Parliament will be able to address it. I believe that the move to register and to recognise dental prosthetists in this Bill is a forward move for dental health in South Australia.

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

## FREEDOM OF INFORMATION (PUBLIC OPINION POLLS) AMENDMENT BILL

In Committee.

(Continued from 12 August. Page 1352.)

Clause 1 passed.

Clause 2.

**The Hon. R.I. LUCAS:** Given the drafting, could the Hon. Mr Holloway explain to the Committee in what circumstances Governments would be able to conduct market research that would not be able to be accessed through the freedom of information legislation?

**The Hon. P. HOLLOWAY:** Clearly, the effect of this clause is that the Government will not be able to claim that statistical material, including the results of public opinion polling, is an exempt document. It is my understanding of this Bill that if the Government conducts a public opinion poll the Government will not be able to claim exemption and therefore that poll should be made available under freedom of information legislation.

**The Hon. R.I. LUCAS:** The amendment states:

> (a) If it merely consists of factual or statistical material (including public opinion polling). . .

I am not sure how familiar the honourable member is with public opinion polling. For example, when a market research company returns its report it does not always include only factual or statistical material. Tables, together with commentary, may well be incorporated within a report which interprets. Can the honourable member indicate to me his advice should such a report be received by Government at some stage in the future which is not merely factual or statistical material but which incorporates statistical material together with a report on an interpretation of the factual and statistical material? Does the honourable member believe that

this amendment would mean that such a report could be accessed by FOI, or is it only those parts which relate to factual or statistical material that are able to be accessed by FOI?

**The Hon. P. HOLLOWAY:** By way of background, the wording of paragraph (a) in the Bill came about as a result of an amendment moved by Rory McEwen, the member for Gordon in another place. Indeed, that was an amendment to the original Bill. I will read a little of what Mr McEwen said which will perhaps make things clearer because I am representing this Bill on behalf of my colleague Mr Atkinson in another place. Mr McEwen moved an amendment to clause 2. I presume that, as he supports the Government in the other place, he had had some discussions with the Government about this matter. In relation to his amendment of clause 2, Mr McEwen said:

> The original clause 2—

which was Mr Michael Atkinson's original clause—

> related to schedule A of the Freedom of Information Act 1991, which sets out what documents are restricted documents. I understand the practice has been to add, as an addendum to Cabinet documents, information that has been gathered in public opinion polls and in so doing not allow access to that information under the Freedom of Information Act 1991.
>
> Notwithstanding who is in power, I do not support that practice. If public dollars are used to gather information, that information should remain in the public domain. It is public information, it has been funded by taxpayers' money and it should then be the property of the taxpayer at large. If this clause relating to the restricted documents part of schedule 1 of the Freedom of Information Act is being used to refuse access to that information, we need to amend clause 2 to allow access thereto.

He further states:

> However, there should be some codicils on that. I respect the fact that there will be occasions when that information could be commercially sensitive and to that end my amendment actually allows information gathered in this manner to remain attached to Cabinet documents for the duration of any commercial-in-confidence considerations. However, at the end of that time the information would then be accessible under freedom of information. It ought then be available to the public: the public has paid for it.

Mr McEwen then concludes:

> If public dollars are to be spent in gathering information, that information ought not be protected.

I trust that the last part of that statement from Mr McEwen clarifies the question asked by the Treasurer: that is the codicil that he applies to it. That was clearly his intention when he moved his amendment and I can only assume that the objective Mr McEwen sets out has been achieved within the wording of this particular clause.

**The Hon. R.I. LUCAS:** I understand the Hon. Mr Holloway is the mover of this Bill in this Council and therefore has responsibility for it. So, whilst other members may well have moved amendments I understand that the Hon. Mr Holloway, his colleague Mr Atkinson and others have agreed to them. As is the way, it is only appropriate that members who have responsibility for the Bill are able to explain in detail what is intended by their legislation. If there is a problem or if we need to report progress that is an issue obviously for the person in charge of the Bill, and that is the Hon. Mr Holloway.

What is still not clear to me is that whilst he has read Mr McEwen's response it does not really answer the question, namely, is the amendment intended to cover market research which includes written information in addition to factual or statistical material? I can only put the question again to the Hon. Mr Holloway. If there is no answer from his viewpoint then let the *Hansard* record that.

The other issue is that there are two important streams of market research: qualitative and quantitative. Quantitative research reports will include tables and statistical information. Qualitative or small group research would still come under the generic title of 'public opinion polling' and probably would not contain a figure at all; it would not include statistical tables or information along those lines.

I take it from the Hon. Mr Holloway's response that certainly anything that did not include statistical information is not covered by his clause in his Bill. That is fairly clear. What is still not clear is where you have a report which includes statistical material as well as written information interpreting the statistical information. As I said, I do not intend to delay the proceedings but I specifically say that the quotation from Mr McEwen does not answer the question. Does the Hon. Mr Holloway have an answer to my question? If he does not then so be it, but it is important in terms of how the provision might operate that future Governments and Parliaments are aware that the movers of this Bill are clear on what was intended by this provision. It is not clear from the Hon. Mr Holloway that he is clear on exactly how this provision is meant to operate. I invite him to try to make it clear to the Committee as to exactly how this provision will be interpreted in the future.

**The Hon. P. HOLLOWAY:** The overall effect of this clause is to say that information, including public opinion polling, should be made available under freedom of information legislation, provided that it does not disclose information concerning any deliberation or decision of Cabinet or relate directly to a contract or other commercial transaction that is still being negotiated. The answer to the Treasurer's question really turns on the definition of 'public opinion polling'; therefore the answer turns on how a court, or in this case the Ombudsman, would interpret it. If the Government interpreted material before it as not being public opinion polling, and that was disputed, I guess it would go to the Ombudsman and it could ultimately end up in court to determine what the definition of that wording would be.

I think that the measure is fairly clear in that any material that contains factual or statistical material, including public opinion polling, that does not breach the commercial confidentiality provisions or the Cabinet provisions, should be made available. That is really the principle of the Bill. At the end of the day, what we are arguing about is the disclosure of information and, if public opinion polling is taken in whatever form, that should be disclosed, and that is really the simple principle behind the Bill. I am not sure that explanation answers the question that the Treasurer has asked, but perhaps he can clarify it in relation to material.

With a public opinion poll, there would be some analysis of that polling, and that would be descriptive in its contents. I see no problem with that analysis being made available. After all, it comes back to the basic question: what is so secret about any public opinion poll, which after all seeks the views of the public, that it should not be made available to the public under the Freedom of Information Act? That is the essential principle of this Bill. I find it difficult to envisage any information, including an analysis of a poll, that might in some way be excluded. Indeed, I cannot think of any grounds where it should not be made public, except for the codicils, as Mr McEwen calls them, concerning information that relates to something that is currently being negotiated or that relates to a deliberation or decision of Cabinet. In relation

to other matters, I find it very hard to see any situation where that information should not be made available, whether it is the statistical results of a public opinion poll, as we would understand it, or any analysis thereof.

**The Hon. R.I. LUCAS:** What is not clear to me, when one reads the construction of his Bill, is the wording, 'if it merely consists of factual or statistical material'. How we interpret statistical material is quite clear, but I have raised this question and I am not satisfied with the response. If a report includes statistical material and descriptive analysis, how is that covered? I have asked the question twice and I still do not believe that we have a satisfactory answer to that.

If we forget the reference 'or statistical', can the honourable member contemplate over the dinner break and respond later, the point that, if it merely consists of factual material including public opinion polling—we are talking about a broad set of factual material, a subset of which includes public opinion polling—factual material could include anything. I am not a lawyer, so I would be grateful for the interpretation of the Hon. Mr Redford and others, but 'factual material' to me is material that includes facts. That seems to be the layperson's interpretation of 'factual material', and I would be interested in the honourable member's interpretation of that expression. If we take out the words 'or statistical', what does the broad umbrella provision 'factual material' actually refer to?

*[Sitting suspended from 6 to 7.45 p.m.]*

**The Hon. P. HOLLOWAY:** In answering the question from the Treasurer, I refer, first, to what is contained in the first schedule of the Freedom of Information Act, which this clause amends. At present, part 1 of schedule 1 of the Freedom of Information Act covers restricted documents. The first category of those is Cabinet documents, and section 1 defines 'Cabinet documents' as follows:

> A document is an exempt document—

and then sets out the categories in paragraphs (a) to (f).

*The Hon. A.J. Redford interjecting:*

**The Hon. P. HOLLOWAY:** Yes, but the heading refers to Cabinet documents, because section 2 deals with Executive Council documents and section 3 relates to other documents. The part with which we are dealing is under the heading 'Cabinet documents'. Subsection (2) provides:

> A document is not an exempt document by virtue of this clause:
> (a) if it merely consists of factual or statistical material that does not disclose information concerning any deliberation or decision of Cabinet; or

Rory McEwen's amendment, which is now the will of the House of Assembly and which I support, is to include the words 'public opinion polling' after 'statistical material'. All that is doing is clarifying that the factual or statistical material should include public opinion polling. The way I read this—

**The Hon. R.I. Lucas:** You had advice that it was not.

**The Hon. P. HOLLOWAY:** No; if the Treasurer reads the discussions in another place. Mr Atkinson pointed out that there was some doubt whether public opinion polling was included under the definition of 'factual or statistical material'. I think there is a very good case to argue that the definition of 'factual or statistical material' includes public opinion polling. In the end, some of that material was provided to the Opposition, anyway, so it became a dead issue from the point of view of the particular material that the Opposition sought under FOI, and it was never tested. However, there is a very good case that, if this provision was tested, it would be found that public opinion polling would come under the definition of 'factual or statistical material'. However, it was never tested. This amendment was intended to put that beyond doubt so that one could not use the argument that public opinion polling did not fall into those definitions.

*The Hon. A.J. Redford interjecting:*

**The Hon. P. HOLLOWAY:** The Hon. Angus Redford is trying to imply that Mr Atkinson was playing games. However, it was the Government that was playing games, because it refused to make this information available. Let us put that on record: it was the Government that refused to provide this information. It interpreted the clause in that way, and that is why we are responding. That is where the games were played; it was not by Michael Atkinson.

In relation to the Opposition's intention regarding what public opinion polling should cover (and that was the question the Treasurer asked before the dinner adjournment), if he looks at Mr Atkinson's original amendment, the Treasurer will see that it referred to the results of public opinion polling. So, that implicitly explains what the Opposition was after. It was not after interpretation, it was after the results of the public opinion polling.

Incidentally, during the dinner break I took the opportunity of speaking to Rory McEwen, and that was also his interpretation. He was interested not in the interpretation but just in that information that would be factual or statistical. If this Bill is passed, it will be up to the Government, in the first instance, to determine whether it wishes to withhold any information associated with public opinion polling. If it believes that it is not factual or statistical, presumably it will withhold that information and then, if any person seeking that information under FOI wishes to challenge it, they could do so. As far as the Opposition's intention is concerned, I can say only that we are looking at the results and at factual or statistical material, not material that could be regarded as giving opinion or being interpretive. I think that addresses the question raised by the Treasurer.

I wish to make one final point. The amendment moved by Rory McEwen in another place actually applies a more restrictive test to exempt documents. It is perhaps surprising that the Government does not jump at this because it actually provides a whole new clause under which the Government may wish to keep information free from the public.

**The Hon. A.J. Redford:** Are you supporting that?

**The Hon. P. HOLLOWAY:** We have made the judgment that it has to be decided on balance, and on balance we will take that risk.

*The Hon. A.J. Redford interjecting:*

**The CHAIRMAN:** Order!

**The Hon. P. HOLLOWAY:** I have just explained that the Opposition has taken a decision that on balance we will go with this clause. Perhaps as a final comment, I must say that the whole purpose of the Freedom of Information Act, as I see it, is there should be a presumption that information is freely available unless there are specific reasons why it should not be.

**The Hon. K.T. Griffin:** That was not the view of the Labor Government.

**The Hon. P. HOLLOWAY:** It may not have been the view of the Labor Government. However, it happens to be my view. Believe me, I did not agree with everything the Bannon Government did, but that is another matter. Certainly, it is my view that there should be a presumption of freedom of information unless it is otherwise shown to be the case. I am

not sure that the Attorney is being quite fair in making that comment. Perhaps the Labor Government and Chris Sumner may well have tried to define 'exempt documents' more widely. You can argue about that debate if you like; nevertheless, the whole purpose behind the Freedom of Information legislation and those who originally sponsored it within the Government—

*The Hon. Diana Laidlaw interjecting:*

**The Hon. P. HOLLOWAY:** What was shallow about that?

*The Hon. Diana Laidlaw interjecting:*

**The Hon. P. HOLLOWAY:** What is shallow about freedom of information? The Minister for Transport says it is shallow. However, freedom of information is a very important issue, and I was merely explaining that the principle behind it is that there should be a presumption of freedom of information: information should be available unless there are specific reasons to keep it secret. The Ombudsman has told us in his last two or three annual reports that this Government interprets the legislation so that it should be secret unless there are special reasons for making it available. They are not his words, of course, but the interpretation is the way that some departments—

*The Hon. Diana Laidlaw interjecting:*

**The Hon. P. HOLLOWAY:** If the Minister for Transport wants me to discuss this in more detail, I am quite happy to do so. I can read the quotations from the Ombudsman if she wishes and we can discuss this point in all sorts of detail. I merely make the point that what we are seeking to do is make this information more readily available, and that is in the spirit of the Freedom of Information Act. I support the amendment. I believe we should get on and vote on it.

