LEGISLATIVE COUNCIL

Tuesday 8 December 1998

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

ASSENT TO BILLS

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

Australian Formula One Grand Prix (South Australian Motor Sport) Amendment,

Non-Metropolitan Railways (Transfer)(National Rail) Amendment.

Stamp Duties (Share Buy-backs) Amendment.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to questions on notice Nos 220 and 262-5 of last session and Nos 3, 8, 13, 15, 28, 38, 51, 54, 73, 74 and 76 of this session be distributed and printed in *Hansard*.

DEMERIT POINTS

3. **The Hon. T.G. CAMERON:**

1. How many people lost their licences due to losing demerit points during 1997-1998?

2. How many people were issued with demerit points for speeding offences during 1997-98?

3. How many drivers lost their licences as a result of incurring demerit points for speeding offences during 1997-1998?

4. How many people current have nine or more demerit points?

The Hon. DIANA LAIDLAW:

1. During the financial year 1997-1998, 12,197 drivers accumulated 12 or more demerit points and were disqualified from driving for three (3) months.

2. During the financial year 1997-1998, 151,287 drivers were issued with demerit points for speeding offences.

3. During the financial year 1997-1998, 1,167 drivers were disqualified from holding or obtaining a driver's licence as a result of incurring demerit points for speeding offences.

4. Currently, there are 17,302 drivers who have nine or more demerit points recorded against their name.

TRANSPORT FARES

8. **The Hon. T.G. CAMERON:**

1. What is the estimate of the cost to the Government in 1998-99 in lost revenue as a result of the public transport fare increases announced in the 1998-99 State Budget?

2. How much revenue in total will be raised as a result of the public transport fare increases announced in the 1998-99 State Budget?

3. How much revenue will be raised as a result of the public transport fare increases announced in the 1998-99 State Budget for—

(a) trains;

(b) buses; and

(c) trams?

4. In its attempt to address the projected decline in public transport patronage due to State Budget fare increases, how much extra funding in 1998-99 has the Passenger Transport Board allocated for—

(a) increased fare compliance;

(b) improved information;

(c) service design;

(d) promotions;

(e) infrastructure; and

(f) education?

The Hon. DIANA LAIDLAW:

1. The Passenger Transport Board (PTB) anticipates that revenue will increase—not fall—in 1998-99 as a result of the fare changes—therefore there is no estimate for lost revenue.

Under the Passenger Transport Act 1994, (Part 3, Division 1, Section 20), the PTB (not the Government) has responsibility for determining, monitoring and reviewing the fares (or scale of fares).

2. The budgeted revenue for Metroticket sales in the 1998-99 financial year totals $49.1 million. This is $2.8 million higher than 1997-98 revenue, and takes account of the July 1998 Metroticket fare changes.

3. The integrated ticketing system for public transport in Adelaide does not provide for differentiation of Metroticket sales revenue by mode of transport.

Based on patronage patterns for each mode in the 1997-98 financial year, the budgeted revenue of $49.1 million may be approximated as follows—

- Bus 78 per cent of $49.1 million equals $38,298,000;
- Train 18 per cent of $49.1 million equals $8,838,000;
- Tram 4 per cent of $49.1 million equals $1,964,000.

4. As part of the Government's goal to reverse the dramatic decrease in patronage inherited from the former Labor Government, the 1998-99 PTB budget incorporates funds for the following activities—none of which have any relationship with the fare increases announced in the May State Budget—

- Increased fare compliance: $80,000 has been allocated to facilitate fare compliance over and above the ongoing significant requirements defined in contracts with service suppliers.
- Improved information: Approximately $490,000 has been allocated to improve information to passengers, including the design and installation of Bus Stop Information Units. The recurrent annual advertising budget of $200,000 will fund Metroticket guides and publications.
- Service design and Infrastructure: $650,000 has been provided to meet the Government's 1997 election commitment to prepare a 10 year infrastructure investment plan for public transport.
- Promotions: Again this year, $250,000 has been allocated to promotions of public transport, including special events such as the Royal Adelaide Show, Skyshow and New Years Eve, within the annual Promotions budget.
- Education: Initiatives to provide public information and education regarding passenger transport are funded from the promotions budget (see above) and are not costed separately.

PILCHARDS

13. **The Hon. P. HOLLOWAY:**

1. Can the Minister for Primary Industries, Natural Resources and Regional Development advise what arrangements are in place for the 1999 pilchard fishery?

2. What decision, if any, has been made in relation to the allocation of quota for the 1999 pilchard fishery?

3. How will the 1999 quota be divided between members of the pilchard fishery?

The Hon. K.T. GRIFFIN: The Minister for Primary Industries, Natural Resources and Regional Development as provide the following response:

1. The Pilchard Fishery Working Group established by the Director of Fisheries has finalised the development of a Scheme of Management for the pilchard fishery for 1999 and beyond. I am awaiting advice from the working group and the Director of Fisheries on what the management arrangements entail, but understand from minutes of the working group meetings that general agreement has been reached on a management strategy.

The agreements include the area of the fishery, use of fishing gear, setting of quotas and licensing arrangements.

Once I have made a decision on the new arrangements, PIRSA Fisheries and Aquaculture will provide advice to Parliamentary Council to draft new regulations for approval by Cabinet. Implementation of the new Scheme of Management is scheduled for early 1999. The new arrangements will provide for the issue of a specific fishing licence for the taking of pilchards and other associated species.

2. No decision has been made yet on quota allocation. I will be determining access arrangements once I have the formal advice from the Pilchard Fishery Working Group and PIRSA Fisheries and Aquaculture.

3. The division of quota between those persons who gain access to the pilchard fishery is yet to be determined. This decision cannot be made until one understands who will have access to the fishery and what implications the recent pilchard mortalities have for the stock.

ELECTRICITY, PRIVATISATION

15. **The Hon. P. HOLLOWAY:**

1. In the light of the Auditor-General's call for the sale of assets to be underpinned by 'sound processes that exhibit transparency and reflect the appropriate accountability mechanisms' on page A.2-73 of the Auditor-General's Report, how does the Treasurer justify his Government's refusal to release key documents in relation to the proposed electricity sale?

2. (a) Does the Government intend to continue ignoring the warnings set out in the Auditor-General's Report regarding transparency of process; or

(b) Will the Government review its asset sale procedures to ensure that they are transparent and accountable?

The Hon. R.I. LUCAS:

1. The sale or lease of significant State-owned assets such as the electricity assets, is a process in which information on the assets is at a premium. There are many interested parties who wish to have access to any such data, in an attempt to gain a competitive edge over other interested parties. The potential purchasers, advisers, financiers and creditors all seek to maximise the information they have upon which to make their decisions and gain advantage from the competitors or counterparties in the context of the potential for major, structural changes in the industry.

At the same time, the Government is attempting to assess the value of its asset, and undertaking valuation exercises and sensitivity analyses of its own.

Information is continuously accumulating and superseding other information as the context changes. Data quickly becomes irrelevant or inaccurate because of the changing circumstances. Any specific data or static conclusion is only meaningful within a particular context of facts and assumptions, and when this context changes the data becomes misleading and inaccurate.

The release of information by the Government which is inaccurate, out-of-date and/or capable of misinterpretation could adversely affect the sale/lease process. This adverse effect could be expected to occur either by the release of information which (i) confers an information advantage to competitors or counterparties, existing or prospective, (ii) reduces the eventual sale / lease price of electricity assets, or (iii) deters a potential purchaser from pursuing further investigations/negotiations.

For example, many reports in the Government's possession were undertaken at a time when the various relevant markets were in a different state, and they contain assumptions and assertions which are no longer accurate or complete. Such documents could have an adverse impact upon a potential purchaser who does not have that background information.

The deterrence of even one potential purchaser is a significant potential loss to the Government, both directly and in consideration of the 'signalling' impact of a party displaying a decline in its interest, as the strategic market for electricity assets is highly competitive and sophisticated.

The only way to ensure that all potential purchasers are treated equally, and given up-to-date, correct information, is to limit access to a controlled output. That is achieved by the use of the 'data room'. At a point prior to sale/lease, all potential purchasers will be invited to consider, in confidence, all of the data that the State is required to disclose in order to discharge its obligations as a vendor. It will be done in a controlled fashion so that no one party is advantaged over another. The parties will have equal access to the data room.

To allow the Government to disclose information concerning particular data of the State's electricity assets outside the data room situation, or the conclusions of other advisers based on information which is outdated, inaccurate or incomplete, is to risk jeopardising the sale/ lease process and to risk deterring a potential purchaser.

2. The Government is committed to ensuring that the sale/lease process is both transparent and equitable. Since announcing the sale of the electricity assets, the Government has:

- Engaged a probity auditor (Adelaide Law Firm, Fisher Jeffries) to advise on whether the Bidding Rules for the sale of the electricity assets can be expected to satisfy probity principles;
- Introduced enabling legislation, the Electricity Corporations (Restructuring and Disposal) Bill, into the South Australian Parliament;
- Publicly announced the sale process.

On 30 June, the Government announced that it is working towards a series of sequential two-stage trade sale processes encompassing an indicative bid/expression of interest screening process followed by a final round competitive bidding process for each significant asset.

The process will be designed with the following objectives in mind:

- Transparency and fairness for all bidders;
- Tight process with confidentiality;
- Minimising the risk and maximising proceeds to the State;
- Complete and accurate due diligence;
- Maximum flexibility in bidder and asset package structuring.

The Government is confident that the asset sale/lease procedures are fair and transparent and thus believes there is no need for them to be reviewed.

The Government will be accountable to the community for ensuring that any sale or lease proceeds represent a premium over current contributions received for the electricity assets. In addition, the Government has amended the Electricity Corporations (Restructuring and Disposal) Bill to provide that that net proceeds of the sale will be paid into a special deposit account at the Treasury which must be used solely for the purpose of retiring State debt and meeting superannuation liabilities.

GOVERNMENT ADVERTISING

28. **The Hon. R.R. ROBERTS:**

1. What type of advertising was undertaken by the Treasurer, or any of his officials, from 30 June 1997 to 30 September 1998, in relation to any Department or statutory authority within the Treasurer's portfolio?

2. Was any of the advertising undertaken internally?

3. If so, what was the subject nature of each campaign and the cost?

4. Was any advertising conducted by external agents or firms from 30 June 1997 to 30 September 1998?

5. If so, what is the name of the agency or individual?

6. What was the subject nature of each campaign and the cost?

The Hon. R.I. LUCAS: I provide the following information for the period 30/6/97 to 31/12/97.

Department of Treasury and Finance

- Budget Reform Branch
  1. Paid advertising was placed in the print media for staff and consultants to assist in the implementation of accrual-output budgeting.
  2. No (apart from the advertisement of staff positions in the Notice of Vacancies).
  3. Not applicable
  4. Yes.
  5. AIS Media.
  6. See 1, above—cost $2,503.26.
- Corporate Services
  1. Advertisement for staff vacancy
  2. No (apart from the advertisement of the position in the Notice of Vacancies).
  3. Not applicable
  4. Yes
  5. Advertisement in Advertiser through Charterhouse (now called Iceburg Media)
  6. To advertise position of assistant manager financial services in Corporate Services in October 1997 at a cost of $638.40.
- Economics Branch
  1. Information advertisement in the *Advertiser* on 1 September 1997.
  2. No.
  3. Not applicable.
  4. Yes.
  5. AIS Media designed and placed an advertisement in the *Advertiser* newspaper.
  6. Information regarding the Section 90 safety-net arrangements. This advertisement was a requirement of the Commonwealth Government as part of the safety-net arrangements to replace State revenue from liquor, tobacco and petroleum franchise fees—cost $10,031.67.
- State Superannuation Office
  1. Advertisements for staff vacancies.
  2. No (apart from the advertisement of staff positions in the Notice of Vacancies).
  3. Not applicable.
  4. Yes.
  5. (a) TMP WorldWide.
     (b) AIS Media.
     (c) Lyncroft Consulting through ADCORP.