**The Hon. A.J. REDFORD:** This is very interesting because we are seeing a divided Opposition. There are two schools of thought flowing through the Opposition at the moment. There is that half of the Caucus which thinks that they will win the next election and be in government, and they are a little concerned about some of the things they have been saying. Then there is the other half of Caucus (and they are evenly balanced) which wants to adopt the maximum mayhem approach. When one looks at the acceptance by the Opposition, one might assume (and I am sure the Hon. Paul Holloway will correct me if I am wrong) that this has the full support of Caucus and, indeed, of their Leader.

*The Hon. R.R. Roberts interjecting:*

**The Hon. A.J. REDFORD:** What this clause shows—

*The Hon. R.R. Roberts interjecting:*

**The Hon. A.J. REDFORD:** I wish the Hon. Ron Roberts would shut up just for one minute.

**The Hon. R.R. Roberts:** It wasn't even me. It was Terry Roberts. I'm the good looking one!

**The CHAIRMAN:** Order!

**The Hon. A.J. REDFORD:** I say this for the benefit of the Democrats, because they ought to listen to this. This gives us a taste of what this Opposition might be like in the unlikely event—

*The Hon. R.R. Roberts interjecting:*

**The Hon. A.J. REDFORD:** Would you just shut up? Would the honourable member close his mouth for just a second. This gives us a taste of exactly how this mob will operate in the unlikely event that they get into government, and I will explain why. On 1 July I made a contribution and said that I had a number of concerns and queries about this clause. I asked a series of questions. I asked, first, 'What is meant by the term "public opinion polling"?' I then put a couple of scenarios and said, 'For argument's sake—

*The Hon. R.R. Roberts interjecting:*

**The CHAIRMAN:** Order! The Hon. Ron Roberts will come to order!

**The Hon. A.J. REDFORD:** I said:

> For argument's sake, is a survey an opinion poll? Is a process of consultation an opinion poll? Is research dealing with community groups and members of the community an opinion poll? Indeed, is market research an opinion poll?

I asked those questions in the context that at that stage I had moved that this matter be referred to the Legislative Review Committee, which is currently undertaking an inquiry into the freedom of information legislation.

The Hon. Mike Elliott gave it serious thought, and rather naively thought (and I say that with the greatest of respect to the Hon. Michael Elliott) that they were not that difficult a series of questions and that the Opposition would be able to answer them in its reply. Indeed, the Hon. Michael Elliott said the following on 5 August in this place:

> Any questions raised by the honourable member can be sorted out during debate on this Bill.

I say that the Hon. Michael Elliott was naive in that he thought that the Labor Party, in introducing this Bill, would adopt the same standards as the Government does in responding to questions put by Opposition members to what is meant and what is intended by a certain Bill. What does the Hon. Paul Holloway do? As one who proclaims or demands high standards from the Government and from Government Ministers in responding to questions, what does the Hon. Paul Holloway say in response to that series of questions? He says:

> The Hon. Angus Redford also raised in his speech the definition of 'public opinion polling'. He is suggesting that a clever Government might be able to craft public opinion polling some other way so that it might fit under a different name and therefore be able to get around the Bill. I hope that any Government would accept this Bill in the spirit in which it is moved. I would have thought that the definition of a public opinion poll would be pretty obvious to most people. We all know in this place what we are talking about.

Just for my benefit, I would be most interested if the honourable member could please tell me whether a survey is an opinion poll—whether the interpretation of the raw data constitutes an opinion poll. Just for the benefit of the honourable member—

*The Hon. R.R. Roberts interjecting:*

**The Hon. A.J. REDFORD:**—because it is extraordinarily simplistic for him to come into this place and answer it in the same way—

*The Hon. R.R. Roberts interjecting:*

**The Hon. A.J. REDFORD:** I would ask the Hon. Ron Roberts to shut up just for a second, just for a moment. The problem you have with this clause—

**The Hon. R.R. Roberts:** I am just trying to help!

**The Hon. A.J. REDFORD:** The honourable member would probably help if he left.

*The Hon. R.R. Roberts interjecting:*

**The CHAIRMAN:** Order!

**The Hon. A.J. REDFORD:** The point I make is that the clause says, 'if it merely consists of factual or statistical material (including public opinion polling)'. There are two ways you can interpret that. This is the information which I was seeking to elude from the Hon. Paul Holloway and which, in the nearly two months that have passed, he has not been able to provide.

**The Hon. P. HOLLOWAY:** On a point of order, Mr Chairman. I believe that is an implication that cannot be let go unchallenged. It is not my fault that this Bill has taken so long to be debated. I have been ready to speak and finalise this debate every since it was first moved. It has taken so long because it has been waiting for members opposite.

**The CHAIRMAN:** Order! It is not a point of order. The honourable member has made his point, though.

**The Hon. A.J. REDFORD:** If the honourable member wants more time to answer the questions, I am happy to support any motion to adjourn the Bill to enable him to get it. As I was endeavouring to point out to the Hon. Paul Holloway, it is not a simple question. You can look at an opinion poll as to the raw data—and if the Hon. Ron Roberts could shut up so the Hon. Paul Holloway can listen to the question, we might get a straight answer. You can get the raw data of an opinion poll. You can ring up a series of people and say, 'This is the result' and you can say that that is factual material. You can also get that raw data and get an expert to interpret that raw data. On one interpretation the raw data is the factual material—the Hon. Paul Holloway is nodding—and that the interpretation is the opinion and therefore not factual. The Hon. Paul Holloway is again nodding.

There is authority, and may well be an argument, that the existence of an opinion is factual material. The very fact that XYZ polling company has formed an opinion that the result of this opinion poll means X and the fact that that opinion is held is fact. There are cases where courts have interpreted it in that fashion. The Hon. Paul Holloway has nodded all the way through about one alternative interpretation—and now he is not nodding but looking perplexed. The Hon. Paul Holloway has failed to consider the questions I asked, unlike what one might expect from Ministers on this side. Is a survey an opinion poll—a simple enough question? Is a process of consultation an opinion poll? Is research dealing with community groups and members of the community an opinion poll? They are straightforward questions, all of which remain unanswered.

Unfortunately, the Hon. Michael Elliott expected, given the simplicity of those questions, members of the Opposition to be able to answer them. It has not happened. When I finish this contribution I invite the Hon. Paul Holloway on another occasion to see whether or not he can improve the standards of this place and this debate by actually directing an answer to those specific questions.

The next point I make relates to clause 2(a)(ii), which refers to the words 'relate directly—

*The Hon. R.R. Roberts interjecting:*

**The Hon. A.J. REDFORD:** I wish the Hon. Ron Roberts would not interrupt. The Hon. Paul Holloway is finding it hard enough to follow this as it is. The words say 'relate directly to a contract or other commercial transaction that is still being negotiated'. Clause (1) says, 'disclose information concerning any deliberation or decision of Cabinet'. I invite the Hon. Paul Holloway to explain to this place what clause (2) adds, given that Caucus and the Hon. Mike Rann support this clause. What additional material does that exempt that is not already covered in subclause (1), on his understanding of this clause?

**The Hon. P. HOLLOWAY:** The first point I make after that diatribe is the inference that I am not providing answers to Bills and that Government Ministers always do. I need merely answer that by reminding the Hon. Angus Redford of the answers we got in relation to questions we asked on, for example, the costings associated with the changes to the Statutes Amendment (Motor Accidents) Bill. When we look at those we can see how much information we got. I am providing far more information than the Treasurer did on that occasion.

However, let us move on to the substance. I do not know whether the Hon. Angus Redford heard me, but I made the point earlier in relation to the Treasurer's question that I thought interpretation would not come under the factual and statistical definition which applies now and which would apply under this change to the Freedom of Information Bill. I also indicated that it was not the Opposition's intention, nor is it my understanding of the intention of Mr McEwen, who moved this amendment, that that should be the case.

*The Hon. A.J. Redford interjecting:*

**The CHAIRMAN:** Order!

**The Hon. P. HOLLOWAY:** That is the Opposition's intention: that it should not include the interpretation. The other question asked by the Hon. Angus Redford was in relation to the second part of this clause, where it says, 'relate directly to a contract or other commercial transaction that is still being negotiated'.

*The Hon. A.J. Redford interjecting:*

**The Hon. P. HOLLOWAY:** The point there was in the answer I read out earlier from Mr McEwen's speech when he moved this clause. I do not know whether I need to read it out again, but his idea was that, while this polling information may be part of a Cabinet document subject to some discussion or commercial negotiations, it would not be released at that time. Once the commercial transaction had been negotiated it ought then to be available to the public. That was his view expressed in the House of Assembly and the view that ultimately prevailed there as to what should happen. The way he interprets it and the way I interpret it is that it would exempt all information subject to discussion in relation to a commercial transaction, but once the negotiations were completed it would then be subject to the Freedom of Information Act as all other information now is.

**The Hon. A.J. REDFORD:** Can the honourable member tell me whether, based on this Bill, a focus group study result falls into the category of an opinion poll?

**The Hon. P. HOLLOWAY:** If it contains factual or statistical material I understand that it would and should apply under the existing Freedom of Information Act and would also apply after the amendment for that reason. If there was some interpretation of a focus group, presumably that may not be factual or statistical and I understand that the exemption would apply.

**The Hon. A.J. REDFORD:** Anything that involves any interpretation of any primary data does not fall within the definition on the basis of your understanding of what is meant by the term 'opinion poll'.

**The Hon. P. HOLLOWAY:** The Hon. Angus Redford is a lawyer. I am sure he is quite capable of knowing how these particular things work.

**The Hon. A.J. Redford:** This is for the record.

**The Hon. P. HOLLOWAY:** I read out earlier that the current provision of the Freedom of Information Act says that a document is not an exempt document by virtue of this clause—

> (a) if it merely consists of factual or statistical material that does not disclose information concerning any deliberation or decision of Cabinet;

Whether a focus group is factual or statistical has not changed. It does not change as a result of this amendment. If

it is exempt now I understand that it will be exempt in the future. If it was not exempt before it will not be exempt under the new clause.

**The Hon. A.J. REDFORD:** Is that a general comment: if it is exempt now it will still be exempt in the future?

**The Hon. P. HOLLOWAY:** If we are talking about proposed new paragraph (a)(i), it is essentially the same as the existing provision in the Freedom of Information Act except for the words 'including public opinion polling'. As I understand this clause, all it does is clarify the definition of factual or statistical material so that it includes public opinion polling. It really goes no further than that: it simply gives a court, Ombudsman, Government or public servant who was interpreting the Act some clarification as to the information that would be involved which ultimately would have to be tested in a court.

**The Hon. A.J. REDFORD:** Is a process of consultation an opinion poll?

**The Hon. P. HOLLOWAY:** That depends on the sort of consultation it is. If the information that comes out of the consultation is factual or statistical it should be disclosed under the current Freedom of Information Act and also under this new provision. That is the essential point.

**The Hon. A.J. REDFORD:** Is market research an opinion poll?

**The Hon. P. HOLLOWAY:** If that is a legal question, I am not sure of the answer. My understanding of market research is that it can involve public opinion polling. It seems to me that market research is often used as a generic term for public opinion polling.

**The Hon. A.J. REDFORD:** That is one of the most extraordinary answers I have heard. Here we have an Opposition that says we cannot sell ETSA, an Opposition that has conceded that ETSA or Optima will be in a competitive environment come the national electricity market. In the event that ETSA engages in developing market research and wants to submit that to those who are the custodians (Cabinet) of the shareholders (the people of South Australia), that document can be the subject of a freedom of information application. That is what the honourable member is saying. He is saying that we want ETSA to be publicly owned, to be in a competitive environment and to provide information to Cabinet and that that information will be available to its competitors. I have never heard anything so stupid in all my life. I wonder whether the honourable member could be a little more clear about whether market research—

*The Hon. R.R. Roberts interjecting:*

**The CHAIRMAN:** Order!

**The Hon. A.J. REDFORD:** —falls within the definition of an opinion poll. It has significant ramifications for a body such as ETSA, which you wish to remain in public hands.

**The Hon. P. HOLLOWAY:** As I said, the words 'market research' are sometimes used as a generic term to include public opinion polling. To the extent that it does, clearly it would be covered by this Bill. Regarding the sort of material the Hon. Angus Redford has been talking about, if there is research that merely consists of factual or statistical material it should be released. Again I make the point that that is true under the existing Act and it would be true under the future Act.