6. (a) To advertise nationally for nine personnel—on 25/7/97—cost $19,997.09.
(b) To advertise the position of senior systems analyst—on 23/10/97—cost $877.92.
(c) To advertise the position of General Manager—on 9/11/97—cost $7,324.90.

· State Taxation Office
1. Display advertising in print media.
2. No.
3. Not applicable.
4. Yes.
5. AID Media Services.
6. Advertising to publicise the Stamp Duty Penalty Amnesty—cost $4,504.

· Gaming Supervisory Authority
1. The only advertising undertaken by the Gaming Supervisory Authority from 30 June 1997 to 31 December 1997 consisted of advertising for the position of Probity Auditor in connection with the proposed sale of the Adelaide Casino.
2. No.
3. Not applicable.
4. Yes.
5. The *Advertiser* and AIS Media.
6. See I. above—cost $884.09 (the *Advertiser* $519.30 and AIS Media $364.79).

· Motor Accident Commission
1. (a) The Motor Accident Commission conducted a Compulsory Third Party Fraud Advertising Campaign from 29 June 1997 through 24 August 1997.
(b) The Motor Accident Commission conducted a 1997/98 Sponsorship call, advertising in June and July 1997.
2. No.
3. Not applicable.
4. Yes.
5. Bottomline Pty Ltd.
6. (a) The Compulsory Third Party Fraud Campaign asked South Australians to assist the Motor Accident Commission in reporting alleged fraudulent behaviour through the CTP Fraud Hotline. A previous campaign in 1995 resulted in substantial savings in costs and those savings are able to be factored into premium adequacy calculations thus enabling premiums to be held at a lower level than would otherwise be the case. The total cost of this campaign was $94,788.13.
(b) The Sponsorship call invited the public to make submissions that demonstrate a reduction in the cost of road accidents. The Compulsory Third Party Fund has a sponsorship program of up to $2 million per annum to support road safety initiatives, medical research and rehabilitation programs. A carefully targeted communication program was considered desirable to enable wide dissemination of information regarding the call in order to ensure the highest standard of applications, and hence the best possible return of benefits to the Fund. The total cost of communicating the Sponsorship call was $18,861.13.

· South Australian Asset Management Corporation
1. Advertisements for the sale of real estate.
2. No.
3. Not applicable.
4. Yes.
5. Mitchell, O'Neill Farrell.
6. The purpose of the advertisement was to sell real estate namely, 55 Grenfell Street. The total cost of advertising was $8,051.66.

· South Australian Government Financing Authority
1. (a) Advertisements for the SAFA retail bond program.
(b) Advertisements for staff vacancies.
2. No (apart from the advertisement of staff positions in the Notice of Vacancies).
3. Not applicable.
4. Yes.
5. (a) Advertising Investments Services Pty Ltd.
(b) Advertising Investments Services Pty Ltd.
6. (a) Advertisements for the SAFA Tap Issue Public Loan involved the publication of articles in the press detailing interest rates applicable to investment bonds offered by SAFA to the general public. The cost from 30 June to 31 December 1997 was approximately $6,600.
Printing of the Prospectus and Application Forms for SAFA Bonds Issue No 8 were arranged through State Print (which sub-contracted the work to Leigh Set Design) at a cost of $2,270 in September 1997.
(b) Advertisements for staff vacancies were arranged by Advertising Investments Services Pty Ltd—cost $4,328.

GOVERNMENT CONTRACTS

38. **The Hon. R.R. ROBERTS:**

1. Has the Treasurer, or any of his officials, engaged the services of any public relations firm or individual during the period 30 June 1997 to 30 September 1998?
2. What is the name of the firm or individual?
3. What was the nature of the service provided?
4. For how long was the service provided?
5. How much was paid for each service?

The Hon. R.I. LUCAS: I provide the following information for the period 30/6/97 to 31/12/97.

Department of Treasury & Finance
1. Yes.
2. (a) Bernard Boucher Communications
(b) Phoenix Design
(c) Phoenix Design
(d) Chris Badenoch
3. (a) Editing annual report
(b) Design of small business charter
(c) Design of four internal newsletters
(d) Design of Annual Report and Corporate Plan
4. (a) July to September 1997
(b) August 1997
(c) July to December 1997
(d) October to November 1997
5. (a) $5,442.50
(b) $270
(c) $2,240
(d) $480

Funds SA
1. Yes.
2. Field Business Services.
3. Funds SA engaged a public relations consultant to assist in the management of property related issues over the period September to December 1997. The service involved the preparation of media releases and general liaison with media and monitoring of reports.
4. Four months to 31 December 1997.
5. $6,904.00

Motor Accident Commission:
1. Yes.
2. Hamra Management.
3. To manage the MAC's $2 million Sponsorship Program in conjunction with the public relations requirements of the organisation.

To work with SGIC, which manages the CTP Fund for the Government, ensuring compulsory third party public issues are managed appropriately.

To oversee and implement with the Office of Road Safety, the development of a more than $2.5 million State Road Safety Strategy.

To assist in the marketing of the MAC at a State and National level to stakeholders, interest groups and the wider community.

4. This is a monthly service contracted until 30 June 1998. The consultancy commits a minimum of 20 hours a week at the MAC while providing support, including media monitoring and urgent issues advice or management for MAC 24 hours a day, seven days a week.

5. The cost was established as the result of a tender process and is $7,500 per month.

TRANSPORT, JOURNEY NUMBERS

51. **The Hon. T.G. CAMERON:**

1. What were the numbers of journeys on passenger transport services for each quarter between June 1996 and March 1998?

2. What were the individual quarterly figures for bus, tram and train for the period from June 1996 to March 1998?

The Hon. DIANA LAIDLAW: The tabulation below shows bus, train, tram and total journeys (in millions) by mode for each quarter.

Total Journeys by Mode (Millions)

	Bus	Train	Tram	Total
June 1996	9.03	2.01	0.35	11.39
September 1996	9.14	2.13	0.34	11.61
December 1996	8.58	1.96	0.41	10.95
March 1997	8.30	1.94	0.40	10.64
June 1997	9.19	2.13	0.36	11.68
September 1997	9.04	2.15	0.36	11.55
December 1997	8.45	1.94	0.41	10.80
March 1998	8.54	1.96	0.40	10.90

INSURANCE, THIRD PARTY

54. **The Hon. T.G. CAMERON:**

1. Who is responsible for the setting of premiums for compulsory third party insurance for motor cyclists?
2. Is the process confidential?
3. On what criteria is the level for the insurance for motor cycles based?
4. How many motor cyclists were involved in accidents during 1996-97 which resulted in third party insurance claims?
5. How much in total was paid out in claims for these accidents?

The Hon. DIANA LAIDLAW: The Treasurer has provided the following information.

1. The Third Party Premiums Committee (TPPC) is responsible for determining fair and reasonable CTP premiums. They do so on the basis of accident frequency, the cost of claims and actuarial calculations.

The TPPC is an independent body with three persons representing insurers, two persons representing owners of motor vehicles, one person representing owners of motorcycles, one Government representative and an independent Presiding Officer.

2. Pursuant to the Motor Vehicles Act 1959 Section 129(5), the TPPC 'has all the powers of a royal commission'. The Royal Commission's Act 1917 Section 6, states that 'The Commission may, in connection with the exercise of their functions, take evidence in public or in private'.

The TPPC has long held it desirable that its proceedings should remain confidential, pursuant to the Royal Commission's Act.

3. The CTP insurance premium is based on statistical data such as frequency and cost of accident claims. The statistical data is collected by the claims manager for the Motor Accident Commission (SGIC), which attributes the costs of accidents to the at-fault vehicle. These statistics are carefully analysed by an independent international firm of actuaries.

4. 309.

5. Paid $318,389 (to 1 July 1998)
   Incurred $2,269,513

TRANSPORT, BROCHURE

73. **The Hon. T.G. CAMERON:**

1. How much in total was spent to produce the Transport SA brochure entitled 'Country Driving Hints—Your Guide to Safe Travel'?
2. Who printed the brochure?
3. How many were printed?
4. Where are they available?
5. Will they be available at country petrol stations and rest stops?

The Hon. DIANA LAIDLAW:

1. The cost of producing the brochure was $11,879.
2. The brochure was printed by Finsbury Press.
3. 35,000 copies of the brochure were printed.
4. The brochures have been distributed through metropolitan and regional offices of—

- Transport SA (including Registration and Licensing Offices);
- Royal Automobile Association (RAA);
- SA Police (including police stations and the Traffic Information Office);
- Tourism SA; and
- local Councils.

In addition, brochures have been distributed on request to other organisations and individuals in metropolitan and regional areas.

5. The brochures were promoted during Road Safety Awareness Week which was held from 5—9 April 1998.

The Motor Trade Association (representing garages, crash repairers, service stations) was approached in July to seek their assistance in distribution of the brochures. They agreed to assist by notifying their membership of the availability of the publication. A further 5000 copies were subsequently printed at a cost of $1840 to accommodate this requirement.

VIAGRA

74. **The Hon. T.G. CAMERON:**

1. Is the Minister aware tests have found the drug Viagra causes distorted vision in about 30 per cent of users and can also affect colour identification?
2. If so, have our train, tram and bus drivers been warned of the possible dangers of using Viagra and driving?
3. In the interests of public safety, will the Minister have her Department contact the appropriate authorities to confirm the effects of Viagra on driver vision, or any other detrimental effects if may have, and then instigate appropriate education of our public transport drivers?

The Hon. DIANA LAIDLAW:

1.-3. I have been advised that during clinical trials conducted by Pfizer over a five year period and worldwide, Viagra was administered to over 3,700 patients, aged between 19 and 87 years. Of this number approximately 3 per cent experienced vision disturbance, not 30 per cent as alleged in the question. However, if the honourable member wants me to ask TransAdelaide and the Passenger Transport Board to pursue this issue further, he may wish to refer to me the article which alleges 30 per cent of Viagra users experience distorted vision and colour identification.

In the case of the Pfizer research, the 3 per cent abnormal vision was described as 'mild and transient, predominantly colour tinge to vision, but also increased sensitivity to light or blurred vision'.

Subsequently the *New Scientist*, May 1998, reported 'the most worrying side effect is blue-tinted vision in some men taking Viagra.'

Further, Pfizer has issued a statement saying it has conducted rigorous visual function tests at doses well above those recommended for Viagra. These studies showed no clinically significant effect on vision in either the short or long term.

PARLIAMENT, SUPERANNUATION

76. **The Hon. T.G. CAMERON:**

1. How much would the State Government save if State Members of Parliament were unable to access their superannuation until age 55 years in line with the general population?
2. Has any deliberation been given by the Government to such a proposal?
3. If not, is the Treasurer prepared to give consideration to such a proposal?
4. Have any briefing papers been prepared that give consideration to this proposal?
5. If so, is the Treasurer prepared to release them?

The Hon. R.I. LUCAS:

1. It is estimated that the State Government costs of the 'old' Parliamentary Superannuation Scheme, which is the scheme covering most members of Parliament, would be reduced by 4.8 per cent of members' salaries if all accrued benefits were preserved until age 55 years. The 'new' scheme includes a form of preservation which has been developed after taking into account the situations former members can find themselves in after leaving the Parliament. The 'new' scheme provides that the payment of all pension benefit entitlements are subject to an income test before the age of 60 years, and the employer component of a lump sum superannuation benefit

is required to be preserved to age 55 years. The costs of the 'new' scheme are expected to be reduced by around 4-5 per cent of members' salaries as a result of the mixture of other income test and preservation provisions introduced into the 'new' scheme in 1995.