All proposed new paragraph (a)(i) does is clarify the definition of factual or statistical material to include public opinion polls. It does not change the situation that exists now any more than that. So whatever hypothetical examples the Hon. Angus Redford may dream up it will not extend the interpretation of that paragraph except to the extent that it clarifies that public opinion polls are included in that definition.

I again make the point that in proposed new paragraph (a)(ii) there is a restriction that does not exist under the current Freedom of Information Act. If documents relate directly to a contract or other commercial transaction that is still being negotiated it gives a level of protection in the cases that the Hon. Angus Redford was talking about that does not exist under the present Act. In that sense it is a more restrictive position than exists currently because it clarifies the situation in relation to contracts or other commercial transactions that are still being negotiated. Again I make the point that that protection does not exist in the current Act.

**The Hon. A.J. REDFORD:** Can the honourable member advise whether or not the shadow Attorney-General at any stage considered that there should be a definition of 'public opinion polling'?

**The Hon. P. HOLLOWAY:** I will give the same answer that Ministers usually give even though they have advisers (which I do not)—that they do not know and will have to get back to you after asking the relevant Minister in another place.

*The Hon. A.J. Redford interjecting:*

**The Hon. P. HOLLOWAY:** Perhaps the Hon. Angus Redford should discuss it with his ministerial colleagues. If he wants to play these games with a private member's Bill we can easily play it with other legislation. Before he goes down that path I think that he ought to think very carefully.

**The Hon. A.J. REDFORD:** When the honourable member answered previously he used terms such as 'I'm not sure', 'if', 'might', 'may', 'could be' and 'hypothetical'. I put a specific question: is market research conducted by Optima for the purposes of informing Cabinet about its competitive relationship in the new national electricity market opinion polling, and is that available under the Freedom of Information Act? Might that be available to its commercial competitors? The fact is that the honourable member has not been able to answer it. This Bill is simply politics. You have not thought your way through it.

**The Hon. P. HOLLOWAY:** Arguably, such information would be available now. If it was factual or statistical it would be available now. However, if it relates directly to a contract, which I think is the implication in the honourable member's question, this clause would give it some protection that it does not currently have—that is, protection from being made available to the public who paid for it.

**The Hon. A.J. REDFORD:** I will try to make this my last comment. This is extraordinary. The honourable member and the Opposition are playing politics again. They cannot give a straight answer as to whether market research in relation to the breaking up of one of the generating plants might fall within the definition of public opinion polling; they cannot provide us with a definition of what is meant by the term 'public opinion polling'; they cannot explain clause 2(a)(ii)—admittedly drafted by the member for Gordon but now adopted and embraced by the Leader of the Opposition, the Hon. Mike Rann, and the rest of Caucus; and they want this Parliament to pass this Bill and this particular clause. If this is an example of the quality of Government that we might get in the unlikely event that the Opposition manages to win three more seats at the next State election, then God help South Australia.

**The Hon. P. HOLLOWAY:** This is really quite extraordinary. The Hon. Angus Redford seems to have a huge

amount of difficulty in understanding the meaning of 'public opinion poll'. I would have thought that all members in this place would have understood the term 'public opinion poll': it refers to people being asked their opinions and those opinions being published. The public are asked their opinion. If market research involves asking the public their opinion, then I would assume it is public opinion polling, and you do not have to be a high paid lawyer, like the Hon. Angus Redford, to understand that. However—

*The Hon. A.J. Redford interjecting:*

**The CHAIRMAN:** Order!

*The Hon. A.J. Redford interjecting:*

**The CHAIRMAN:** Order!

**The Hon. P. HOLLOWAY:** —the words 'market research', as I say, are used fairly widely and generically. The Hon. Angus Redford is asking me to comment on some hypothetical situation which he is not defining. He is just using these generic words. I suppose the technical answer for the honourable member is that if market research involves polling the public, then it should come under this definition. If it is some different form of market research then it may not come under the term 'public opinion polling', but without actually knowing what is involved it is a bit difficult for us to decide.

**The Hon. A.J. REDFORD:** I find it disappointing that it is beyond the wit of the shadow Attorney-General and the honourable member—because it is the shadow Attorney-General's Bill—to sit down and properly define what is meant by 'public opinion poll'. If the Hon. Mr Holloway cannot do that, and if he cannot understand the ramifications, as I said, God help South Australia should he ever occupy the Government benches. You cannot play politics when you are in Government, although it might be a little bit of fun in Opposition.

You cannot come into this place and glibly put through legislation such as this and not be able to explain whether market research falls within the definition in any clear sense and not in any way attempt to explain what the position might be if Optima wants to provide some market research to Cabinet and whether or not a competitor—a privately owned one at that—might be able to get hold of that information. The honourable member cannot answer any of that. It is hopeless. The Opposition is hopeless. It is shallow and I suggest that members opposite might go back and have a close look at their preselection procedures to see whether they can get some talent in here because I have not seen much yet.

**The Hon. R.R. ROBERTS:** I might be able to help the Hon. Angus Redford in his quest for information. I am actually prepared to make the telephone call to make an appointment for the honourable member to meet with the real member for Gordon, Mr Rory McEwen. He has been very patient and he has had to explain a number of very simple propositions to the Hon. Angus Redford in the past. I am certain that he would be only too happy to make an appointment to meet with the Hon. Angus Redford in his electorate office so that he can explain all these matters to him. We could then get this very simple Bill out of the road. We could be here all night. I put my faith in the real member for Gordon to explain matters to the Hon. Angus Redford.

**The Hon. A.J. REDFORD:** I am happy to accept the honourable member's advice. I will be available to travel to Mount Gambier on Monday to see the member for Gordon. I invite the honourable member to adjourn this matter and report progress.

Clause passed.

Clause 3 and title passed.

**The Hon. P. HOLLOWAY:** I move:

*That this Bill be now read a third time.*

**The Hon. R.I. LUCAS (Treasurer):** I rise only to speak briefly at the third reading. I thank my colleague the Hon. Angus Redford for his forensic questioning at the Committee stage of the Bill. I will not repeat the debate. Prior to the dinner break, I, too, became frustrated in trying to seek responses to questions from the Hon. Mr Holloway on the Bill. Whilst the Government does not intend to divide at the third reading, on behalf of the Government—and I am sure on behalf of my colleague the Hon. Mr Redford and others—I would like to say that we have significant concerns about certain aspects of the legislation. It is clear that the legislation was ill thought out and ill considered, and the implications of the legislation have not been properly thought through. It is an example of sloppy draftsmanship and preparation, as has been demonstrated by the Hon. Mr Redford's questioning.

As I said, whilst we will not be formally dividing on the third reading of the Bill, on behalf of the Government I indicate our concern about the provisions, particularly as to how they might be interpreted by people, because clearly the Hon. Mr Holloway, speaking on behalf of his Party, is unable to clearly and explicitly indicate exactly what is intended by the provisions or, indeed, what might occur in terms of interpretation of these provisions in the future.

**The Hon. P. HOLLOWAY:** In view of the comments of the Treasurer, I will make sure that Rory McEwen, the member for Mount Gambier, who moved the amendment, is aware of the Treasurer's comments. Clearly, as the person who originally drafted this amendment, the comments the Treasurer has made against me and other members of the Opposition obviously apply to him. I will make sure that they are drawn to his attention. In conclusion, I thank all members their support for the Bill.

Bill read a third time and passed.

## CRIMINAL LAW (SENTENCING) (VICTIM IMPACT STATEMENTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 July. Page 979.)

**The Hon. IAN GILFILLAN:** I indicate Democrat support for this Bill. It is a simple piece of legislation, and it has been satisfactorily amended in the other place. We certainly could not have supported it in its original form. Its original form was really a sop to the emotional aspect of victim participation in court processes. Although we all have sympathy for the often tragic role of victims in crimes, it must be not be allowed to distort the accurate dispassionate objective processes of our court system in this State. The original Bill allowed the victim the opportunity to address the court after a determination of guilt or innocence had been made. It allowed the victim to do so with no restraints and with no vetted prepared material prior to that delivery. In our view, that was not constructive, not helpful in balance to the actual process of the court.

I would like to commend the Lower House's amendment as it caught the advantage of allowing the victim the opportunity to have an expression to the court. However, it would be first prepared in a written form that is presented to the court and then, at a stage just prior to sentencing, the victim

would be entitled to read that report. It is not mandatory, of course, but the contribution by the victim is restricted to the written material which has already been presented to the court. Both the prosecution and the defence know what is in it, so they can lodge an objection to some of it or to all of it, I assume. They have that opportunity.

I consider that the Bill is an improvement in respect of the legislative opportunity for victims to make a right and proper contribution directly to the court, and it is on that basis and in its amended form that the Democrats indicate their support for the second reading.

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

## EDUCATION (GOVERNMENT SCHOOL CLOSURES AND AMALGAMATIONS) AMENDMENT BILL

Second reading.

**The Hon. CAROLINE SCHAEFER:** I move:

*That this Bill be now read a second time.*

I move this Bill on behalf of Mrs Karlene Maywald, member for Chaffey in another place, and with the concurrence of the Minister (Hon. Malcolm Buckby). I have been assured by Mrs Maywald that she has sought the views of the shadow Minister for Education (Ms Trish White) and, although Ms White moved amendments in the House of Assembly, she will not proceed with them in this place. I recognise that the Hon. Carolyn Pickles does not wish to proceed further tonight, but I anticipate a speedy passage of this Bill next week.

The desire of Mrs Maywald was, rather than set up an appeal process after the Minister has made a decision as to the closure or amalgamation of any Government school, to formalise a review process. This Bill ensures that the relevant stakeholders be consulted and the Minister be accountable to the Parliament and the public if his recommendation is contrary to that of the review committee. The review committee in any local area concerned with an amalgamation or closure would consist of representatives of the Minister, the Education Department, local government and parent organisations. Among other requirements, it is stated that the committee must have regard to the educational, social and economic needs of local communities likely to be affected by the carrying out of the recommendations and of the needs of the State as a whole when making this recommendation.

As I have said, this does not bind the Minister to the decision of the committee but rather requires that the Minister, if he chooses to go against the decision of the committee, give due consideration to its reports and its recommendations and that a transparent revelation of his decision and his reasons for that decision be laid before the Parliament. I seek leave to insert in *Hansard* the explanation of the clauses without my reading it.

Leave granted.

*Clause 1: Short title*

This clause is formal.

*Clause 2: Amendment of s. 9—General powers of Minister*

This clause provides that the Minister may close a Government school subject to new Part 2A (*see clause 3*).

*Clause 3: Insertion of new Part*

*PART 2A—CLOSURE OR AMALGAMATION OF GOVERNMENT SCHOOLS*

*14A. Application of Part*

This clause provides that a Government school cannot be closed or amalgamated except in accordance with new Part 2A. New Part 2A does not apply to—

- the temporary closure of a Government school in an emergency or for the purposes of carrying out building work; or
- the closure of a Government school if a majority of the parents of the students (or where the school is wholly or principally for adult students, a majority of students) indicate that they are not opposed to the closure.

*14B. Process for closure or amalgamation of Government schools*

The provisions set out in new section 14B apply in relation to the closure or amalgamation of Government schools to which new Part 2A applies.

*14C. Review committee*

A review committee will consist of persons (including representatives of the Minister, the Education Department, Local Government and parent organisations) appointed by the Minister.

*14D. Conduct of review*

In conducting a review in relation to Government schools within a particular area, a committee must—

- call for submissions relating to the present and future use of Government schools within the area; and
- invite submissions from, and meet with, certain other interested persons in relation to each of the relevant schools.

The committee must have regard to the educational, social and economic needs of the local communities likely to be affected by the carrying out of the recommendation and of the needs of the State as a whole when making its recommendation.

*14E. Report on review*

A committee must submit to the Minister its report on the review and recommendations no later than the date specified by the Minister (which must be no earlier than 3 months after the appointment of the committee).

*14F. Minister's decision as to closure or amalgamation*

The Minister may close a Government school or amalgamate a number of Government schools after giving due consideration to the report and recommendations of the committee that conducted the review.

If the Minister makes a decision that a school should be closed or that schools should be amalgamated contrary to the recommendations of a committee, the Minister must, within 3 sitting days of giving notice as to the closure or amalgamation, cause—

- a copy of the committee's report and recommendations; and
- a statement of the reasons for the Minister's decision,

to be laid before Parliament.

**The Hon. CARMEL ZOLLO** secured the adjournment of the debate.

## NON-METROPOLITAN RAILWAYS (TRANSFER) (NATIONAL RAIL) AMENDMENT BILL

**The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning)** obtained leave and introduced a Bill for an Act to amend the Non-Metropolitan Railways (Transfer) Act 1997. Read a first time.

**The Hon. DIANA LAIDLAW:** I move:

*That this Bill be now read a second time.*

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

Leave granted.

This Bill provides a referral of powers to the Commonwealth under the Australian Constitution with a view to allowing National Rail to operate rail freight services in South Australia.

National Rail (NR) is the national rail freight company established by the Commonwealth Government five years ago, with equity also provided by the New South Wales and Victorian governments. NR has a major presence in South Australia through its operations headquarters and Islington freight terminal.

Under its Memorandum of Association, NR is prohibited from operating intra-State services in its own right, in the absence of a referral of powers to the Commonwealth and a letter of authorisation from the State Government.

NR has been advised that the State would consider granting it this right if it were successful in winning a contract for intra-State services. NR has now advised that it has entered into a contract with

BHP to carry steel products from Whyalla to Adelaide, subject to receiving the State's approval. NR already carries BHP products on its interstate services and has carried this traffic as a sub-contractor to AN in the past.

Both New South Wales and Victoria have passed the necessary legislation to refer power to the Commonwealth. NR has been granted the right to operate as it wishes within Victoria. However, in NSW the Minister has placed conditions on the NR's operations in that State. The Bill provides a referral of power to the Commonwealth. Control over the extent of NR's activities in the State will be exercised by the Minister only authorising specific services. Initially this will be for haulage of steel products for BHP from Whyalla to Adelaide. Future approaches from NR will be considered on their merits.

In addition, the Bill provides that the referral pursuant to this amendment will cease to have effect if the Commonwealth legislation is amended so as to remove the requirement that the authorisation of the State Minister must be obtained in relation to any intra-State services. The requirement for State authorisation (contained in NR's Memorandum of Association) could be amended or deleted by Commonwealth legislation. The provision proposed by this Bill will therefore guarantee that the referral of power to the Commonwealth will cease to have effect if the State cannot continue to have some control over whether or not NR can operate on an intra-State basis (for so long as NR continues to rely on the current Commonwealth legislative scheme).

In this regard, it is worth noting that these restrictions on NR's activities in South Australia apply only while the Commonwealth is a shareholder. The Commonwealth has stated its intention to sell its share in NR by the end of this calendar year. When this happens, NR will not need the State's approval to provide intra-State rail services. However the sale timetable is uncertain given the need for the Commonwealth to obtain the agreement of the other two shareholders.

Granting approval to NR to operate within the State would provide increased rail competition. Limiting this to the current contract will enable BHP to obtain services from its preferred carrier. In future, competition for this contract will ensure pressure on all operators to perform at best practice service levels and prices, to the benefit of South Australian businesses.

Explanation of Clauses

*Clause 1: Short title*

This clause is formal.

*Clause 2: Commencement*

The measure will be brought into operation by proclamation.

*Clause 3: Insertion of s. 11B*

The matter of the Commonwealth holding or dealing with shares in National Rail Corporation Limited when the Company engages in intra-State rail services in the State is referred to the Parliament of the Commonwealth under the Australian Constitution. However, the referral will cease to have effect if the Commonwealth legislation establishing the Memorandum of Association for the Company is amended so as to remove the requirement for prior State approval before the Company begins to carry on intra-state services.

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

## PRIMARY INDUSTRY FUNDING SCHEMES BILL

Second reading.

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

*That this Bill be now read a second time.*

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

Leave granted.

The purpose of this Bill is to provide a legislative based ability to raise funds to any group within the primary industry sector, something that they have sought from Government for several years.

Similar schemes operate in Victoria and Western Australia. Industry representatives from these States consider that access to such schemes has been a major factor in the ability of their industries to favourably position themselves in the national and international marketplace. The South Australian proposal combines elements from both interstate schemes.

This facility was previously available in South Australia to only the pig, cattle, deer, wheat and barley industries. There is general agreement from representatives of these industries in South Australia that the power to raise and expend funds on an industry group basis has resulted in significant benefits to all members of the industries concerned.

The Bill is the result of an extensive public consultation process through which industry took a lead role in the development of policy, with Government placing itself in a facilitation role. The industry representatives involved during this phase are to be congratulated for the effort they have put into this process and the final product.

More than 600 copies of both a Green and White Paper dealing with the development of this Bill were circulated to primary producers, processors and service providers to the primary industry in South Australia for comment. Throughout the consultation process industry has continued to express strong support for the principles contained in the Bill.

The Bill proposes that the Minister may establish a fund for a sector after undertaking due consultation with participants in the industry sector concerned. Funds raised will then be controlled by representatives of the contributors to the fund. A number of safeguards have been built into the proposal to ensure that industry representatives will retain control and decisions on expenditure are for the good of the industry.

This Bill offers all groups within the primary industry sector a tool that will enable them to work together to ensure that their industries maximise their strategic advantages and continue to meet the challenges from an ever increasing global market place.

I commend the Bill to Honourable Members.

Explanation of Clauses

*Clause 1: Short title*

*Clause 2: Commencement*

*Clause 3: Interpretation*

This clause contains definitions necessary for the purposes of the measure.

*Clause 4: Establishment of fund*

This clause provides for the establishment of a fund for a particular sector of primary industry by regulation. Consultation with industry members is required before establishment of a fund.

The clause contemplates that a fund is to be administered in accordance with the regulations by the Minister or an approved society or association or a board of trustees appointed by the Minister. Establishment of a consultative committee to advise the person or body administering a fund is also contemplated.

*Clause 5: Approval of society or association to administer fund*

This clause establishes the criteria for approval of a society or association as the body to administer a fund.

*Clause 6: Contributions to fund*

This clause requires the scheme for contributions to a fund to be established by regulation and sets out some examples of the sorts of schemes that might be put in place.

*Clause 7: Application of fund*

The purposes for which a fund may be applied are to be set out in the regulations or trust deed or rules of the society or association administering the fund.

If a compensation scheme is involved, the details of the scheme are to be established by regulation.

*Clause 8: Advances if fund insufficient to meet compensation payments*

This clause is similar to section 8A of the current *Apiaries Act* and enables a short fall in a compensation fund to be met from the Consolidated Account at the discretion of the Treasurer.

*Clause 9: Management plan for fund*

Rolling 5 year management plans are required for each fund. The plans must be presented on an annual basis to public meetings.

*Clause 10: Audit of fund*

This clause requires proper accounts to be kept and audited.

*Clause 11: Annual report for fund*

An annual report for a fund must include the audited statement of accounts and the current management plan. The report must be laid before each House of Parliament.

*Clause 12: Appointment of examiner of fund*

This clause enables the Minister to appoint an examiner for a fund to report on financial aspects of the fund.

*Clause 13: Winding up of fund*

This clause enables the Minister to appoint an administrator to wind up a fund if the Minister is satisfied that would be in the best interests of the primary industry sector for which the fund is established.

*Clause 14: Obtaining information for purposes of audit, examination or winding up*

This clause assists an auditor, examiner or administrator in obtaining necessary information relating to a fund.

*Clause 15: Board of trustees or society or association administering fund not agent of Crown*

This clause makes it clear that a board of trustees of a fund or a society or association administering a fund is not to be regarded as an agent of the Crown.

*Clause 16: Regulations*

This clause provides general regulation making power.

*Schedule: Amendment of Livestock Act 1997*

The Schedule contains consequential amendments.

The provision for similar funds contained in the *Livestock Act* is removed.

It is envisaged that funds currently set up under the *Apiaries Act*, the *Cattle Compensation Act*, the *Deer Keepers Act* and the *Swine Compensation Act* will be re-established under regulations under this measure. The *Livestock Act* currently provides for the repeal of those Acts. As it may take a considerable length of time to negotiate these matters with industry, the Schedule includes an amendment excluding the application of the provision of the *Acts Interpretation Act* for automatic commencement two years after assent.

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

**The Hon. L.H. DAVIS:** Mr President, I draw your attention to the state of the Council.

*A quorum having been formed:*

## ELECTRICITY CORPORATIONS (RESTRUCTURING AND DISPOSAL) BILL

Adjourned debate on second reading.

(Continued from 13 August. Page 1385.)

**The Hon. R.D. LAWSON (Minister for Disability Services):** I support the second reading of this Bill and the thrust of this Government's measures to facilitate the sale of our electricity authorities in this State. The economic reasons for undertaking the sale of these utilities have been set out in the Treasurer's second reading explanation and have been reiterated on a number of occasions by Government members in this place. On this occasion, I do not propose to dilate upon the economic imperatives because it seems to me that they are imperative. However, it is appropriate to examine some of the arguments that have been advanced against these measures by those opposite.

It is perhaps appropriate to begin by examining the reasons advanced by the Hon. Paul Holloway for opposing these measures. I propose to identify a number of passages in his speech which, it seems to me, highlight the failure of his reasoning and the failure of the reasoning of the Australian Labor Party in its blind ideological opposition to this measure. The Hon. Paul Holloway stated:

> It [the Olsen Government] has treated the electorate with total contempt over the ETSA sale. The Opposition respects our democratic institutions far too much to even contemplate such a brazen betrayal of the electorate.

He describes blatantly cynical and dishonest tactics. That statement gives the lie to the so-called economic arguments advanced by the Hon. Paul Holloway because, at the very beginning of his speech, he acknowledges that the Labor Party would not even contemplate this measure. So, before it ever considered anything, it was not prepared to contemplate this issue.

It is a farcical claim that the Opposition respects the democratic institutions of this State. Indeed, the Government could have taken the easy option in this matter, having regard to statements made before the election and expectations that the Government held before the election. The Government could have taken the easy option when confronted with the stark reality of the losses which this State stands to make if it does not dispose of its electricity assets. It could have sat on its hands and said, 'Well, we did not make any decision—

*The Hon. P. Holloway interjecting:*

**The Hon. R.D. LAWSON:** The Hon. Paul Holloway says we suppressed information. The Government did not suppress any information. The Government had not made any decision before the election about the disposal of the electricity authorities. The matter had never been discussed by the—

*Members interjecting:*

**The PRESIDENT:** Order!

*The Hon. L.H. Davis interjecting:*

**The PRESIDENT:** Order! An honourable member is on his feet.

**The Hon. R.D. LAWSON:** The Government could have taken the easy option and said, 'We did not make this decision before the election. We announced that we had no intention of privatising ETSA or Optima and, in those circumstances, notwithstanding the fact of the stark reality of losses staring us in the face, and notwithstanding the best interests of the State, we will take the comfortable ride and let the State go down the gurgler, all because we did not make a decision before the election.' That would have been the easy option.

The Hon. Paul Holloway described the Government as being blatantly cynical. The only cynicism here is that of the Labor Party's opposition. The Labor Party did not even debate the issue: it adopted an ideological position. As I mentioned before, the Hon. Paul Holloway acknowledged in his speech that the Labor Party was not even prepared to contemplate examining the situation. The Labor Party has not put up any strategy to address the debt issue or the financial situation. It has not uttered one word to explain to the South Australian community how it will address the situation in which this State finds itself.

The Hon. Paul Holloway quoted Alan Kohler—and I will quote only a very short part of the passage quoted by the honourable member. When speaking of corporations and monopolies, Alan Kohler said that these monopolies 'do not behave the way monopolies always behave,' and he went on to say 'That's my kids' problem, not mine.' He is really arguing there that we could wash our hands now of the problem: that that is the problem for a future generation.

*Members interjecting:*

**The Hon. R.D. LAWSON:** That is the statement of Alan Kohler. However, he has really no evidence for that proposition. He shows no confidence in the Regulator and the regulatory mechanisms that are to be put in place with these measures. If Mr Kohler thinks that adult South Australians will be doing their children a favour by retaining ETSA and Optima, he has a remarkable notion of parental concern, because to retain these assets in the current climate would be the height of irresponsibility. The Government is adopting a responsible attitude in this matter.

The Hon. Paul Holloway went on to say that he supported the establishment of a national electricity market. He said that he has done that in previous debates, and he said that the Opposition supports the principle. He said:

> . . . we can reduce the amount of overcapitalisation in electricity assets if we operate on a national rather than a State by State basis.

What hypocrisy! He is purporting to say, on the one hand, that he supports the establishment of a national electricity market, with all the competition elements and all the commercial risk elements that follow from that. He is not prepared then even to contemplate (as he acknowledged at the outset of his speech) taking some measures to ensure that this State is not burnt, and burnt badly, by the consequences of the national electricity market.

The Hon. Paul Holloway then went on to say, in relation to Riverlink, that when NEMMCO made its decision it had to get legal advice as to what the code actually said. The point here is that the national electricity market is complex, as the Hon. Paul Holloway acknowledged. It is so complex, as he said, that legal advice is needed to weave one's way through it.

That complexity is not simply a function of ownership: it arises by reason of the national market. We will face that complexity whether the power utilities are owned by the South Australian community or by private enterprise. It is entirely a mistake of the Hon. Paul Holloway to seek to argue that mere legal complexity is a reason for retaining the current ownership structure.

He goes on to make the usual complaints about competition policy and the fact that decisions are made under competition policy by non-elected officials far too removed from the political process. He describes an abrogation of responsibility by elected parliamentarians as yet another factor in the massive disillusionment of the Australian electorate, so he says. What hypocrisy! It was the Australian Labor Party which abdicated its responsibility in relation to this matter. It was the Australian Labor Party which adopted the national competition policies. It was a Federal Labor Government which drove those policies and established the mechanisms.