2. One of the options considered as part of the review of the Parliamentary Scheme in 1995 included the compulsory preservation of all accrued benefit entitlements on leaving the Parliament before age 55 years. However, it is important to note that generally when public service superannuation schemes have been closed, existing members' rights have been preserved and protected. A similar principle was followed when the 'old' Parliamentary scheme was closed.

3. This question has been answered by the response to question 2.

4. There are no briefing papers on this matter, other than a reference to this matter in the report to Cabinet in 1995.

5. The Cabinet report is not available for release.

GREYHOUND RACING

220. **The Hon. R.R. ROBERTS:**

1. How much did the Inns Report into the Greyhound Racing Industry cost?

2. Why have the recommendations of the Inns Report not been implemented, given that Mr. Inns is now Chairman of the South Australian Greyhound Racing Association?

The Hon. K.T. GRIFFIN: The Minister for Racing has advised that:

1. $11,500

2. Of the 24 recommendations contained in the Review Report, 21 have been implemented, 2 have been implemented in a varied form in conjunction with RIDA and one was not accepted by the Government when the Racing Act was amended in 1996.

RACING INDUSTRY

262. **The Hon. R.R. ROBERTS:**

1. How many consultancies have been commissioned by the Racing Industry Development Authority since its establishment?

2. What was the purpose of each consultancy?

3. How much has each consultancy cost?

The Hon. K.T. GRIFFIN: The Minister for Racing has advised that:

1.	2.	3.
17	· To assess the financial stability of the Industry	· $50,000
	· 2 consultancies were to assist in the separation of SAJC/SATRA's administrative functions and structures	· $50,000 & $20,000 respectively
	· To develop a Strategic Industry Marketing Plan	· $80,000
	· To seek Public Relations advice	· $4,000 per month
	· The project management of the office fit out	· $9,750
	· Project management of the Southern Racing Festival	· $35,000
	· 2 consultancies, one in each financial year to conduct Promotional Campaigns	· $75,000 & $220,000
	· To design a racing logo	· $10,000
	· To evaluate the Southern Racing Festival	· $11,000
	· Introduction of financial computer system	· $12,000
	· Introduction of a Local Area Network	· $8,770
	· Upgrade of Bookmakers system (PICK)	· $3,000
	· To prepare a proposal for the redesign of Globe Derby Park	· $4,550
	· To undertake an Economic Analysis of the Industry	· $69,375
	· To assess racing industry training opportunities	· $6,000

263. **The Hon. R.R. ROBERTS:**

1. How many consultancies have been commissioned by the South Australian Jockey Club since its establishment?

2. What was the purpose of each consultancy?

3. How much has each consultancy cost?

The Hon. K.T. GRIFFIN: The Minister for Racing has advised that he is unable to provide answers to these Questions as the SAJC is not a controlling authority established under the Racing Act 1976. It is a privately constituted club and therefore is not obliged to divulge its affairs in this manner.

264. **The Hon. R.R. ROBERTS:**

1. How many consultancies have been commissioned by the South Australian Harness Racing Authority since its establishment?

2. What was the purpose of each consultancy?

3. How much has each consultancy cost?

The Hon. K.T. GRIFFIN: The Minister for Racing has advised that:

1.	2.	3.
5	Responsible for the development and enhancement of the Australia wide computer system for harness racing. Each State contributes to the total cost.	$30,000p.a.
	To assist with the process of enterprise bargaining	$4,793
	To assess the specific needs for a replacement accountant and to fill the vacant position.	$1,575 as at 24 August 1998
	To advise on a replacement computer system and provide IT support	$4,660 as at 24 August 1998
	Provide advice re present value on future lease payments.	$300

265. **The Hon. R.R. ROBERTS:**

1. How many consultancies have been commissioned by the South Australian Greyhound Racing Authority since its establishment?

2. What was the purpose of each consultancy?

3. How much has each consultancy cost?

The Hon. K.T. GRIFFIN: The Minister for Racing has advised that:

1.	2.	3.
3	Assist with the Venue Rationalisation Study	$4,106
	Formulation of Strategic Plan and Organisational Review	$5,600
	Recruitment of new Chief Executive Officer	$12,000

EMPLOYEE OMBUDSMAN, REPORT

The PRESIDENT: I lay upon the table the report 1997-98 of the Employee Ombudsman.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

The Flinders University of South Australia—Report, 1997
Regulations under the following Acts—
Children's Services Act 1985—Child Care Centre
Senior Secondary Assessment Board of South Australia Act 1983 (No. 202 of 1998)
The Flinders University of South Australia—Statute Amendments allowed by the Governor in 1997
Office of the Commissioner for Public Employment—SA Public Sector Workforce Information—June 1998—Erratum

By the Attorney-General (Hon. K. T. Griffin)—

State Supply Board—Report, 1997-98
Regulations under the following Acts—
Legal Practitioners Act 19891—Fees
Public Trustee Act 1995—Commission and Fees
Valuation of Land Act 1971—Various

By the Minister for Consumer Affairs (Hon. K.T. Griffin)—

Regulation under the following Act—
Liquor Licensing Act 1997—Dry Areas—Long Term—Mount Gambier

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

Regulations under the following Acts—
City of Adelaide Act 1998—Members Allowances and Benefits
Controlled Substances Act 1984—Fertility Drugs
Local Government Act 1934—Expenses not Registered
Local Government Finance Authority Act 1983—Prescribed Bodies
Road Traffic Act 1961—Declaration of Hospitals
Development Act 1993—Report on the Interim Operation of the City of Mount Gambier Heritage Plan Amendment Report.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The Hon. J.S.L. DAWKINS: I lay on the table the report of the committee on South Australian rural road safety strategy.

I also lay on the table Main North Road, RN 3160 Leasingham to Tarlee Road safety audit July 1996, conducted by Connell Wagner Pty Ltd and the Royal Automobile Association of South Australia.

QUESTION TIME

MOTOROLA

The Hon. CAROLYN PICKLES: My question, on the subject of the Motorola inquiry, is directed to the Attorney-General. Given that public servants and company employees appearing before the Motorola inquiry will need protection from the court against potential defamation or other proceedings, will the inquiry into the Motorola contract have wide powers of investigation relating to access to buildings and documents and the power to summon witnesses, and will witnesses be provided with the same protections and immunities as a witness appearing before the Supreme Court? What riding instructions, as reported in the media, did the Attorney give the Solicitor-General, and will he table a copy of those riding instructions?

The Hon. K.T. GRIFFIN: I think it is a mischievous and unfortunate reference to 'riding instructions'. As I have indicated previously, the Solicitor-General acts on instructions, but members must understand that that is a formal way of describing the brief which is given to either a Solicitor-General, a QC or other counsel. It is not to be taken as being anything other than the terms of reference for the way in which that person may act in respect of a particular matter.

In respect of the Solicitor-General's inquiry, the broad terms of reference relate to the allegations which have been made by the Opposition in another place with regard to the Motorola transactions, particularly whether the Premier misled the Parliament and did so with the necessary intent.

The Hon. Carolyn Pickles interjecting:

The Hon. K.T. GRIFFIN: You asked me the question. Do you or do you not want the answer?

The Hon. Carolyn Pickles interjecting:

The Hon. K.T. GRIFFIN: Well, wait for the answer. I know the honourable member is very anxious to try to pin me on some aspect of this. I am anxious to provide the Council with information.

A directive has been given to the Public Service through the Premier, from memory, to all Government agencies and individuals to cooperate with that inquiry, to produce all documents and papers, and to provide such assistance as may be necessary to the Solicitor-General. I am happy to table the relevant terms of reference in due course, but quite obviously other issues are the subject of some public comment already in relation to the Solicitor-General.

As I said the week before last when the independence of the Solicitor-General was questioned, there is a fundamental misunderstanding of the responsibility of Queen's Counsel. They are an officer of the court and they have independent responsibilities, and I am confident that if you talk to any QC they would—or should—understand what the roles, responsibilities and obligations are when they undertake a particular task.

In terms of the so-called witnesses, the honourable member is obviously trying to pump this up because the last time she asked a question about this she made it look as though it was going to be a royal commission. Well, it is not. As I recollect the explanation the honourable member made on that occasion, she asked the question whether it was going to have power to summon documents and papers and require answers from witnesses. She fundamentally misunderstands the nature of this inquiry by the Solicitor-General. Interviews will be undertaken. Why should anyone seek to be protected? There is nothing that I have heard which suggests that anyone is afraid to talk to the Solicitor-General or to any other inquirer about what may or may not have happened. They do not need protection. They are protected by the Public Sector Management Act, if they are public servants, and I would suspect most of them would be public servants.

The honourable member should know—perhaps she has not been in Government and does not know—that the Public Sector Management Act does give very wide-ranging protections to public servants. It is one of the protections which are not necessarily honoured by some of our parliamentary committees when they seek to demand that public servants appear at the drop of a hat without following the

protocols which have been recognised in this Parliament under Labor and Liberal Administrations.

The Hon. Carolyn Pickles: What about company employees?

The Hon. K.T. GRIFFIN: It is a matter for them. Qualified privilege prevails under the law relating to defamation. I do not see any problem at all with this. If members of the Opposition want to keep pumping it up into a royal commission then that is a matter for them, but I can tell you that this is not a royal commission and there will not be a royal commission.

MOUNT SCHANK ABATTOIR

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Treasurer a question about Mount Schank Meat Company.

Leave granted.

The Hon. T.G. ROBERTS: Earlier in the year I asked a question in relation to Mount Schank Meat Company that was directed to the Treasurer, representing the Deputy Premier, and the Treasurer has made sure that I have been given a reply from the Minister for Government Enterprises. The questions I asked in relation to Mount Schank Meats were:

1. Is the Minister paying strict attention to this dispute or is he aware of it? If he is, will the Government use its resources to bring about a resolution of the dispute and assist in the negotiating process?

2. Will the Government recommend Commonwealth and State legislation changes to the appropriate Acts so that these circumstances do not arise again?

I have the answers to those questions. They did not fill me with any confidence when I received them, but I assumed the Government was aware, was taking notice and was being kept informed of the problems associated with Mount Schank Meat Company, but apparently it was not. It has made a decision to close the meat works with the resultant loss of the jobs of 200 employees in that area west of Mount Gambier. It could not have come at a worse time: 200 families now have no income in the lead-up to Christmas. Had it been any other company operating in the region I am sure the circumstances would have been different and that the way in which the employee notices were given would have been different. I am sure that in any other circumstances the Federal member for Barker or for any area would not have attacked the employees for the problems associated with Mount Schank abattoir.

Mount Schank abattoir has had a chequered history in relation to its start-up and now perhaps its ultimate closure, although that is also not definite. Employees believe that another start-up date may be given at a later date which will camouflage a new industrial agreement—or lack of industrial agreement—in the meat industry using either individual employee contracts or no contracts at all and which will try to be award free. Some in the industry have made an assessment that it may be used as a model for the rest of the meat industry to follow. Given the sorry history of the management process at Mount Schank Meat Company and given the fact that it has issued termination notices to all its employees with a statement indicating that the abattoir will be shut until further notice, my questions are:

1. How much funding was supplied to Mount Schank Meat Company or the abattoir in its start-up program?

2. If the Government has supplied funds or moneys to that company, did it buy equity or was it in the form of a grant?

The Hon. R.I. LUCAS: I will take advice on that question and bring back a reply as soon as possible.