When the Hon. Paul Holloway talks about abrogation of responsibility of elected parliamentarians, what about the abrogation of the Australian Labor Party when, as the Hon. Mr Holloway acknowledged, it was not even prepared to contemplate or examine changing the ownership of our utilities? Talking about abrogation of responsibility, I think the same comment can really be made of the Hon. Sandra Kanck regarding her 1 000 hour exercise which, as I will demonstrate a little later, was not an exercise of examination or analysis. It was not for the purpose of examining particular issues, nor for the purpose of bringing a dispassionate mind to the issue, but for the purpose of confirming an opinion already reached by the Hon. Sandra Kanck.

It is easy for the Hon. Paul Holloway now to cast aspersions on what he describes as the free market ideologues in the Commonwealth Treasury with approval from the current Federal Government. Well, the free market ideologues in the Commonwealth Treasury were there well and truly before the appointment of the current Federal Government. They were appointed by, and their advice was followed by, the Keating Labor Government. The Hon. Paul Holloway went on to say:

> It is not in my view clear that these objectives [of the national market] will deliver net benefits to the Australian public. . . I see no reason why a publicly owned electricity utility should not be able to operate successfully in a national electricity market, that is, a market that delivers efficiency benefits to consumers.

That shows how indecisive both the Hon. Paul Holloway and the Labor Party are. I emphasise:

> It is not in my view clear that these objectives will deliver net benefits to the Australian public.

It is hardly a decisive endorsement of the current ownership position. He went on to say:

> The question is whether we in South Australia will ever be able to unscramble the egg.

What the Hon. Paul Holloway does not understand is that the egg is well and truly broken already. When the national market was established, when the competition principles were enacted, the egg was well and truly broken—

**The Hon. J.F. Stefani:** And scrambled.

**The Hon. R.D. LAWSON:** And scrambled. What we as members of the South Australian Legislature are required to do is to ensure that our community benefits and does not suffer from the dish that has been created, albeit by forces outside the control of this State.

The Hon. Paul Holloway then went on to talk about the question of price. He said (and I thought this was an extraordinary comment):

> If we do not get the market price plus a premium, no sale should ever be contemplated or take place.

Here, once again, the Hon. Paul Holloway lets the cat out of the bag when he says that 'no sale should ever be contemplated'. He admitted at the outset of his speech to the Council that the Labor Party was not prepared to even contemplate it. As I mentioned, he talks about getting a market price plus a premium. In this context, it is nonsense to talk of a premium.

Could we possibly call for bids for the sale of any asset and, when we obtain the highest bid, go back to the highest bidder and say, 'Well, let's pay a bit more. You are the highest bidder. You are paying us the market price. We have established the market price. We want you to pay more than market price for our asset.' What absolute nonsense.

There is also an assumption underlying much of the speech of the Hon. Paul Holloway that somehow this Government will not get the market price for our assets; that somehow the Government will sell the assets short; and that something is driving the Treasurer to give a bargain to someone. There is absolutely no evidence to that effect, and all the evidence points entirely in the other direction. The Government has gone to lengths to get the best possible advice in relation to the sale of these assets from the most qualified people operating in this field in order to ensure that we do get the very highest price.

It is naive in the extreme for the Labor Party to suggest that the price should be disclosed to the market by the Treasurer before bids are even called; that somehow our reserve price should be disclosed; and that in marketing these assets we should say, 'We are not prepared to sell unless we get market price plus a premium'. I have never heard of anything so nonsensical.

The Hon. Paul Holloway then went on with his homely analogy of a house. He said that if someone offers you a price for your house, it is one thing to decide to sell it at that price, but it is another thing to say, 'I will sell my house, regardless of what price I will get for it.' That issue has been overlooked the most in this whole debate. The Hon. Paul Holloway is saying, in effect, that we in the Government will sell these assets at any price. That is nonsense. Absolutely nothing has been said by anyone to suggest that and, indeed, all the evidence points in the other direction. The analogy he used of the sale of a house is entirely inappropriate. It is simplistic and unhelpful, and it does not illustrate anything. Elsewhere the honourable member said:

> If a land agent says, 'I will offer you the market price for your house,' would you sell it? If you like where you are living. . .

However, if you were offered more by way of a premium to compensate you for selling and moving costs as well as the dislocation and risk involved, would you still sell? Perhaps not.

This house is a domestic item. It has some sort of static situation. We are not dealing with a domestic house. We are dealing with an economic entity which is providing a service to the South Australian community. We have no necessary emotional attachment to the particular assets. This house analogy is really nonsense. The honourable member, if he is going to use the house analogy, ought to be asking the question whether you would hang onto your house if you realised that there was a substantial risk that it was going to be flooded or otherwise damaged, or if there was a risk—

**The Hon. J.F. Stefani:** Or if it needed a lot of repairs.

**The Hon. R.D. LAWSON:** —or, as the Hon. Julian Stefani interjects, if a lot of repairs were coming up? Would you hold onto your house if there was likely to be a road diversion that would make the house very much less valuable and very much less congenial than it might be?

The talk of premiums in those circumstances is nonsense. The Hon. Paul Holloway is suggesting that we should sit here holding on to ETSA and Optima, notwithstanding the fact that it is staring us in the face that these assets have every prospect of, first, diminishing in value as a result of changes in the market and as a result of other like assets coming on the market from, for example, New South Wales. Would you hang on to these assets when there is a substantial risk that the very valuable asset you are presently holding will suddenly lose its value? Would you hold on to your house if you could sell it and still retain the right to use it and get the benefits from it, while still paying the sort of price you are paying for the commodity you are getting at the moment? Would you sell it in those circumstances if it was to provide you with a one-off opportunity to retire debt that has been a millstone around your neck?

*The Hon. M.J. Elliott interjecting:*

**The Hon. R.D. LAWSON:** The Hon. Mike Elliott says that the investors are all lining up.

**The Hon. M.J. Elliott:** They are silly enough to pay too much for it, I said.

**The Hon. R.D. LAWSON:** That is typical of the arrogance of the Australian Democrats. They talk about investors being silly enough to pay too much for it. That is because it might be too much in your judgment, but let the market decide that.

**The Hon. L.H. Davis:** You have it every which way: you say we will not get enough; you say we will get too much—you are hopeless, absolutely hopeless.

**The PRESIDENT:** Order!

**The Hon. R.D. LAWSON:** The point that ought to be made in relation to this suggestion by a number of opponents of the sale of ETSA is that the Government will sell at any price. There is every assurance that all due process will be followed, that probity will be acknowledged, that the best and highest bid will be extracted and that any offer will be an offer accepted in the best interests of the South Australian community and will be an offer required to meet stringent standards that will preserve the interests of consumers, both in metropolitan and rural areas. All other mechanisms such as the regulator and the like will be duly taken account of.

The Hon. Paul Holloway makes the point that the New South Wales electricity market is considerably different from ours. He obviously foresaw that the Hon. Terry Cameron would make some reference to New South Wales, so he decided to get in and pre-empt the Hon. Terry Cameron. So, he gives three reasons why the electricity market in New South Wales is considerably different from ours. What he is really saying is that the arguments for the sale of New South Wales power utilities can be sustained. Perhaps he is thinking not only of the Hon. Terry Cameron but of the fact that in New South Wales both the Premier and Treasurer have been pressing for the sale of those utilities.

He goes on to say that there are three reasons why that market is different. The point I make about these three reasons is that there might be differences, but are they material differences? Just because one market is different from another does not mean that it necessarily follows that one utility should be sold and the other retained. The first difference, he says, is that the New South Wales market has surplus generating capacity whereas South Australia has a deficit capacity. If that is true (and I am not debating the truth or otherwise of the proposition) that is not a reason why New South Wales might sell and we should retain if we have a deficit capacity. That seems to me to be absolutely illogical. The Hon. Paul Holloway says that the second reason is that New South Wales has the largest market in Australia whereas we have the smallest market. One could easily argue that if we have the smallest market it is more appropriate that we dispose of those assets, given the risk of retaining them.

The third reason he gives is that New South Wales has large reserves of low cost, high quality black coal, whereas in this State we do not have those reserves. He makes the point that that New South Wales decision is somewhat different. It might be different on those grounds, but those grounds are not material—they are really nothing to the point. Next, we get the old argument that the Labor Party frequently trots out—embraced I am sorry to say by the Hon. Sandra Kanck—that the Government's advisers stand to make millions of dollars in success fees from a successful sale. After all, they are being paid to bring about a sale—not necessarily to advise the Government on what is in the best interests of the State. That proposition is really an insult to the professionalism of these advisers. They are being retained by the Government; they are being paid well.

There is no reason to suggest that they would not perform their tasks professionally. There is every confidence and every assurance that they will. Of course, if they did not do that they would expose themselves to suit. There is a good deal of envy in this statement about the advisers standing to make many millions of dollars in success fees. The fees in relation to this transaction are not out of the ordinary for transactions of the kind contemplated. Whenever assets are sold, commissions are payable. If the value of the assets is large, the value of the commissions will be substantial—

**The Hon. J.F. Stefani:** Bannon paid the advisers to tell him that the bank was broke—and paid them handsomely.

**The Hon. R.D. LAWSON:** As the Hon. Julian Stefani says, we are no strangers to paying advisers and having to pay advisers substantial fees when assets in this State are being sold. Because of the incompetence and neglect of the Bannon Labor Government, many assets which were acquired by the bank and by the Government had to be disposed of in circumstances about which the less said the better. The Hon. Paul Holloway then went on to say:

> . . . transmission and distribution are considered by the industry as low risk industries. That is where 70 to 80 per cent of the asset value in our public electricity utility lies. It lies in the low risk area, and it is low risk because it is a natural monopoly.

One might accept that statement about the risk being appropriate in a market entirely different from that which we

are now entering. We are now entering a situation where the market is fluid. It is a dynamic market; it is a changing situation, a changing environment. Risks which are now to be encountered and which in fact are being encountered were not previously encountered at all. What is happening if we retain these assets is akin to holding on to property which is in the process of being re-zoned. If one wishes to use the analogy of a house, which I regard as entirely inappropriate in any event, it is like hanging on to a residential property when the adjoining property has been re-zoned for a rubbish dump.

**The Hon. J.F. Stefani:** And with a big mortgage.

**The Hon. R.D. LAWSON:** That's right. One has a big mortgage on the property to begin with, a mortgage which one can hardly service, a mortgage in which one cannot supply the necessities of life to one's family because interest payments are absorbing a substantial part of one's income and a mortgage which has no prospect of improving into the future. That is the foolish economic theory of the Labor Party and the Hon. Paul Holloway. Then the Hon. Paul Holloway said:

> I conclude by saying that it appears in this State we have a Government that does not want to govern. . .

What nonsense. What a ridiculous abdication of the truth is that statement. He says that we have a Government that does not want to govern. We have a Government here that has grasped the nettle and has decided that it does want to govern and that it is prepared to take a stand in the interests of the community, not in the interests of its own political popularity, not making some decision which it thinks will gain it immediate political plaudits. For the Hon. Paul Holloway and the Labor Party to say that we have a Government that does not want to govern—

*The Hon. T.G. Roberts interjecting:*

**The Hon. R.D. LAWSON:** The Hon. Terry Roberts interjects that it is very brave, but it is very foolish and is exposed as absolute nonsense. It also exposes the barrenness of the Labor Party's argument. It reaches the bottom of the barrel and accuses the Government of not wanting to govern; it talks about the high fees being paid to advisers; it gives analogies about one's domestic home; it talks about obtaining premiums for assets; it accuses the Government of wanting to sacrifice these assets; and it invents arguments to defend an indefensible position. Again, I quote the Hon. Paul Holloway:

> There is little doubt in my mind that if this Bill is rejected the National Competition Council will in due course threaten competition payments to South Australia using the argument that there cannot be genuine competition if the shareholders of the three generating companies remain the same, that is, the taxpayer.

There is the Hon. Paul Holloway saying there is little doubt in his mind that, if this Bill is rejected, the National Competition Council will be threatening competition payments. Notwithstanding that he acknowledges that to be the fact, he persists with his ideological opposition. Once again, and well after he says he is concluding, he makes the accusation—entirely false in my view—as follows:

> The Olsen Government now so badly wants to sell ETSA it will do so at a discount if necessary.

As I said before, there are absolutely no grounds for saying that this Treasurer or this Government will sacrifice these assets. There are absolutely no grounds to advance for criticising the process, the advisers chosen, the method of sale or anything else. There is no substance at all in the opposition of the Hon. Paul Holloway and the Australian Labor Party. It was a sad reflection on the intellectual bankruptcy of the Labor Party that such drivel should have been advanced in opposition to this measure.

I now turn to the Hon. Sandra Kanck's contribution, bearing in mind that this is a contribution made after 1 000 hours of a solid study of the arguments, the information and the evidence. The honourable member begins with the admission that she has on her wall a sign that states, 'It's time that practical commonsense had a win over economic rationalism.' That is the sign on the Hon. Sandra Kanck's wall. If that is her guiding principle, she would not find much of an argument on this side of the Chamber with it. The proposition before this Parliament about the sale of our electricity utilities and assets is a question of practical commonsense: it is not a question of ideology. It is not a question of economic rationalism at all: it is simply the application of commonsense principles to the difficulties which this State faces. It is simply a case of facing up to the difficulties we have and not running away from them under some shibboleth. The Hon. Sandra Kanck said:

> I understand that John Olsen has a leadership problem and the sale of ETSA, he thought, would provide an opportunity to prove how tough he was.

After 1 000 hours of study of the information and all of the evidence relating to this proposition, the Hon. Sandra Kanck comes up with a sign on her wall about economic rationalism. She also says that her understanding was that the sale of ETSA was something to do with the Premier's having a leadership problem. To solve the Premier's supposed leadership problems, the Hon. Sandra Kanck accuses this Government of embarking upon this measure. The Hon. Sandra Kanck started her 1 000 hours of study suspecting the Government's motive. The Hon. Sandra Kanck did not study anything: she entered into the process hanging on her wall a sign that said, 'It's time that practical commonsense had a win over economic rationalism.'

She started from the proposition that this was mere economic rationalism, or that was one of the propositions, she says, from which she started. Heaven only knows what was, in fact, the proposition from which she started. But one proposition, she says, was this sign on the wall. The other proposition is her vision that the whole thing is driven by some alleged political problem of the Premier, suggesting that the Premier—not only the Premier but the whole of the Government—was simply embarking upon this exercise to take an opportunity to show how tough he was. One can see at the beginning of the Hon. Sandra Kanck's contribution that a good deal of intellectual rigour went into her analysis! The lie is given to the 1 000 hours argument, because she says—

*The Hon. M.J. Elliott interjecting:*

**The PRESIDENT:** Order!

**The Hon. R.D. LAWSON:** Let the honourable member listen to this. The Hon. Sandra Kanck says, after three months and 1 000 hours:

> We had already amassed substantial information to indicate that the sale was not in the best interests of the State.

'Already amassed'—so, this 1 000 hours was not 1 000 hours searching for the truth: this was 1 000 hours seeking to amass evidence which supported a preconceived notion. There is no suggestion of looking at both sides of the story, but after three months 'we had amassed substantial information'. The Hon. Sandra Kanck, really having admitted at the outset that her exercise was one in which she was looking for justification for a pre-existing proposition, says:

The market risks are manageable. While there might be short-term benefits in retiring State debt, in the long term we would be worse off.

The Hon. Sandra Kanck says, 'The market risks are manageable.' What basis does she have for saying that the market risks are manageable? There is absolutely no evidence. This is a triumph of hope over experience. This State has a great deal of experience in conducting commercial operations by Government, and the experience has been almost all bad. This Government will no longer be conducting a monopoly utility: we now have a national electricity market. We are not now operating conventional utilities but entering into commercial activities, competing with some of the most experienced commercial competitors in a market which has its own substantial investments.

*Members interjecting:*

**The Hon. R.D. LAWSON:** That is right. The Hon. Sandra Kanck envisages our entering into further commercial activities—

**The Hon. J.F. Stefani:** Like the State Bank.

**The Hon. R.D. LAWSON:** Like the State Bank, as the Hon. Mr Stefani says, like the State Government Insurance Commission, like Scrimber, and these sorts of commercial activities. No doubt the Hon. John Bannon said, 'All the risks are manageable. No worries about that. We have Vin Kean there. We have experienced commercial operators. We can hire them. We can have Tim Marcus Clark'—

*The Hon. R.I. Lucas interjecting:*

**The Hon. R.D. LAWSON:** That is right, the Hon. Mike Rann's friend. It gets better, because the Hon. Sandra Kanck went on to say:

Let's look at the risks in the national electricity market.

That is a good comment, I would have thought. She says:

In regard to Optima, we have said that a risk does exist but we believe it is manageable.

The honourable member went on to say:

Optima Energy personnel are as good as any in dealing with market risks. Optima Energy expresses confidence in their abilities to do so. ETSA management similarly expressed confidence in their ability to manage market risk.

Frankly, one would expect highly paid personnel in any Government enterprise to say that they are as good as anybody else in dealing with market risk. However, the fact is that the State Government, the taxpayer, should not be engaged in holding that commercial risk. Our interest is not in pursuit of commercial gains or in holding risks in exchange for reward but in simply ensuring that the South Australian community has electricity available at a competitive price and to service the needs of this community.

*An honourable member interjecting:*

**The Hon. R.D. LAWSON:** Most services in this State are provided by private enterprise; practically all services in this State are provided by private enterprise. We do not decide that we will take over business enterprises for the purpose of providing a guarantee that services will be provided in the future.

**The Hon. T.G. Roberts:** We don't give guarantees on other services. Have you got a gas cooker?

**The Hon. R.D. LAWSON:** The Hon. Terry Roberts says he has a gas cooker. Gas is a very good example. The South Australian Gas Company was a private utility in this State, operating for more than 100 years as a private operator. It is true that towards the end of its existence the Government acquired a substantial shareholding before it was sold not so long ago by the Australian Labor Party Government. There is no criticism of its selling that asset. There was no reason why the Government needed to hold shares in the South Australian Gas Company. The important thing to remember is that the South Australian Gas Company was private capital from the very beginning. It provided an extremely good service to South Australians, and it has always provided an extremely good service to the community. There is absolutely no reason during the first 100 years of existence of that company for it to be taken over by the community or by the Government. We in this State have had a long experience of private enterprise owning utilities, and not one point can be made to suggest that the Gas Company did not adequately serve its charter to the community.

What I suppose can only be described as the arrogance of the Hon. Sandra Kanck is manifest in this passage:

The general consensus is that the figure between $4 billion and $6 billion will be the price obtained.

But listen to this. After 1 000 hours of study, she says:

But we know other factors will drive the price downwards.

The Hon. Sandra Kanck knows all about the price; her attitude is 'We know what is going to drive the price down.' The Hon. Sandra Kanck gives no evidence at all in her speech about any knowledge that she would have nor does she demonstrate any experience at all to say there will be factors to drive the price down or up. Her attitude is, 'We know factors that will drive the price down.' What utter nonsense! Then the Hon. Sandra Kanck said:

Many South Australians are angry about the Government's use of highly paid consultants to secure the sale. South Australians are angry about the amounts of money that the Government is handing over to those consultants; and they are angry that the lead consultants, Morgan Stanley, are from overseas [heaven forbid!], thereby ensuring that more of our money leaves the country.

The Government secures the very best advice to ensure that we get the best price and to ensure that the appropriate probity mechanisms that have been tried and found effective in other sales elsewhere are put in place, and the Government pays those advisers appropriately, yet there is criticism from the Hon. Sandra Kanck and also from the Australian Labor Party. That is not a rational response. It smacks of jealousy about high fees being earned by others. What does she expect the Government to do? Is the Hon. Sandra Kanck suggesting that we should hire a local business agent to sell Optima and ETSA, in other words, to adopt the same principle one might when selling an asset for $100 000 as one would for an asset that is worth several billion dollars?

The Hon. Sandra Kanck is not satisfied with that bit of prejudice and bile because, under parliamentary privilege, she goes on to accuse Morgan Stanley of being incompetent by reason of the fact that they happen to have been engaged in some suit in the United States of America where some amount of money was paid by way of out of court settlement for bad advice. I would challenge the Hon. Sandra Kanck to identify any substantial commercial firm in the world, whether it is a builder, an investment adviser, an engineer, an accountant, or any company at all, that has not on occasion had to settle legal actions. That is part of the ordinary price of doing business. That is not to suggest that Morgan Stanley, the advisers appointed by the Government, are in any way incompetent. If the honourable member had any evidence to suggest that this particular company and these particular consultants that are advising the Government were incompetent or unsatisfactory, one would have expected her to present it rather than engage in bile of this kind.

The final point which really rams home the fact that all that we are receiving for our money, for the 1 000 hours of study and so-called examination of the evidence is, once again, old-style Australian political prejudice when the honourable member said:

> All the evidence is that the Australian electricity industry will be dominated by large international multi-utility companies. ETSA and Optima will be flogged off to foreign owners. . .

If all the evidence is that the Australian electricity industry will be dominated by large multinational companies, if all the evidence according to the Hon. Sandra Kanck is that the power utilities in Victoria, New South Wales and Queensland are to be owned by large international companies, that is all the more reason it seems to me why we in South Australia, with our very small market, with our insecure supplies of energy for generation, should seize the opportunity as the Government has done and ensure that the South Australian community obtains good benefit for the assets that we have built over many years. Not only is it important that the community obtains good value for those assets but it is also important that it avoids the risk inherent in conducting a highly speculative business in a highly competitive market, a market which we have no chance of dominating, a market in which we can only expect to be a very small player.

I turn next to the speech of the Hon. Nick Xenophon in which he expressed opposition to the Bill solely on the ground that prior to the last election the Government had not informed the community that it intended to sell the utilities. Of course, before the last election the Government could not have told the community that it intended to sell the utilities, because the Government had not reached the decision at that time. So, how the honourable member believes the Government could have or should have indicated to the community in advance of a decision ever having been made quite escapes my powers of reasoning.

However, I must congratulate the honourable member: his speech was very well reasoned in a legal sense. He analysed the costs and benefits and, on the evidence which he analysed, he appropriately came down in support of the view the Government has taken that it is appropriate for the assets to be sold. We did not get the Hon. Mr Xenophon running off into prejudice and bile, and we did not get him relying on inappropriate analogies; instead, he made a strictly factual analysis of the information that had been laid before him.

However, as we know, the honourable member went on to find an obstacle to his support for the Bill. Once again I say that with impeccable logic he argued that whether or not the utilities would be sold was not a political issue prior to the last election. That was entirely appropriate, because the Government had reached no decision about their sale at that time. The honourable member then suggested that it is appropriate for the question to be put to a referendum. He stated:

> However, the circumstances now facing us present an extraordinary dilemma because, once ETSA is gone, it is gone forever, and the only solution must be a referendum.

I think that is where the honourable member's logic falls down—where he states that the only solution must be a referendum. There is another solution, which the Hon. Terry Cameron correctly identified, and that is the Government and this Parliament showing some leadership in being prepared to make a decision, not in the interests of immediate political popularity but in the long-term interests of the State as a whole.

The honourable member has not been in this place for very long—I do not suppose I have been in here for much longer—but it seems to me that on this occasion he has overlooked the role of a member of Parliament. The role of a member of Parliament is not simply to represent the interests that placed him here. He acknowledged freely that those electors who placed a first preference vote for the No Pokies campaign were fairly few in number and that many others who by the force of our preferential system ultimately did vote for him would probably have been unaware of the fact that they were doing so.

The role of a member of Parliament is not simply to represent the interests of those people who elect him. If the honourable member goes to his supporters and asks what they want him to do about this measure, it seems to me that he is misunderstanding his role. Once he is here, his role is to serve the whole community; that is the role of us all. The famous statements of Edmund Burke in his speech to his constituents of Bristol epitomise this situation and correctly state the view. I will quote only briefly from Edmund Burke's famous speech to those constituents in which he said:

> Their wishes ought to have great weight with him; their opinion high respect; their business unremitted attention. . . But his unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living . . . Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.

The Hon. Ron Roberts may have forgotten that quote from Edmund Burke but let me remind him of it: your representative—and here one might talk of the Hon. Nick Xenophon—owes not to his constituency and not only to his industry, but he owes to all his constituents, to the whole South Australian community, his judgment; and he betrays instead of serving the electorate if he sacrifices that to the opinion of the electorate.

What Edmund Burke is saying is that it is not appropriate for a member of Parliament simply to refer things off to his constituents and say, 'What is your opinion?' and hide behind a referendum. Once elected to this place every member has a duty to make a judgment upon the propositions put before him or her. The honourable member is not serving the interests of the community by suggesting that this Parliament should cop out of its responsibility by going to the community through a referendum. We owe it to the community to make a judgment; we are elected to make judgments; that is what we are paid to do. The honourable member apparently believes that cynicism in the electorate will be encouraged if, for some reason, a Government does something which might be in the interest of the community but which is contrary to a statement made prior to an election.

If he believes that cynicism arises from fact, it is my belief that he is sorely mistaken. Cynicism and scepticism and the feeling of betrayal of the community arise because people are elected but they do not do what they are elected to do, namely, to govern, to take tough judgments and to take judgments that are in the interest not of any particular sectional view, not based upon some ideology or some prejudice against multinational companies or international consultants but based upon judgment and hard evidence. Edmund Burke further says:

> . . . parliament is a deliberative assembly of one nation, with one interest, that of a whole; where not local purposes, not local prejudices ought to guide, but the general good resulting from the general reason of the whole.