RECYCLING

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning, representing the Minister for Environment and Heritage, a question on recycling.

Leave granted.

The Hon. CARMEL ZOLLO: On 8 July 1998, I raised the matter of Recycle 2000 and the promised Visy Board recycling processing plant. The Minister indicated in her response to that question on 7 August 1998, concerning the proposed plant, that she had been advised by Visy Industries that, subject to the resolution of several complex technical and commercial issues, it was hoped that construction could commence at the end of the year. I remind the Minister that this plant was the subject of an election announcement made by the Premier. At that time he indicated that the proposed $90 million plant would process 130 000 tonnes of paper and cardboard each year. It is now the end of the year, so, again, I ask the Minister:

1. Has construction of the plant commenced and, if not, why not?

2. Has the State Government provided any financial or other incentives to expedite the construction of this plant?

3. Is Visy Industries still committed to building this plant in South Australia?

The Hon. DIANA LAIDLAW: I am aware that there have been considerable negotiations on this matter. I am not sure of the up-to-date position, so I will refer the honourable member's question to the Minister and bring back a reply.

LOCAL GOVERNMENT, SALARIES

In reply to **Hon. J.F. STEFANI:** (3 November).

The Hon. DIANA LAIDLAW: The Minister for Local Government has provided the following information:

The Minister for Local Government has been advised that the Office of Local Government, or any other agency, does not collect the information sought by the honourable member.

It would therefore be necessary for the honourable member to approach each council individually.

The Office of Local Government can provide a list of names and postal addresses of the relevant councils if required.

CYCLING

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about cycling on footpaths.

Leave granted.

The Hon. J.S.L. DAWKINS: I understand that the Minister for Transport and Urban Planning recently attended the Australian Transport Council meeting in Melbourne with other State and Federal Transport Ministers. Apparently, one of the issues discussed was the draft package of Australian Road Rules, which contains a proposal to allow children under 12 years of age to cycle on footpaths. Can the Minister indicate whether there are any plans to introduce this proposal in South Australia?

The Hon. DIANA LAIDLAW: The honourable member would be aware that it is illegal to cycle on footpaths in South Australia.

The Hon. Caroline Schaefer: The member for Norwood does it all the time.

The Hon. DIANA LAIDLAW: The member for Norwood may do it, but it is illegal. However, this is not the case in Queensland, the Northern Territory or the Australian Capital Territory, all of which allow cycling on footpaths. I know that Victoria has undertaken a pilot project on this matter. I am aware that many younger children cycle on footpaths because it is deemed by their parents and guardians to be much safer. In South Australia we have sought to establish a comprehensive network of bike tracks for recreational and commuting purposes through the parklands and on the streets. In fact, we have the most comprehensive network of such cycle lanes in Australia, and in the CBD of Adelaide we are the only State which provides cycle lanes.

There has been a lot of negotiation about whether there should be cycling on footpaths. It was agreed at the ATC conference that the matter would be put to Ministers to vote on by 29 January in the form that it be legal across Australia for children to cycle on footpaths if they are under the age of 14. There is further discussion on whether, at some later stage, this should be extended to people who are cycling with young children under the age of 14.

As part of the National Road Rules there is no proposal that cycling generally on footpaths would be legal in the foreseeable future. I highlight that, in relation to the work undertaken in Victoria in the pilot study and in the other States where cycling is legal, there has never been any marked increase in the number of people cycling on footpaths. What it has allowed is for safety campaigns to be conducted for children cycling on footpaths, which we cannot do today in South Australia because of the fact that it is illegal.

I also highlight that officers are now looking at measures based on proven practice interstate that would form part of such a public awareness campaign in South Australia in terms of cyclists giving way to pedestrians. Most cyclists prefer not to ride on footpaths because the surface is not as smooth as the road and passage from one spot to another is far more interrupted. This matter will be put to Ministers for a vote by 29 January.

FOOD LABELLING

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about consumer labelling of genetically modified and irradiated food.

Leave granted.

The Hon. IAN GILFILLAN: The Australian Conservation Foundation by way of a newsletter has indicated that Australia's Health Ministers will meet on this Friday 11 December to discuss, among other things, labelling requirements for genetically modified foods. In this Chamber on 3 August the Hon. Terry Roberts asked a significant question of the Hon. Diana Laidlaw about whether or not there are any health concerns in respect of these types of food.

The Hon. Diana Laidlaw interjecting:

The Hon. IAN GILFILLAN: No. I raise this point entirely as a consumer issue. The Democrats view this as an issue of consumer choice and education: people ought to know what they are eating and have the right to make up their own mind. On 4 August, the day following the question asked by the Hon. Mr Roberts, I asked a question of the Minister for Consumer Affairs. A detailed perusal of *Hansard* over the four months since then reveals that neither Mr Roberts' question nor mine has been answered. I will stand corrected, but they have certainly not been discovered. Perhaps the Hon. Terry Roberts might enlighten me.

The Hon. T.G. Roberts interjecting:

The Hon. IAN GILFILLAN: No, it has not been answered. Therefore, and in view of the fact that according to the ACF the issue will be discussed at a meeting of Health Ministers this Friday, I repeat my question with a request for urgent information on behalf of consumers.

Two years ago, my colleague the Hon. Sandra Kanck introduced a Bill requiring genetically modified or irradiated food to be labelled accordingly. This is not now some futuristic issue: more than 700 varieties of plants from 40 different species have already been genetically modified, and many of them are available to eat. The Bill to label such foods did not succeed primarily because it did not get Government support. At the time, the Minister (Hon. Diana Laidlaw) explained that food standards had to be set on a national basis through the Australian New Zealand Food Authority (ANZFA).

Recently, ANZFA proposed a labelling standard which does prescribe mandatory labelling for foods that contain new and altered genetic material but only when they are not 'substantially equivalent' to their conventional counterparts. The meaning of the term 'substantial equivalence' is to be determined by scientists so that if they believe the food is essentially the same as the traditional counterpart it will not be labelled as genetically modified. Therefore, under ANZFA labelling guidelines consumers will not be able to make this decision for themselves; the choice of whether or not to purchase genetically modified food, to say nothing of irradiated foods, will be made for them. At that point, I asked questions of the Minister for Consumer Affairs regarding those standards. He said (I am sure with all the goodwill in the world):

> With respect to all the other questions, as I have indicated I will have some work done and bring back a reply.

In answering the question asked by the Hon. Terry Roberts, the Hon. Diana Laidlaw said:

> The Government shares many of the concerns expressed by the Hon. Mr Roberts in his explanation. The Minister responsible for health met with other Ministers responsible for food laws last week to canvass these issues. I do not have all the outcomes of that conference with me but I should be able to bring back a reply in the near future in answer to all the honourable member's questions.

What 'the near future' means or what the Attorney meant when he said that he would bring back a reply is, I suppose, subjective.

The Hon. Sandra Kanck: How many months?

The Hon. IAN GILFILLAN: Four months. My questions for the Attorney are:

1. Does the Government have a position on the labelling of genetically modified or irradiated foods? If not, why not; and, if so, what is it?

2. What proposals will the Minister for Health take to the national meeting of Ministers of Health on Friday this week regarding the significant agenda item of the labelling of genetically modified foods?

The PRESIDENT: I advise members that Question Time is not for debate: it is for asking questions.

The Hon. K.T. GRIFFIN: I will check what has happened to the answer to that question, which was asked some time ago, and bring back a response to that and also to the issues raised just now in the questions by the honourable member.

The Hon. IAN GILFILLAN: Is it fair to take it that the Government does not have a policy on labelling of genetically modified or irradiated food?

The Hon. K.T. GRIFFIN: No.

NUMBERPLATES

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about numberplates.

Leave granted.

The Hon. L.H. DAVIS: I was stunned—as no doubt were quite a few other members—to see the extraordinary headline in the *Advertiser* this morning, 'UR Joking: the Number Plate State', with the subheading 'Five new slogans branded gimmicky and confusing' and a story by Miles Kemp and Leonie Mellor that took up the whole of the front page and half of the second page.

The *Advertiser* seems, through Rex Jory and Tony Baker in particular, to encourage people to be positive and to look at the good aspects of this State. Yet, when something such as this, which gives people an opportunity to take a numberplate of their choice, is given to them, it is criticised.

Members opposite would know that in Queensland, for example, there is a choice of numberplates: 'Tropical Queensland', 'Outback Queensland', 'Queensland's Great Barrier Reef', 'Gold Coast Queensland', 'I'd rather be fishing'—

Members interjecting:

The Hon. L.H. DAVIS: That one was for George Weatherill and Trevor Crothers—'On the Road to Reconciliation', 'Bribie Island' and 'Number One Dad'. So, Queensland has eight choices, plus multiple choices in corporate and other personal numberplates. This is also the case in other States where there is a range of choices, and it is also a very common practice in the States of America to have personal numberplates or numberplates with a slogan.

In fact, this commitment was made by Premier John Olsen on Sunday 5 October during the last election campaign, when he announced that there would be a choice of numberplates: that we would keep the 'Festival State' as our standard plate, and offered a choice of the 'State of the Arts', 'The Defence State', 'The Wine State', 'The Creative State' and 'The Rose State'—

The Hon. M.J. Elliott interjecting:

The Hon. L.H. DAVIS: Well, I wouldn't ask you to talk about mandates, because you can't spell the word.

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! When the Chair calls for order, I would like members to stop interjecting. I give members some latitude to interject, which is not part of the Standing Orders, but I insist that once I call for order members stop interjecting.

The Hon. L.H. DAVIS: So, this commitment was made by the Government last year. It was supported by the *Advertiser* without comment on page one on the following day, Monday 6 October, and, in fact, the *Advertiser* has gone ballistic. Indeed, page one of today's *Advertiser* states:

> . . . the Lord Mayor, Dr Jane Lomax-Smith, led a chorus of opposition to the new range of multi-coloured plates. . .

The fact is that the Lord Mayor, Dr Jane Lomax-Smith, has written a letter to the Editor of the *Advertiser*, objecting to the way in which she was reported and the comments that were made about her opposition. The Lord Mayor is astonished at the way in which she has been reported and misrepresented. I would have thought that that might count for something.

I therefore direct the following questions to the Minister. Did she manage to see the article, and has she had any response to the Government's announcement that in future there will be a range of numberplates, something which is not uncommon in other States of Australia or, indeed, other countries of the world?

The Hon. DIANA LAIDLAW: Yes, I did see the story—at about 6 a.m.—and it woke me up rather rapidly. It was a shock to see something on which the *Advertiser* had commented in the past in terms of an initiative that the Government had promised to introduce and on which the media generally have been calling for the Government to act in terms of its policy undertakings. I have since spoken to the journalist, who was rather surprised also to see the reaction to the story. I understand that a number of people subsequently contributed to that story and that there will be some follow-up information in tomorrow's *Advertiser* which hopefully will be more accurate in reporting the Lord Mayor's comments but also—

The Hon. Carolyn Pickles: Page one?

The Hon. DIANA LAIDLAW: Well, I suspect not, because if it is fact it won't be on page one. Also, I understand that there will be references to 'SA—A Great Place to Live and Work', because exception was taken to the reference in the article that the Government had not acted on the promise to introduce plates in terms of that slogan. The fact is that I released such plates about three weeks ago—before the *Ring* cycle started. They are plates which have been jointly paid for by SA Great and the Passenger Transport Board, and they are being fitted to all taxicabs. We have 1 022 taxis in South Australia, including stand-by taxis. I understand that, to date, 33 stand-by taxis have not been so fitted, and they will be fitted well before Christmas. So, 'SA—A Great Place to Live and Work' is certainly the slogan being used for taxis, and it is a good message for taxis in terms of the promotional role that they play for this State at large.