It seems to me that the concept of representation and the duty of a member of Parliament were overlooked in the speech of the Hon. Nick Xenophon. I urge him to reconsider his proposal for a referendum. It is simply impractical and it is an abdication of responsibility by the Parliament to take that route. It is interesting to see that the Labor Party and the Hon. Mike Rann, who, to my knowledge, have never supported a referendum in the past suddenly seize upon the opportunity because they see this as a way in which they can make some political—

*An honourable member interjecting:*

**The Hon. R.D. LAWSON:** It has been suggested that there might be some debate about whether the Labor Party will accept the referendum proposal. I saw a television interview or perhaps heard a radio interview in which the Hon. Mike Rann suggested to the community, in the way that only he can, that that might be a good idea, not because he believed it would be in the interests of the community but simply because he could see some political advantage. Whether the tacticians in his Party roll him on that question remains to be seen. I do not believe that this Council should support the referendum proposal foreshadowed by the Hon. Nick Xenophon. In those circumstances, I support the second reading.

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

## CITY OF ADELAIDE BILL

Adjourned debate on second reading.

(Continued from 6 August. Page 1254.)

**The Hon. CARMEL ZOLLO:** As already indicated by the shadow Minister for Local Government, Mr Patrick Conlon, the Opposition supports the intent of this Bill to establish a mechanism to enhance the role of the City of Adelaide as the capital and the hub of South Australia. My colleagues in the other place brought myriad views to the issue of the governance of the city and the particular role that the city plays. I acknowledge the importance of this legislation and hope that it will provide the much needed impetus that the city needs to continue to grow. The City of Adelaide needs and deserves good governance, and that should remain as the stable force that guides the city to a period of enhancement and prosperity. I am certain that all members recognise the importance of the city as a reflection of the State.

A feature of the proposed legislation is the establishment of the Capital City Committee. This is meant to provide a forum for intergovernmental dialogue. The Opposition hopes that this committee will serve to help the City of Adelaide function. It is well known that the very existence of the Bill stems from the City of Adelaide Governance Report which came about because of discord between the two levels of government, a matter which caused former Premier Dean Brown to stake his job on a joust with the former Lord Mayor, Henry Ninio, which he incidentally lost. Nevertheless, the City of Adelaide and the many issues that it faces are much older than this particular conflict. The concept of three councils and three Ministers meeting several times a year is a novel idea and one which I hope will encourage the city's development.

The City of Adelaide must be revitalised. It is appropriate that at this time we take the opportunity to provide the city with its own Act to recognise the special case of the Adelaide council separate from that of the Local Government Act. We must recognise the need to bring back people to the square mile of the city. Everything possible must be done to encourage the regrowth of our city. An important component will be the return of substantial numbers of residents to the square mile and not just to the exclusive Adelaide suburb north of the Torrens.

This brings about the debate on residential owner/occupier rate rebates. It is quite extraordinary that residents in North Adelaide receive such a massive subsidy from other commercial ratepayers and city users. The system in place is a rort and one which I am pleased to see end. It is especially pleasing to see that a former Lord Mayor, the member for Colton, shares this opinion. Adelaide is a city of diversity in its inhabitants, commercial interests, mixture of religious and cultural centres, education institutions, and much more, whilst at the same time it is ever conscious of the need to cater for the needs of all South Australians who use the city.

I note with interest the comments of the member for Kaurna, Mr John Hill, in the other place who challenged us to think of Adelaide as a unique city in the park rather than a city surrounded and divided by parklands. That is an interesting idea which may refocus attention on the beauty of our city, a city that has remained true to much of the vision of its founder, Colonel Light. It reflects the duty of the council to encourage access to the city for all South Australians and recognises the environmental care implications for the city.

Along with the member for Kaurna in the other House, I was one of a number of members of Parliament from both Houses who took up the opportunity earlier this year to attend a workshop and undertake a tour of our parklands as part of the City of Adelaide Parkland Management Strategy. I hope that the outcome of that strategy will reflect the uniqueness of our parklands and reflect on the quality and accessibility of our parklands.

The Opposition has tabled several amendments, which will provide for the creation of a register of interests, placing the elected members of the City Council in line with requirements of parliamentary members. This will allow for a clear declaration of donations, which is an important feature of transparent democracy in action.

I need not remind members opposite—and particularly the Hon. Legh Davis—of my support for compulsory voting. The Opposition will seek to provide this opportunity to the voters in Adelaide. I also support the amendment of the Hon. Nick Xenophon, particularly that relating to the proposal to reopen Barton Road. I am sure that this will certainly please the member for Spence and those members in the western suburbs who have had access to North Adelaide significantly restricted by this road closure.

Whilst I welcome this Bill, I note that it is a little unfortunate that the Government has missed an opportunity to take the reform of the city governance a little further. However, I am sure, as has been indicated by my colleagues in the other place, that it is likely to occur at a future time. I support the second reading of this Bill.

**The Hon. T.G. ROBERTS:** The Opposition supports the passage of the Bill and agrees with the position put forward by the Government in relation to the Capital City Committee. I wish to reflect a little on the history up to this point. There has been a whole slug-out battle between the Adelaide City Council and the Government in relation to reaching the point where we now find ourselves. I am one of those who believe

that the best reforms come out of negotiations and discussions rather than the imposition of one power bloc or power group imposing its will on another.

In this case, the Bill has grown out of a compromise position. It makes sense that the State Government, which has a responsibility for the growth of the State and the wellbeing of the city, being a part of that growth, has some input into the future direction that the City of Adelaide will take. It must take some responsibility for the direction of the city, and that responsibility emanates in the form of the Capital City Committee which will meet to discuss some of those pressing problems that the City of Adelaide faces.

In the Minister's second reading speech he mentioned a number of persistent problems, such as static commercial property values (I would say falling commercial property values), the rapid decline in retail activity and the high vacancy rates in commercial buildings. Some of those issues are more pressing than others. We would also add to that the revitalising of the city by residents, so that it is turned into a live and functional city into which people will be drawn to live by its quality of life. We should look at it as being a futuristic city, able to provide entertainment opportunities and recreational opportunities in a safe environment for families.

I would like to pay a tribute at this stage to the Adelaide City Council and the flexibility that it showed in the revamping of the East End, as well as pay a tribute particularly to the Italian, Greek, Hungarian and other communities that have put in time, energy and effort and made some commercial decisions which, at the time, were a little risky, but which in the end paid off and made the East End, particularly, a very liveable part of the city and a very liveable part of the State. They did that at some risk to themselves, as battles took place within the State Government as to what the future of those areas geographically was to be, and they succeeded, probably despite the best interests of State Governments, to plan future growth, which did not occur.

I must also pay tribute to the administrators of Tandanya, who certainly thought they were being placed by Government in a position where there would be international travellers and far more support for their program of cross-cultural education for international tourists, which I am afraid did not eventuate because the growth that was expected to occur did not occur.

The City of Adelaide council had to grapple with the expectations of the 1980s and fall into the mapped out programs that were put in place. It then had to adjust to administering not growth but decline, and that is not easy. The Government made a mistake when it issued ultimatums to the council at that time and tried to apportion blame to the Adelaide City Council for some of the failings of the State Government. I must say that the previous Labor Government must take some responsibility for that position, because it certainly did not start under the current Liberal Government. In some cases, the Adelaide City Council took the full brunt of the responsibility for the decline of the inner metropolitan area, and I thought (and still think) that that was most unfair.

A more mature attitude has emerged on behalf of the State Government, the Opposition and, I suspect, the Adelaide City Council in putting together a Bill such as this and thrashing it out, neither group starting off with the Bill that we have in front of us but ending up with something that I think is eminently workable, and out of it will come some reforms that will lead to the setting up of an example for other areas of local government to pick up when the Local Government Act is changed.

I agree that we do need a separate Act for the Adelaide City because it is different and has different needs and requirements: certainly there is no other area of the State that mirrors the City of Adelaide and its environs. We acknowledge that much to the Government. As to the detail of the Bill, I indicate that we would be looking at an accelerated abolition of the rate rebate system, to which the Hon. Carmel Zollo made passing reference, the abolition of the ward structures and support of the Capital City Committee and its program and intentions.

I have just filed an amendment which is being circulated and which places some restrictions on the council, if not being incorporated is a restriction. However, the ability for the council to act in a democratic way and achieve its aims still can be achieved even though it may not be an incorporated body. It may also make it easier for the Adelaide City Council to work in partnership with the Capital City Committee if the power equalisation is not offended too quickly by perhaps some actions that may be accelerated by an incorporated body. If it is not incorporated, it will encourage that cross-fertilisation.

It will not be voluntary, but necessary consultation will have to take place, and through consultation will come understanding. Hopefully, we can all move forward together whilst this Capital City Committee and the city council are coming to terms with some of the problems that the Government says they ought to fix.

I will also be supporting the Hon. Mr Xenophon's amendments in relation to Barton Road, although I understand that negotiations are still continuing in that regard. I have not spoken to the Democrats recently—

*The Hon. T. Crothers interjecting:*

**The Hon. T.G. ROBERTS:** It is the Barton Terrace we hear quite a bit about. It is a road that could be described as a commercial linking route between the western suburbs and the inner city area. If you speak to at least one member in another place, you find that it is probably as important as the silk trading routes between China and the Middle East some 500 years ago. But I do place some importance on the linkage of the city to the outlying suburbs so that the city does become a centre for, as I said, retail, commercial and entertainment activities. I think it has shown a lot of leadership in setting out a lifestyle to which people will be attracted and, hopefully, it will become a city which we are proud to display, along with all the other cultural benefits that we have within the inner metropolitan area, to overseas tourists so that not only ex-Adelaidians will remember the City of Adelaide with good thoughts and associate it with growing up but also overseas tourists will pass on their impressions of Adelaide and, hopefully, we will get the tourism support that we deserve.

I understand that we are moving into Committee. Discussions are still occurring and we would not like to move too quickly through the Committee stage. We support the second reading and the intentions of the Bill.

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

**The Hon. T. CROTHERS:** Mr President, I draw your attention to the state of the Council.

*A quorum having been formed:*

## TOBACCO PRODUCTS REGULATION (DISSOLUTION OF SPORTS, PROMOTION, CULTURAL AND HEALTH ADVANCEMENT TRUST) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 August. Page 1369.)

**The Hon. P. HOLLOWAY:** This Bill has been introduced, according to the Government, as a result of a review by the Economic and Finance Committee which recommended that Living Health be disbanded. While I do not dispute the committee's decision, it is also important to remember that the direct reason for the disbandment of Living Health is that its funding source—the State levy on tobacco—has now been disallowed due to the decision of the High Court on State excises.

In some ways it is unfortunate that it is necessary to take this step as I believe in the objectives of Living Health, but unfortunately the reality never lived up to those objectives. During debate on the legislation to set up Living Health the then Minister of Transport, the Hon. Gavin Keneally, stated:

> The trust has a charter to go wider than simply replacing lost tobacco sponsorship. There is a scope for sponsorship and assistance to be spread widely by the trust through the community rather than concentrating on a few high profile events. Young people and young women in particular who comprise the highest group of smokers could be target populations for sporting and cultural assistance from the trust.

They were Gavin Keneally's comments in *Hansard* of 6 April 1988. This is the greatest tragedy of the failure of Living Health to live up to expectations. We live in a society where smoking amongst young people, especially amongst young women, is rife. It is my opinion that there has been no effective campaign to halt this and that failure has to be shared by Living Health. It is apparent that not enough money was ever expended on health and education programs and too much money was spent on what the original legislation sought to avoid, namely, high profile events.

What has also become apparent is that in the areas where smoking was a serious problem among young people, in the northern and southern suburbs in particular, there was little support for anti-smoking campaigns and sporting and arts events alike. I would like to ensure in supporting this Bill that this failure will not be repeated, that in funding through the department there will be a coordinated response to the issue of teenage smoking and that greater emphasis will be placed on education. More effort must be put into this area to stop the current trend of young people to commence smoking.

The Attorney-General stated in his second reading explanation that far too much money was spent on administration. It was around the $900 000 mark for 1995-96. I hope that the Attorney can give an assurance to this place that administration costs will be kept to a minimum so that the money that will go into the new fund will go towards proper programs rather than administrative costs. With those brief comments, I indicate that the Opposition will support this Bill. In Committee we will ask questions in particular about the new arrangements that will replace Living Health.

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

## LOCAL GOVERNMENT (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 August. Page 1447.)

**The Hon. P. HOLLOWAY:** I indicate that my colleague the Hon. Terry Roberts will have carriage of this Bill on behalf of the Opposition. I just wish to make a few comments in relation to one part of this Bill, that is, the European wasp problem as it relates to my shadow responsibilities in that area.