In terms of correspondence that I have received, there has been a demand from members of the public for a range of plates in addition to the standard 'Festival State' plate. There has certainly been particular demand for corporate plates, for instance, the Crows or Port Power, or for company identification. I saw such plates in Western Australia earlier this year. In some senses, we are simply catching up to what States have introduced over time in response to people wanting choice. I would have thought that that was excellent in terms of promoting not only choice but also the State and the strengths of State in relation to those messages, whether it be in the 'creative', 'defence', 'wine' or 'rose' areas.

I also put on the record that the Hon. Legh Davis has championed this issue for some years. Members would respect the fact that he has asked questions on this matter, has spoken on it a considerable number of times in Matters of Interest debates and, indeed, has been very involved in this initiative. I thank the honourable member for that interest and for his enthusiasm generally.

FREEDOM OF INFORMATION

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking the Attorney-General a question about freedom of information.

Leave granted.

The Hon. R.R. ROBERTS: In 1995, the Hon. Graham Ingerson, when responding to a question from my colleague Ralph Clarke, stated:

> I am advised by the Attorney-General that, by letter of 5 August 1995, all Ministers were asked to advise whether any legislation within their respective portfolios required exemption from the Commonwealth Act. In response to this letter, I am advised that certain provisions of the Workers Rehabilitation and Compensation Act 1986 required exemption from the Commonwealth Act which included:
>
> · schedule three regarding non-payment of lump sum for non economic loss arising from psychological injuries.
>
> On 11 December 1995 Cabinet approved an application to the Commonwealth Attorney-General for exemptions from the provisions of the Commonwealth Disability Act 1992 in relation to this provision.

I am also advised that the Attorney-General received some advice from Ms Joan Sheedy on 10 November of that year, and I understand also that he was given advice by a Mr Brian Martin QC that he ought to bring the South Australian Equal Opportunity Act in line with the Federal Act.

This matter has been subject to a number of inquiries, and information has been sought by a whole range of people, not the least being a number of victims of this particular injury. In response, I wrote to the Minister's office seeking freedom of information. I asked for a copy of the application dated 18 December 1997 to the Commonwealth Attorney-General for an exemption from the Disability Discrimination Act 1992 of certain provisions of the Workers Rehabilitation Act 1986, including schedule three, regarding non-payment of lump sums for non-economic loss arising from psychological injuries, all further correspondence forwarded to the Government and all further correspondence received by the State Government from the Commonwealth.

I did receive an answer reasonably quickly, and I was advised that at least six letters transpired between the two Governments. I was surprised to find in my response from Mr Nick Baron, the Freedom of Information officer, that:

> Access to all six documents is refused on the basis that they are exempt pursuant to clause 5(1) of the first schedule of the Act. That exemption relevantly provides that a document is an exempt document if it contains matter the disclosure of which could reasonably be expected to cause damage to relations between the Government of South Australia and the Government of the Commonwealth and the disclosure would, on balance, be contrary to the public interest.

He concluded by saying:

> I have reached that conclusion having regard to the content of all the documents, but I decline to further elaborate on the reasons for refusing access, as to do so would result in this letter being an exempt document (see section 23(4) of the Freedom of Information Act 1991).

Given that we approached the Federal Government for an exemption and it responded seeking further information, and there were two other letters, how can the Government claim that it will cause bad relations between the State Government and the Federal Government, and why would the information that we sought mean that our South Australian people with psychological disabilities would be disadvantaged, as opposed to all other people in Australia, under the Federal legislation?

The Hon. K.T. GRIFFIN: I am aware that the honourable member made an application for production of the documents under the Freedom of Information Act, but that was not an issue for which I was required to give my approval or otherwise, so it was dealt with in the normal course of departmental processes in relation to the Freedom of Information Act. I will take the issues on notice and bring back a reply.

CENTRAL LINEN

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Administrative Services a question regarding the sale of Central Linen.

Leave granted.

The Hon. CAROLINE SCHAEFER: I refer to an article in today's *Advertiser* headed 'Spotless Linen Deal on Cards', which reported that the South Australian Government, and in particular the Minister, is negotiating with Spotless Linen for the sale of Central Linen. My questions are:

1. Will Central Linen definitely be sold and, if so, will hospitals and health units in regional areas be disadvantaged by any such sale?

2. Has a sale price been settled on if Central Linen is to be sold?

3. What measures are in place to protect the interests of employees?

The Hon. R.D. LAWSON: I did see the report in this morning's paper. It is true and I can confirm that the Government is negotiating with Ensign Services Australia Pty Limited, trading as SSL Spotless Linen, for the possible sale of Central Linen. Central Linen is a business unit of the department of Administrative and Information Services. As honourable members may know, it provides laundry and linen services to the health care sector in this State. Customers include all the metropolitan public hospitals, except Modbury Hospital, and many, but not all, country hospitals. Its customers also include a number of aged care organisations. Central Linen has about 220 FTEs and its annual revenue is approximately $15 million.

The negotiations to which I refer will ascertain whether the tenderer selected is able to provide a price and other proposal for the continued supply of linen services to South Australian Government agencies and will also determine whether, on that price and arrangements, they are of benefit to the State. I can assure the Parliament that Central Linen will not be sold to Spotless Linen, or any other entity, unless the sale is in the best interests of the State as a whole.

The honourable member asked whether any purchase or sale price has been determined. No purchase price has yet been settled upon. That is a matter of negotiation between the company and the department. I repeat that, unless the sale price, which is an important component in the arrangements, is in the interests of the State, the assets simply will not be disposed of.

The honourable member asked about the continued supply of linen services to regional and rural hospitals. As I mentioned at the outset, not all regional and rural hospitals source linen from Central Linen. Many contracts are undertaken in rural and regional South Australia, and I think that has been to the benefit of local communities. I can assure the honourable member and anyone else who is interested that the continued supply of linen to hospitals across the whole State is an important consideration to the Government in this sale examination which is presently being undertaken. If supply cannot be guaranteed, then other arrangements will clearly be made.

Finally, the honourable member asked about the employees of Central Linen. The Government's no retrenchment policy will apply to employees of Central Linen who become

surplus as a result of any arrangements that are entered into. Obviously, it would be the hope of the Government, if a sale occurs, that all or many of the employees of Central Linen will go over to the new contractor. However, if employees do not go over to the new contractor, there will be redeployment within the public sector and TVSPs will be offered to other employees. So, the interests of employees will be protected in this process. It is also worth bearing in mind that if the sale does go ahead this will provide opportunities for a private sector organisation to expand its business with additional employment opportunities in that area.

The Hon. T.G. ROBERTS: I have a supplementary question. What Government guarantees can be given if the service guarantees that are built into the contracts for rural areas are not met?

The Hon. R.D. LAWSON: As I mentioned, the terms of the arrangement are presently being negotiated with the company. I can simply assure the honourable member that the matters to which he referred will be included, I am sure, in the final arrangements. There will be mechanisms in the contract to ensure continued service and supplies.

The Hon. P. HOLLOWAY: I have a supplementary question. Has the Government rejected a public tender process for the sale of Central Linen and, if so, why?

The Hon. R.D. LAWSON: The process by which Spotless Linen was selected as the preferred tenderer was an open tender process. The process proceeded from an open tender with expressions of interest being sought from companies in the community and now one—and one alone—remains with an acceptable proposal which can be pursued by negotiations, and that process is being pursued.

BUSINESS ASSISTANCE SCHEMES

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Treasurer a question about Government plans to outsource its business assistance schemes.

Leave granted.

The Hon. T.G. CAMERON: In recent days the media have carried reports about State Government plans to outsource to the Employers' Chamber, without open tender, business assistance schemes worth $6 million. The plan would see taxpayer funded schemes currently run by the Business Centre to help businesses develop better training, marketing and business planning handed over to the chamber. The Small Business Association and the Small Retailers Association have both complained that the chamber does not represent small business.

For example, Small Retailers Association Executive Director, Mr John Brownsea says that the outsourcing should go to open tender and that the Government should not bow to pressure from the chamber by handing it responsibility for the schemes on a plate. In Monday's *Advertiser*, an article quoted Mr Brownsea as saying:

> You can't look after big business and small business as well. It is just physically impossible.

Mr Peter Siekmann, President of the Small Business Association, has a similar view. He believes that the chamber has a clear conflict of interest over the issue and said:

> They [the chamber] say they represent small business but they represent big business, which is often in conflict.

It would appear that this is another example of Government favouring its big business buddies over small business. My questions are:

1. Are the media reports correct: is there to be an open tender process for the outsourcing of business assistance schemes or not; if not, why not?

2. Considering the importance the Government places on small business in South Australia and its contribution to State growth and employment, has it consulted with either the Small Retailers' Association or the Small Business Association in its plan to outsource the business assistance schemes?

3. If not, will the Government undertake to immediately consult with them before any final decision is made?

The Hon. R.I. LUCAS: I am not aware of the detail of the propositions that I have seen publicly reported in the past few days. I am happy to take up the issues with the appropriate Minister or Ministers and bring back a reply as expeditiously as possible.

BATTERY HENS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Attorney-General a question about battery hens and the Mutual Recognition Act.

Leave granted.

The Hon. M.J. ELLIOTT: In September 1997 the Australian Capital Territory Government passed legislation to phase out over six years the keeping of egg-laying hens in cages. This led to a report by the Productivity Commission which has found that the cost of phasing out battery eggs will be minimal. For the ACT ban to be successful every State has to agree not to flood the ACT market with battery eggs from their own States. This would require the States to agree to allow an exemption under the Mutual Recognition Act 1992—or the phase out will be annulled.

I understand that similar exemptions have been granted to South Australia, for instance, to allow our container deposit legislation to function differently from other States. The Productivity Commission public benefits test on the ACT legislation has found that hen welfare will be enhanced by the ACT move, and consumers will pay no more than $2.85 per person per year for eggs from an alternative housing system. It concluded that only the legislative path was likely to be successful.

States have been encouraged to allow an exemption for the ban to be effective in the ACT. Early today, I believe a petition of about 2 500 signatures from South Australians calling for the Government to support the ACT laws was delivered to this Parliament. The signatures have been collected by Australia's peak animal welfare lobby group, Animals Australia. Will the South Australian Government allow this exemption under the Mutual Recognition Act to allow the ACT ban to be effective? If not, why not?

The Hon. K.T. GRIFFIN: The Mutual Recognition Act is committed to the Premier and its administration is managed in the Department of Premier and Cabinet. I will have to refer the questions to the Premier with a view to getting a reply. My recollection is that the issue of the Beverage Container Act, for example, is somewhat different from this because the Beverage Container Act is referred to specifically in a schedule to the Mutual Recognition Act, whereas what the honourable member is looking for is something not requiring an amendment to the Act. If you have to amend the Act, you have to amend every Act around Australia. In any event, I will refer the question off and bring back a reply.

NUCLEAR WASTE

The Hon. T. CROTHERS: I seek leave to make a precied statement before directing some questions to the Treasurer and Leader of the Government in this House on the subject of nuclear waste.

Leave granted.

The Hon. T. CROTHERS: An article featured in the *Advertiser* on Wednesday 2 December stated that a US produced promotional video was leaked to the conservation movement. In the video, South Australia is being advertised as an ideal site for a global nuclear waste dump. The video suggests that the north of South Australia is the ideal spot for a high level nuclear waste dump, such as nuclear reactor cores. The article further states that whilst the Federal Government has rejected the proposal the Premier, Mr Olsen, speaking on behalf of his Government, said he would be interested to have a look at any detailed proposal. My questions are:

1. Is the article correct in stating that the Premier is interested in looking at such a proposal?

2. When the Federal Government has rejected such a proposal, why would the Premier not do so as well?

3. If the answer to question No.1 is 'No,' will the Premier ensure that South Australia will not become a nuclear dumping ground for other nations' wastes?

The Hon. R.I. LUCAS: I will take advice on the honourable member's question from the Minister and the Premier and bring back a reply.

ENVIRONMENT

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning, representing the Minister for Environment and Heritage, a question about the environment.

Leave granted.

The Hon. G. WEATHERILL: The Environment Protection Authority has published its report on the state of the environment. Its research found that fewer South Australians are using public transport and more are using their own cars for transport. Furthermore, the Australian Bureau of Statistics study has found that 23.3 per cent of South Australians said they had no environmental concerns. Does the Minister dispute this finding, or is it that the Government has not educated the people on environmental issues?

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

ELECTRICITY, PRIVATISATION

The Hon. P. HOLLOWAY: I direct my question to the Treasurer. Given the announcement by the Hon. Nick Xenophon that he will not support the Government's Bills on ETSA and Optima, does the Government intend to proceed with the sale or lease process outside the Parliament, or will the Government now agree to hold a referendum to allow the people of South Australia to decide?

The Hon. R.I. LUCAS: I will be guided by you, Mr President. I will certainly be making my views quite clear when we recommence debate on this issue, but my understanding of Standing Orders—and I would not want to breach them—is that if a Bill is before the Chamber we are not permitted to comment. I will be guided by you and the table staff, Sir.

The PRESIDENT: I uphold the point of order. Without taking up too much of Question Time now, I understand that there may well be the opportunity for some further debate in Committee today on what the Treasurer has already said. I uphold the point of order that the matter is before the Parliament at the moment in the form of a Bill. If the Minister does not wish to answer the question he need not do so.

The Hon. R.I. LUCAS: If it is a question of desire, I am happy to respond; I just did not want to contravene Standing Orders. If I can just respond very briefly, I indicate that the Government will outline its very strong views on the developments today when we recommence debate on the restructuring and disposal Bill. I indicate briefly that the Government will consider all the options that will be available to it, should the legislation not be successful in its passage through the Parliament.

HOSPITALS

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning, representing the Minister for Human Services, a question on hospitals and specialist services.

Leave granted.

The Hon. CARMEL ZOLLO: The not-for-profit hospitals in Adelaide—the Ashford, St Andrews and Western Hospitals—recently announced that they have commenced merger talks. If this merger goes ahead it will create a major hospital group controlling a large proportion of the private beds in Adelaide. The October 1998 official newsletter of the Association for the Advancement of Private Health asked:

> And then there is the ultimate question. . . How will corporates or the not-for-profits get enough doctor support to ensure success? Will doctors continue to support the not-for-profit hospitals or will they want to operate in hospitals that are collocated with a major public hospital? And if that collocated private hospital gains a contract to treat public patients, how will the specialists be used or contracted to provide that treatment? And what about the physiotherapy and home nursing?

It has been put to me that such arrangements could lead to increased incentives being provided for doctors to treat patients in order to maintain a high occupancy rate and therefore viability. In particular, it means competing with other corporates collocated with public hospitals. Concern has been expressed that this could lead to a reduced number of surgeons being available in the public sector, as more would be lured to the private sector to maintain profitability in that sector.

What is the Government's response to these recent initiatives in the non-public sector? Will the Minister advise whether discussions have taken place; and what measures will be initiated to guarantee first and foremost the availability of surgeons for the public hospital system in order to ensure the continued provision of adequate health care to the community, irrespective of private insurance status?

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

WATER QUALITY

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

representing the Minister in another place, some questions about water quality.

An honourable member interjecting:

The Hon. T. CROTHERS: We can all float. He represents the Minister in another place.

Leave granted.

An honourable member interjecting:

The Hon. T. CROTHERS: It won't sell. In the *Advertiser* of Monday 30 November an article featured with the title 'Tapping into trouble'. The article states that 10 000 residents in the Adelaide Hills living north-east of a filtration plant are having to put up with dirty, brown, unusable water, while those living in the city side of the same filtration plant are enjoying crystal clear water. One disgruntled Hills resident has stated that the water is so dirty that dogs will not even drink it and is acceptable only for the toilet system.

The Hon. T.G. Roberts interjecting:

The Hon. T. CROTHERS: Drover's dog. According to the article, SA Water acknowledged that the water was probably the worst we have seen it but it could do nothing in the immediate future to fix the problem. The Adelaide Hills Regional Development Board's Executive Director, Mr Geoff Thomas, said the Government had pledged to upgrade the water but at this stage had given no timing guarantee. In the light of what I have just said, my questions to the Minister are as follows:

1. Is the State Government at all concerned about the situation?

2. Does this Government intend to honour its pledge to the people of the Adelaide Hills?

3. If so, when does the Government intend to do so?

4. Does the Government agree that to a large extent this situation is a result of running down effective maintenance, not dissimilar to the pong at Bolivar?

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

MOTOROLA

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Attorney-General a question about the Solicitor-General.

Leave granted.

The Hon. P. HOLLOWAY: The Opposition has received advice from Mr Tim Anderson QC, who was previously engaged by the Government to inquire into the Baker matter, that the Solicitor-General's role in the background to the Motorola contract inquiry would make it impossible to say there was not at least some suspicion of a potential conflict of interest, if not an actual conflict, and therefore a lack of independence. Anderson QC says that advice from the Solicitor-General to the Opposition in a letter dated 27 October 1998 that he (the Solicitor-General) acts only at the request of the Attorney-General and therefore has significant protection to his independence, was written before the Solicitor-General knew his terms of reference or instructions.

My questions to the Attorney are: does he agree with Mr Anderson's advice; and can the Attorney guarantee to the Council that the Solicitor-General will be at arm's length from the Motorola contract inquiry and will act only as the Government's legal representative and not be involved in determining the findings of the inquiry?

The Hon. K.T. GRIFFIN: I think the second question presumes too much at this stage, but I have not seen Mr Anderson's opinion; if the honourable member wants to make a copy available I will ponder on it. I do not believe that the assertion (if it is accurate) referred to in the honourable member's explanation is a correct conclusion. But, not having seen the advice, I am not able to say whether or not the explanation given by the honourable member is correct. If he likes to make a copy of the advice available I will look at it.

The Hon. P. HOLLOWAY: I seek leave to table the opinion from Mr Anderson QC and the accompanying letter.

Leave granted.

ADELAIDE FESTIVAL CORPORATION BILL

Adjourned debate on second reading.

(Continued from 18 November. Page 211.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading of the Bill which seeks to establish the Adelaide Festival Corporation as a statutory authority and to provide for the conduct of the Adelaide Festival of Arts. It will provide the Festival with its own legislative framework outlining the powers and obligations of the organisation. I note that there is a clause relating specifically to a clear independence from the Minister and the Government in terms of artistic activity. I understand that that was initially a concern of the board and that its wishes have been taken into account with this provision. Anyone having watched the ADT situation I guess would be pleased to see this clause.

This corporatisation has been successful with other State Government funded arts organisations such as the State Opera and the South Australian Country Arts Trust in terms of granting them more independence with their day-to-day operations. The Bill will absolve the Festival from having all its appointments above ASO2 level approved by the Governor in Executive Council—something that I believe is a good move in terms of administrative efficiency. I was surprised that that was the situation at present; it must have been very cumbersome to have to deal with those appointments in this manner.

The Opposition agrees with the reduction in the size of the board from 12 to eight members, with two of the eight to be selected from three nominees each from the Friends of the Festival and the Corporation of the City of Adelaide. I have sought advice from the Arts Industry Council and the Friends of the Festival and have discussed this with the Chairman of the board of the Adelaide Festival, and all persons, apart from the Friends of the Festival which did not get back to me, I understand are happy with the Bill and are supportive of it. I am sure that it will allow for a more efficient administration of the Festival of Arts next time around.

The Hon. DIANA LAIDLAW (Minister for the Arts): The Hon. Sandra Kanck informed me earlier today that she did not wish to speak on the second reading but that she did support the Bill. However, she had one question to ask me which she indicated she would ask in Committee and, as always, I will accommodate the Hon. Ms Kanck in this matter. I thank members for their support of the Bill and thank them for dealing with it promptly. It will enable the new board to be established early in the new year. It is very

important with the conduct of the next Festival that its new board structure is in place and operating for at least a year before the next Festival.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8.

The Hon. SANDRA KANCK: Usually when we have gone through a process of corporatisation with assorted bodies over the past four or five years there has been a tendency—in fact, a trend, I suggest—to use the occasion to increase the fees for board members. I would like some comment from the Minister as to what is the current remuneration for the board members and whether it is anticipated that there will be an increase following corporatisation.

The Hon. DIANA LAIDLAW: The Chairman of the board is now paid $10 966 per annum and each member is paid $8 198 per annum. Currently the board comprises 12 members. The Bill proposes that the board consist of not more than eight members. I can confirm that the board and committee fees were addressed by the Government when it looked at the recommendations of the Commissioner for Public Employment, and those recommendations, which the Government accepted, mean that these fees are in line with fees for the South Australian Film Corporation and similar organisations with budgets and areas of responsibility outside the arts portfolio.

No member, or the Chairman, has raised the matter of increased board fees with me to cover the fact that there will possibly be more work to do with fewer board members. They have not raised it, so they are not seeking increased fees. If they did, I would say that they are not getting them. It is the Government's intention that the fees remain the same, at $10 966 per annum for the Chairman and $8 198 per annum for each member. There will be an overall saving to the organisation of nearly $32 500 by not having to pay for the extra members. If the Government appoints up to the eight members, the fact that we will not have 12 means that there will be an immediate saving, which will be good in terms of artistic programming.

The Hon. CAROLYN PICKLES: The clause states that the board will consist of not more than eight members. Does that mean there could be fewer than eight members at any one time?

The Hon. DIANA LAIDLAW: Yes, it does. With the passage of this Bill, I intend to meet with the Chairman, Mr Ed Tweddell, to talk about the new board. He has been overseas for some time and has recently returned. Mr Tweddell is the Chairman and I would certainly wish him to continue. We also wish to ensure that there are people with a balance of skills, including a strong showing of skills in the arts, practitioner and management environments. That does not reflect on the management led by Mr Nicholas Heyward, but it has always been my view, and the board is so structured now with a balance of arts and business skills. This Act provides also that in terms of uptake members the Friends of the Festival and the Adelaide City Council will be represented.

Clause passed.

Clauses 9 to 11 passed.

Clause 12.

The Hon. SANDRA KANCK: How frequently does the board meet and how long does each meeting take? I am trying to determine whether the taxpayer gets value for this $8 198 per annum.

The Hon. DIANA LAIDLAW: Board members formally meet once a month and regularly in between. They are always available to meet with the Artistic Director and the General Manager to talk through programming and finance issues. The honourable member would appreciate that meetings are more intense when the program is being negotiated, but during this two year period with an Artistic Director with the drive and passion of Robyn Archer, to be honest, there is no let-up for board members.

Board members are also asked to see and become familiar with the work of South Australian companies because we are keen that they be showcased, as they were at the last Festival but more often in the future. The board has also endorsed the notion of conducting a 'Festival of ideas' every two years. So, board members are taking on extra responsibilities in addition to the running of the biennial Festival of Arts.