**The Hon. T. Crothers:** You'll get a bit of a buzz out of this!

**The Hon. P. HOLLOWAY:** Probably not. The reason I wish to raise—

**The Hon. L.H. Davis:** This is the only time the Labor Party is a hive of activity!

**The Hon. P. HOLLOWAY:** How could I ever top that? I wanted to raise this problem because I did receive some correspondence a month or so ago from the Apple and Pear Growers Association of South Australia in relation to the problem that their industry faces with European wasps. I should like to go through in detail some of the points the association raised, because I think it is important to put it on the record. The letter states:

> The Apple and Pear Growers Association of South Australia recently conducted a survey of apple and pear growers to obtain some current information on the problem of European wasps. The following is a breakdown of the results:
>
> 1. Of the 38 forms returned, 30 growers indicated European wasps were a problem during the 1998 harvest.
> 2. Of the 38 returns, 23 rated the problem as between 5 and 10 (scale was 0—no problem, 10—major problem).
> 3. The following are the number of nests located on growers' properties from 1994 to 1998.

| Year | No. of properties | No. of Nests |
|---|---|---|
| 1994 | 3 | 19 |
| 1995 | 5 | 32 |
| 1996 | 14 | 77 |
| 1997 | 21 | 103 |
| 1998 | 32 | 168 |

> 4. Of the 38 returns, 24 businesses indicated that they had employee(s) stung by wasps during the 1998 harvest. Across those 24 businesses, a total of 50 staff were stung.
> 5. Some of the more specific observations by growers are as follows:
>
> (a) The wasps are more prevalent around apples that have been eaten by birds.
> (b) Employees working as pickers are more likely to be stung when harvesting fruit that has previously been eaten by birds.
> (c) The wasps are a problem when employees are eating food.

I think anyone who has seen these things know how they are attracted by meat.

> (d) Employees working in the orchard are often stung after standing on nests.
> (e) Wasps are around any waste or damaged fruit, particularly near the packing sheds. As packing occurs all year round, so the wasps can be a problem all year round.
> (f) The wasps come in large numbers when value-adding activities are occurring on farm, eg. preparing jams, juicing.
> (g) Wasps appear to have an influence on other insects, eg:
>
> 1. There appears to be a lack of flies around when the wasps are.
> 2. They appear to attack bees. It has been suggested that they might even destroy beehives, particularly wild beehives.
>
> (h) The presence of wasps in the orchard can slow down harvest and on occasions pickers have refused to work in areas where wasps are a problem.

Based on these comments, the apple and pear industry would indicate that the following are the major issues in relation to the presence of European wasps.

1. Wasp numbers and numbers of nests in orchards are increasing in dramatic proportions.
2. The wasps pose an occupational safety and welfare risk to employees within the industry. Individual growers are addressing the issue by making relevant medicine available to employees but, because harvesting is often done in isolation, there is a probability that a death could result.
3. The wasps represent a hazard to the valued-adding process resulting in a further financial decline for the processing sector of the industry.
4. The delays in harvesting resulting from high wasp numbers could cause major financial losses for individual apple/pear growers. High numbers of wasps in an area and the time delays taken in locating and destroying the nest(s) could result in fruit being over mature when finally harvested and be of reducing or no value to the grower. If numbers of wasps continue to grow, then the potential for increased financial losses could be high.
5. If wasp numbers continue to increase uncontrolled, then the effect on the bee populations, both wild and introduced bees, could be dramatic. Bees are an important part of the pollination process and, if pollination is reduced, then the level of crop produced is also reduced. Any such reduction will result in financial difficulties for growers.

Overall, the European wasp is a major issue for the South Australian apple and pear industry with increasing numbers posing both an occupational safety and welfare problem and a financial burden to growers. As the apple and pear industry is a major industry for both the Adelaide Hills region and the State of South Australia, all possible action must be taken by Government, councils, industry and the community to eradicate this pest and minimise the financial costs and loss of income to the industry.

That letter, which I received from the apple and pear growers, makes a number of interesting points. It shows that not only is this insect a nuisance to householders but it also has the potential to cause financial damage to industry within this State and, therefore, it is important that we should do our best to address this problem.

When the Bill was first introduced in another place it is my understanding that the Government was having negotiations with local government, which at the time was rather unhappy with the result. However, I understand that after considerable negotiations some agreement at least has been reached. I believe that discussions are still ongoing between the Government and the Local Government Association in relation to dealing with this problem. Originally, the concern was that local government would be effectively forced to pass the cost on to people who wished to have nests destroyed and the costs that local government would have to charge would in fact deter people from reporting the problem in the first place.

I understand that, as a result of discussions, the Local Government Association has agreed to the order-making power on this matter in the Bill, as it has negotiated a draft, which I think is still subject to some consultation, of the following parameters within a heads of agreement on this matter with the Government. I intend to put these points on the record, as follows:

1. Funding of up to $360 000 per year from the Local Government Disaster Fund for three years.

2. Contribution by councils and the State Government along the lines of the previous equalisation fund, both sectors contributing $70 000 per year—the equalisation fund is to be used to offset costs of councils for eradication of wasp nests.

3. Education and community awareness program as drawn from the $360 000 above in consultation with local government.

4. There is a specific agreement to expand nest eradication funds. Previously only equalisation funds were used for this purpose.

5. Joint work to identify whether this power ought to be best placed in another piece of legislation rather than the Local Government Act.

Regarding the last point, there has been some discussion as to whether the problem of wasps should be dealt with in the primary industries sector, as are other pests such as fruit fly, or whether it should be dealt with, as it is in this legislation, under the Local Government Act. That is another issue for another time. Given that the Local Government Act is under review at the moment and therefore this matter will also be under review in the future, it was felt that the inclusion of the older powers in the Bill would provide a trial period and that, if there are issues arising, they could be addressed in the new Local Government Act when it is reviewed in the future.

Finally, I wish to make the point that councils provide very much a free or low fee service concerning the destruction of wasp nests. The order-making power contained in the Bill would be used only where a resident or other property owner chose not to take advantage of this service, was provided notification that a wasp nest was on their property and chose to take no action with the council for the removal of the nest. The regulations proposed under this Bill, as I understand it, will establish the cost for eradication, and it may be appropriate to make special reference to pensioners or other financially disadvantaged persons who reasonably did not understand nor act on the notification provided by the council.

We have come a fair way with respect to dealing with the wasp problem. I understand that, as a result of negotiations with the Government, local government is now much happier with the provisions in this Bill. Let us all hope that when this Bill is finally passed we can deal with this problem. Let us also hope that, as a result of research efforts in connection with this matter, some sort of satisfactory biological control regime can be used to reduce the numbers of these pests. I conclude my remarks on that note and hope that we can, through the passage of this Bill, improve the fight against European wasp.

**The Hon. J.S.L. DAWKINS:** This Bill makes some amendments to the Local Government Act which are necessary for practical reasons pending the revision of the entire Act. First, it puts in place some interim arrangements for dealing with any changes to council boundaries which might be necessary in the period 30 September 1998 until the new Local Government Act comes into force. This might be applicable to any finetuning that is needed following recent amalgamations where the numbers of local government bodies have been reduced from 118 to 69.

I understand that even as late as this evening a move has been made for a further amalgamation in the South-East of this State, and that may well involve some suggestions about further finetuning in that area. The provisions for change in council areas which will ultimately replace the board process are currently the subject of consultation with local government and the broader community. In the interim, this Bill provides for the operation of a boundary adjustment facilitation panel. This involves redesignating the Local Government Boundary Reform Board as a panel that can be constituted only if necessary.

The panel will comprise half the members of the current board, a streamlined administration and restricted powers. Functions of the panel will be limited to completing any remaining works associated with the board and with board formulated proposals, as well as processing voluntary

proposals lodged by councils. Secondly, before these arrangements are put in place, the Local Government Boundary Reform Board will need to prepare a report on the extent to which the structural reform has been met, particularly in relation to, first, a significant reduction in the number of councils; secondly, significant reductions in total costs of providing services of local government; thirdly, significant benefits for ratepayers; and, fourthly, other opportunities in structural reform.

The report will also provide a means of recognising and identifying the work done by the board and councils in recording the experiences of this structural reform process. This report is to be tabled in Parliament within 12 days of its receipt by the Minister. The third aspect of this Bill has been drafted at the request of the Local Government Superannuation Scheme. It is intended to amend the current section 75 requirement that the investment of funds generated under the superannuation scheme must be carried out on behalf of the Local Government Superannuation Board by investment managers appointed by the board.

The amendment will allow the board to hold some direct investments. The fourth matter included in the Bill relates to European wasps, referred to this evening by the Hon. Paul Holloway and last evening by the Hon. Ian Gilfillan. These introduced pests, that is, European wasps, have developed into a significant public nuisance in South Australia.

As the Hon. Mr Gilfillan said, perhaps if we do not combat these pests in the right way, they may finish up being on a par with the threat of fruit fly in this State. Most members would be aware of the impact of European wasps on the South Australian lifestyle, while their effects on tourism, horticulture and the environment are yet to be quantified, although the Hon. Paul Holloway has given us some examples from industry this evening. Despite the history of cooperation between State and local government on wasp control, the task of eliminating this dangerous pest with current measures has proved impossible.

This Bill seeks to put in place before next summer an order making power to allow councils to direct owners or occupiers of property to take action or destroy any European wasp nests located on their property. This is a reserve optional power as a back up to the actions of responsible landowners. I understand that the Government is currently well advanced in negotiations with local government for a three year subsidisation program to support councils in combating European wasps. I support this Bill and the provisions it introduces, pending the revision of the current Local Government Act.

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

## POLICE (COMPLAINTS AND DISCIPLINARY PROCEEDINGS) (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to amendment No. 2 made by the Legislative Council without any amendment and disagreed to amendment No. 1.

## BULK HANDLING OF GRAIN ACT REPEAL BILL

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

**The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning):** I move:

*That this Bill be now read a second time.*

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

Leave granted.

The purpose of this Bill is to repeal the *Bulk Handling of Grain Act 1955*.

The core objective of the *Bulk Handling of Grain Act 1955* (the Act) is to convert the storage, handling and transport of grain in bags to a system of bulk storage. In so doing, the Act confers certain rights, powers and duties on South Australian Co-Operative Bulk Handling Limited (SACBH). The conversion to a system of bulk storage was successfully accomplished some time ago.

SACBH is a public, unlisted company limited by guarantee and thus does not have a share capital. It is required to comply with the *Corporations Law* like other companies and its Memorandum and Articles of Association are the constituent documents under which SACBH operates. The Government has no financial interest in SACBH.

Repealing the Act will—

- remove the statutory sole receiving rights of SACBH;
- remove statutory impediments to the commercial operations of SACBH;
- have some financial implications for SACBH, including a possible change in its current tax exempt status.

The 1988 Royal Commission into Grain Storage, Handling and Transport recommended removal of sole handling rights. Other Commonwealth and State legislation contains over-riding provisions or permits marketing boards to appoint authorised receivers so that, in effect, the sole receiver authority of SACBH is largely removed. In practice, however, as there has been little alternative investment in central storage facilities, the majority of grain in South Australia is still received by SACBH.

The management of SACBH believe that the commercial advantages resulting from the repeal of the Act will outweigh any disadvantages.

In 1997, as a response to representations from SACBH, the Act was reviewed to consider whether SACBH required statutory backup (as provided in the Act) given that SACBH is also subject to the *Corporations Law* and the *Trade Practices Act 1974* (Cth).

The review was conducted by a working party with representatives from growers, marketing boards and the State Government. Consultation was undertaken with press releases and wide distribution of a discussion paper. Submissions received in response to the paper were in favour of repealing the Act. Support for repeal of the Act was given by—

- the Advisory Board of Agriculture;
- the South Australian Farmers Federation;
- the Australian Wheat Board;
- the Australian Barley Board.

The working party concluded that the Act is no longer relevant in the current commercial and economic climate for the following reasons:

- it is inconsistent with a deregulated domestic milling and feed wheat market and the probability of a deregulated domestic market for stockfeed and malting barley;
- it impedes the development of more commercial operating structures to reduce costs;
- it is at variance with the recommendations of the 1988 Royal Commission into Grain Storage, Handling and Transport relating to removal of sole handling rights.

The working party unanimously recommended that the Act be repealed.

I commend the Bill to honourable members.

Explanation of Clauses

*Clause 1: Short title*

*Clause 2: Commencement*

These clauses are formal.

*Clause 3: Repeal*

This clause repeals the Bulk Handling of Grain Act 1955.

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

## STATUTES AMENDMENT (MOTOR ACCIDENTS) BILL

Returned from the House of Assembly with amendments.

## CRIMES AT SEA BILL

Returned from the House of Assembly without amendment.

## LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

**The PRESIDENT:** The Legislative Council has received a message No. 107 from the House of Assembly returning the Legal Practitioners (Miscellaneous) Amendment Bill without any amendment. Unfortunately, the House of Assembly has overlooked a request contained in message No. 72 from the Legislative Council to insert a money clause No. 52 in the Bill. Therefore, the Legislative Council should not formally receive this message because this would conclude the process. Instead it will be returned to the House of Assembly for its full consideration by that House.

## STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Returned from the House of Assembly without amendment.

## ADJOURNMENT

At 10.32 p.m. the Council adjourned until Thursday 20 August at 11 a.m.