The Hon. SANDRA KANCK: I must make the observation that if board members meet 20 times a year they get paid roughly $400 for each meeting. There are many people who do not get that in a fortnight. I acknowledge, as the Minister said, that that amount is recommended by the Commissioner for Public Employment. I hope that, as a result of whatever we do, the taxpayer does get value for money.

The Hon. DIANA LAIDLAW: As the Adelaide Festival has been recognised in the past and continues to be recognised, together with Avignon and Edinburgh, as one of the best three Festivals in the world, there is no question that the taxpayer and South Australia at large—in fact, I would say the arts and the nation at large—are well served by the board members and management.

This board inherited a debt of $600 000 from the 1996 Festival. As a result of the work put in by the board, the Artistic Director and management in terms of box office targets, payment rates, the number of companies, the balance of the program, and public relations efforts, the 1998 Festival was an outstanding financial and administrative artistic success.

I recall that the Hon. Sandra Kanck moved a motion in this place congratulating the Artistic Director, management and the board for the success of the 1998 Festival. The Hon. Carolyn Pickles strongly supported that motion.

The Hon. Carolyn Pickles: I actually moved it.

The Hon. DIANA LAIDLAW: In fact, she moved it. She must have got in before me.

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: You did, and I thank you for that. I am sure you will recall whether or not the Hon. Sandra Kanck thought at that time that it was value for money.

The Hon. CAROLYN PICKLES: I simply want to echo the Minister's comments. I am aware of the enormous contribution that the board has made, particularly to the last Festival, and, as the Minister has outlined, in turning around the productivity of the Festival. The issue of how much we pay board members varies from board to board, but I know that, in respect of this board, it is not just the board meetings that they attend but the kind of PR that they practise. At every function they attend—I guess there are hundreds of functions in a year—as members of the board they practise good PR. I hope that with the passage of this Bill they will go from strength to strength.

Clause passed.

Clauses 13 to 27 passed.

Schedule.

The Hon. A.J. REDFORD: Clause 2 of the schedule refers to the transfer of assets and liabilities. Is the Minister aware of any significant liabilities that might be transferred pursuant to this provision?

The Hon. DIANA LAIDLAW: The 1996 Festival debt of $300 000 (cash liability), which I insist be repayed.

The Hon. A.J. Redford: Are there any significant contingent liabilities?

The Hon. DIANA LAIDLAW: None of which I am aware. It is a standard provision.

Schedule passed.

Title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (SENTENCING-MISCELLANEOUS) BILL

Adjourned debate on second reading.

(Continued from 18 November. Page 209.)

The Hon. IAN GILFILLAN: The Democrats support this Bill, which amends the current legislation and deals with the possible miscarriage of some orders by the Director of Public Prosecutions (DPP) on the semantic point that, technically, they are not sentences. I do not intend to speak to those more esoteric issues in the Bill. However, we do support moves to offer to judges more flexible sentencing alternatives, which are included in the Bill.

While resort to prison must always be available as a strong deterrent and for serious offenders who pose a risk to the community, other options must also be encouraged. To the extent that judges have been prevented from offering more flexible and imaginative alternatives, such as partially suspended prison terms, this Bill is welcomed.

I noticed that the option to sentence adult offenders to 'home detention' is to be confined only to cases where 'because of the offender's ill health, disability or frailty it would be unduly harsh for the defendant to serve any time in prison'. I am curious as to why that limitation has been imposed. I should have thought that there would be circumstances where home detention might be a viable and appropriate alternative for able bodied adult offenders, regardless of their health, disability or frailty.

Previously, I have argued in this place that home detention should be an option available to the sentencing court at any time and under any circumstances where the court regards it an appropriate form of punishment. It always seemed restrictive that it be available only for the tail end of sentences. Certainly, that is better than nothing, but it was always frustrating to me that we were determined to shove people into prison when the sentencing court might well have made a judgment that the punishment could have been satisfactory and, indeed, satisfactorily complied with by way of home detention.

There is one factor with home detention about which the Democrats feel strongly. Some years ago, I visited the Home Detention Unit and was very impressed by its operational efficiency. It was then being supervised by Lloyd Ellickson, the previous Governor of Yatala Labour Prison. But, if it is not properly scrutinised and if the public and the media find even a small number of examples of abuse or failure properly to supervise and regulate home detention, its integrity, status and acceptance by the public will be severely diminished. That would be a tragedy, because the argument is copious and irrefutable that we do enormous social damage to people by putting them into prisons. That is without the other factor which is more mundane but which certainly carries weight—and rightly so—with members of this place, namely, that it is so much more expensive.

Bearing in mind the relative cost proportions (and unless it has varied I believe it is still somewhere in the range of 25 per cent of the cost of actual imprisonment), we must guarantee proper contact and surveillance by way of electronic equipment, sporadic telephone contact to check without warning that the offender is actually at the location and personal visits by supervising officers. All those procedures must be maintained at the highest standard. If it is, I believe that there is a much wider scope for home detention to be used as an acceptable punishment in South Australia.

In relation to the proposed amendment to section 71 of the Criminal Law (Sentencing) Act allowing judges to impose a fine where the offender has failed to complete community service obligations, I note that this option is to be available only when the failure can be attributed to the fact that the offender has, since being sentenced, gained remunerated employment. I take this opportunity to indicate again the Democrats' support for community service work as a form of punishment or as an opportunity for an offender to pay back their debt to society.

Unfortunately, from time to time it has been ridiculed and criticised as not being properly adhered to. It has been stated that in some cases they have been Mickey Mouse schemes. However, that flies in the face of some very substantial evidence and reports, which have come to me and others, which I have read about people who have been well satisfied with the actual community service obligation performed on behalf of community organisations. This applies to the people who were involved and also to those who were supervising. My conviction is that we must continue to use community service obligations as an alternative form of punishment for an offender.

It is currently restricted virtually only to those people who do not have the capacity to pay fines so that, where the option now is for an offender to curtail the community service obligation and be expected to repay the fine, it seems odd that that option is not available to other cases where the community service orders have not been completed and where the person involved may have gained the necessary assets or cash in hand to pay the fine. There can be an inheritance or, from time to time, even a gambling win. But, as the Bill is currently drafted, it appears as though it is restricted solely to a person who has gained employment for which they are paid. I suggest that more flexibility could be given in this respect.

The Democrats support the initiative and the general thrust of the Bill. We will look to see whether some finetuning measures can be attended to in the Committee stages, and we look forward to that process in due course.

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

STATUTES AMENDMENT (RESTRAINING ORDERS) BILL

Adjourned debate on second reading.

(Continued from 26 November. Page 341.)

The Hon. IAN GILFILLAN: The Democrats support this Bill, which goes considerably along the path of improv-

ing the legislation that deals with restraining orders. Most restraining orders apply to alleged perpetrators of domestic violence. I am sure members realise that, in circumstances where a restraining order is seen to be appropriate and where it is implemented in the most effective manner, we must ensure there is no continued access to firearms or to other perceived offensive weapons, such as knives, crossbows, etc. So, most of the details in the Bill facilitate the judicious and expeditious implementation of the legislation establishing restraining orders. The detailed discussion, if it is needed, will take place in the Committee stages.

However, I do take the opportunity of referring to a matter that I raised earlier because, as I indicated, restraining orders are almost universally prompted because of a domestic threat or domestic violence. I refer honourable members to a question I asked of the Attorney-General regarding the training of police officers in their response to calls involving domestic violence. It is appropriate to put into *Hansard* some of the detail that I raised then, because I was able to refer to a particular incident which I will not repeat now. The data which was significant and which I still believe is significant in this debate is that the most recent Police Complaints Authority report indicated that the incidence of complaints of police officers failing to perform duty in connection with domestic disputes and restraining orders increased by 89 per cent in 1996-97, which are the latest figures that I could access. That was an increase numerically from 28 to 53 formal complaints.

Part of the point of my question was with the training of police officers in dealing with domestic violence. I will refer to the detail of that program in a moment. I believe it is a reasonable attempt to provide serving police officers with in-service training in order to better equip them to be effective interceptors and restrainers in what are often the most difficult and delicate situations that anyone can confront. Therefore, I commend the initiative of the force in having the course put in place. However (and I emphasise that 'however'), attendance is merely voluntary and only about 60 police each year attend the course; 87 per cent of serving police have not attended and, because only 60 can undertake the course each year, this percentage is not likely to reduce substantially.

Furthermore, the course is so poorly funded that domestic violence survivors who address the police cannot be paid anything—not even attendance money—for their services to this course. Officers can be referred to the course for training where police responses to domestic violence are considered inappropriate but, despite the huge jump in the number of complaints in this area, only two individuals have ever been identified and referred to for training.

The course itself was outlined in a letter that I received from the Attorney-General on 9 November, and it is appropriate to read this short letter, which is a reply to my question without notice dated 11 August 1998, as I would like to put it into *Hansard*. The letter states:

Domestic Violence

. . . the Minister for Police, Correctional Services and Emergency Services has been advised by the police that both police cadets and police officers are exposed to the complexities of policing domestic violence within our society. The recruit training program consists of a 26 week course conducted at the Police Academy. The program provides input from police trainers and members of the Police Psychology Branch covering domestic violence issues, and all cadets undergo both written and practical assessment during training.

The aim of the domestic violence module is to enable cadets to appreciate the South Australia Police role and responsibility in combating domestic violence, identify legislation and procedures relevant to restraining order applications, investigate breaches of restraining orders and associated offences and to understand the use of authorities. To this end cadets are instructed in the law and South Australia Police policy and procedures and are given the opportunity to practise in a controlled environment the application of the law and procedure.

During the program visiting lecturers are invited to talk to the cadets, e.g., members from the Adelaide Family Violence Section. There are 17 40-minute sessions assigned to domestic violence issues by the academy staff. In addition, cadets are given a further 16 40-minute sessions from members of the Police Psychology Unit. The aim of these sessions is to provide an understanding of the nature of domestic disputes, the role of womens' shelters and the needs of victims of domestic violence, and to be able to effectively intervene in domestic dispute situations.

The seriousness of domestic violence within a society is reflected within the recruit training program and it is seen as an important part of the education of police officers.

(Sgd) K.T. Griffin, Attorney-General.

Again, I heartily congratulate the compilers of this program and recognise that, as described by the Attorney-General, it reflects a sensitive and penetrating assessment of the challenge of domestic violence. But why is it not funded so that we have the actual staff, the people who are involved, getting reasonable remuneration for doing so? Secondly—

The Hon. A.J. Redford interjecting:

The Hon. IAN GILFILLAN: It has nothing to do with that at all. What a ridiculous and inane interjection. The only time that anyone in this Chamber has shown any interest in the domestic violence issue about which I have been talking is when they have carped about some completely extraneous matter regarding funding for people who are coming of their own free will and giving their time to help train police cadets in the handling of domestic violence. It is a minuscule allocation. If a Government is at all serious about its intention to deal with domestic violence and the police service itself, it would allocate adequate resources.

The second part is equally as important, if not more important, and concerns the minimal number of serving police officers who are referred to do this course. It is also lamentable that such a small number of the serving police officers volunteer to do the course. I gave the statistics earlier in my second reading contribution. I call on both the Police Commissioner and the Police Minister to ensure that there is a roster of serving police officers which could be put into effect so that every serving police officer had a refresher course in dealing with domestic violence at least every eight or nine years of their serving time.

For one thing, a lot of these processes need updating; there are changes in legislation and procedures in an area as sophisticated and sensitive as this, and improvements in the training will be made available. It is futile to argue that people who have received some training for this as cadets—as youths—will retain that knowledge and skill unaided for the rest of their working life.

In indicating support for the Bill, I emphasise that, to be dealing with the effective use of restraining orders, it is equally important that we look at the matter of dealing with actual domestic violence—the incidents to which many of our serving police officers are called and asked to fulfil very sophisticated and challenging roles. They ought to be encouraged and have the adequate resources to enable them to be properly prepared for it. The Democrats support the second reading.

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

RING CYCLE

Adjourned debate on motion of Hon. Diana Laidlaw:

That all members of the Legislative Council applaud both the State Opera Company of South Australia on the sensational staging of Wagner's the *Ring* and the Adelaide Symphony Orchestra, conducted by Maestro Jeffrey Tate, for its world class performance of the opera, regarded as one of the most influential works in the history of western culture.

(Continued from 25 November. Page 335.)

The Hon. SANDRA KANCK: When I last spoke, which I think was 25 November, I indicated my tacit support for this motion which congratulates all those involved in the production and performance of the *Ring*. At that stage I had not seen the production and felt that I needed to see something of it before I could say how enthusiastically I supported it.

At this stage, I have seen the first three in the second cycle and I will be seeing the fourth opera, *Gotterdammerung*, in the cycle this coming Saturday night. I was fortunate—and most members may not think so when they hear what I am saying to start with—to be involved in a seat mix-up at the Festival Centre on the first night when I went to see *Rheingold*. Someone from New South Wales was sitting in the seat that I had booked. He had clearly booked it a long way ahead because he had a blue plastic card to prove it, so I quietly stood at the door after having advised the doorman that there was a mix-up. He got the house manager down with his mobile telephone and he said, 'I'm sorry, but I will have to put you in a box.' I can tell you that I was not sorry because I certainly would not have been able to pay for one of those seats.

Of the three performances, that first performance as a consequence has been an absolute highlight. My interest in the *Ring* is not the singing or the stage, but the orchestra. I am a huge fan of the Wagnerian orchestra. So, I was in a box second from the front hanging over the orchestra and able to see almost every move that went on in the orchestra, including the Wagnerian tubas which had been brought in for the occasion and watching the player who was brought in for the occasion with his base tuba play those rib vibrating notes. I just found it the most amazing experience, given that I had been looking forward to this since I was 16 years of age.

Not having heard anything other than recordings, I am not able to say whether this is a good performance or a bad performance: I can say that I utterly enjoyed it. A good way to tell, of course, is the many German people who are in the audience. When you hear them cheering at the end of an act, you can be fairly clear these people who travel from one performance to another know that they are hearing something very good.

I am looking forward to the final opera this Saturday night, but I certainly do congratulate and applaud everyone who has been involved in it. I think it is one of the most marvellous things that has happened in South Australia. I remember when it was first announced there was some speculation whether the Adelaide Symphony Orchestra was capable of performing as a Wagnerian orchestra. I have no doubt, after the first evening and the subsequent evenings, that it has proved itself to be more than up to the occasion. So, I have great pleasure in being able to support this motion.

The Hon. J.S.L. DAWKINS secured the adjournment of the debate.

GUARDIANSHIP AND ADMINISTRATION (EXTENSION OF SUNSET CLAUSE AND VALIDATION OF ORDERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 November. Page 335.)

The Hon. CARMEL ZOLLO: The Labor Party is supporting this legislation as many people are depending on it for the continuance of a legal framework. I understand the Guardianship and Administration Act came into operation in March 1995 following an extensive policy development process over five years. The Act also created the position of Public Advocate for the first time. An opportunity was provided in the Act to allow for a review on the third anniversary of its commencement with a due date being March 1998. Parliament last December extended the sunset clause so that the new expiry date became 6 March 1999. We have now been presented with another Bill to extend that sunset clause.

My colleague in another place, the shadow Minister for Health, Family and Community Services, Disability Services and Ageing, Lea Stevens, expressed her disappointment on behalf of the Party that this legislation needed to be again extended. She pointed out that very many people in our community are waiting on the results of this review and, more importantly, waiting on the results for the future.

In December 1997 we were told that the review had not completed its task and was not likely to by the expiry date of the sunset clause, that is, March 1998 and it was necessary to protect this important legislation from expiry in the meantime. Subsequently, an operational review was established and I understand that whilst both the legislative and operational reports have now been completed they are still under consideration.

My colleague in another place mentioned that 56 consumers contributed to the legislative review which we understand covered both because, as she pointed out, it is difficult to consider one without the other as they often are very closely linked. I noticed in her second reading explanation that the Minister for Transport and Urban Planning at the time of last year's extension believed the report of the review group would be available for members' consideration soon after that time. It obviously has not happened.

The reason for the delay given by Minister Brown is that our guardianship system and legislation has not changed significantly since its inception and the Government is keen to ensure that the reports are given full and detailed consideration, and that any ensuing action is undertaken without haste. As already mentioned, we agree with the need for such reviews. In fact, it was the former Labor Government which first introduced the Act following the extensive policy development process between 1989 and 1993. However, the Opposition is interested to see both the operational and legislative reports addressed as soon as possible and urges the Minister to continue with community consultation and subsequent debate in this place in order to achieve much needed changes.

In response to questions from the Opposition, the Minister made mention that the appointment of a new Public Advocate was well under way. The Opposition is concerned to ensure that the office is adequately staffed to prevent further backlog, and I was pleased to read in the Minister's second reading explanation that he is mindful of the backlog.

The second part of this Bill deals with the validity of some orders made by the Guardianship Board. The Minister outlined how this concern has come about and there probably is no reason to repeat the history in my contribution. The Opposition is supporting this legislation because we are concerned that guardians and/or administrators who have acted in good faith should be protected. It would be unacceptable for people who have been appointed by a board to find themselves at risk through no fault of their own.

In a recent article in the *Advertiser* I noted that the mental health cases reviewed by the Guardianship Board in 1997-98 had increased by one-third over the previous year. The Minister is quoted as attributing the increase to improved knowledge of the system and the rising levels of mental illness in the community. The President of the Guardianship Board commented that the increase had nothing to do with the deinstitutionalisation of psychiatric patients and more appeals against detention might be linked to better knowledge of the system and confidence in the prospect of justice before the Guardianship Board.

Whilst it is pleasing to read such positive comments concerning the prospects of justice, increased funding needs also to be addressed because of this expansion. I think it would be true to say that the expanded workload of the Guardianship Board resulted in the necessity of single member board hearings which, in turn, has given rise to the need for this legislation.

I understand from the Minister's second reading speech that it was also the opinion of the Crown Solicitor that a number of single member orders, especially those made on a review, may well have been invalid. The Opposition agrees with this amendment which will make valid all those Guardianship Board orders over which there is any doubt and which will protect those guardians and administrators who have acted in good faith in accordance with those orders issued. We agree with the second reading of this Bill and support it.

The Hon. SANDRA KANCK: I will not repeat what others have said about what this Bill is about; it is fairly clear what it is about. However, it is a Bill that has me questioning who administers the administrators, because this is the Guardianship and Administration Act. I find it passing strange that 4 000 decisions have been made by just one person and that it has taken until now to realise that this has been occurring, which is part of the reason why we have this Bill before us. I wonder how long it would have gone on. Obviously, because those 4 000 decisions could be invalidated, it is crucial that we do something about it.

I hope that it will not set a precedent. I am very wary of legislation that does something like this but I can see no alternative. I am also not happy with the fact that 12 months ago we went through the process of extending the sunset clause and we are again doing it. Either something should be in a piece of legislation or it should not be, and I do not find this process a particularly good way of doing something like this. Nevertheless, I indicate that the Democrats will support the legislation.

The Hon. T.G. CAMERON: Like the Hon. Sandra Kanck, I will not go through the background to why this Bill is necessary, but I would like to pose a few questions for the Minister, as follows:

1. Considering the current state of mental health in South Australia and the increasing demand for guardianship decisions, why has the Government taken longer than necessary to finalise the review?

2. What have been the delays in addressing any problems associated with this review?

3. Why have half the administration orders been made by only one board member?

4. When will a decision be made as to the appointment of the public advocate?

5. Will the Minister outline the necessary changes that are needed to this legislation in order to protect the most vulnerable people in our society, that is, people who have mental illnesses and who are unable to make decisions on their own? I indicate my support for the Bill.

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

A quorum having been formed:

The Hon. R.D. LAWSON (Minister for Disability Services): I support the second reading of this measure. The Guardianship and Administration Act has been the subject of a couple of reviews recently, including a legislative review which examined the provisions of the Act in some detail. The team conducting that review comprised a number of officers of Government and also from other organisations interested in guardianship matters. That review produced an extensive report, which is presently undergoing consideration. There was also an operational review into aspects of the operations of the Guardianship Board in particular but also the general mechanisms associated with the Guardianship and Administration Act, the Office of the Public Advocate and other matters. That review was conducted by a former member of Parliament and former Minister, Mr Ted Chapman, and has reported to the Minister for Human Services.

In my view this is an area in which it is inappropriate to move hastily. The legislation has been in operation for some time. The reviews touch upon a number of sensitive matters. I am delighted to hear that the Minister for Human Services is giving close consideration to the recommendations of those reviews and that legislation will be introduced next year for the purpose of taking up such of the recommendations of the respective reviews as the Government considers appropriate. In these circumstances it is entirely reasonable that the sunset clause on this legislation should be extended, and that is one of the purposes of this measure.

The second reason for this legislation is that it is necessary to regularise a number of orders made by the Guardianship Board which, it has been revealed in court proceedings, have not complied with the legislation. In particular, a board constituted of a single member has undertaken a number of reviews and altered guardianship orders in significant respects. In these circumstances and as this practice has been going on for some time there is really very little alternative but to amend the legislation for the purpose of regularising what has became an invariable practice of the Guardianship Board.

I think it is a matter for quite some regret that the board has acted outside the scope of its legislation. The error, upon examination, is an egregious error but not one over which it is possible to say that the Government had any control. I think it is a matter of great regret that the board should have acted in this way. Fortunately, if this legislation is passed, no protected person nor any family or person associated with the operation of orders or of the legislation generally will be adversely affected. That is why it is necessary—indeed,

vital—that this legislation pass as soon as possible so as to regularise an unfortunate situation that has arisen.

I look forward next year to participating in the debate upon a review of the guardianship legislation. I should say from what I have seen of the legislative review and the operational review there is no major amendment, and by 'major' I mean no overarching operational difficulty has been identified; and major amendments, as I am presently advised, will not be necessary to ensure that this legislation continues to operate for the benefit of the community. I support the second reading.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank members for their support for the Bill. I was interested to hear the Hon. Rob Lawson indicate that it would be inappropriate to move hastily in this matter, and it would not appear that the Government has moved hastily. Therefore, we again have before us a Bill to extend the sunset clause. I have been given an undertaking that this will be the last extension of that sunset clause and that the legislation will be before us next year to address this matter.

Having been the shadow Minister for Community Welfare at the time when all these issues were being discussed in terms of policy development processes in the late 1980s and early 1990s, I know the difficulties in this area. I look forward to addressing the Bill when the Minister has completed his review of the legislation and his reviews with consumers and service providers.

The Hon. Sandra Kanck asked who administers the administrator. I highlight that that is one of the issues that is subject to the review and I will draw the honourable member's questions and concerns to the Minister's notice. I will also bring back a reply to the Hon. Terry Cameron who did indicate to me that he would be prepared for answers to his questions to be provided by letter. If this is the last week of sitting I will make sure that he gets those answers before Christmas, because I think it was reasonable of him to indicate that he would not hold up the Bill while awaiting those answers. I will get an undertaking from the Minister that those answers be provided to him before Christmas, and inserted in *Hansard* when we return next session.

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

SHOP TRADING HOURS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 November. Page 369.)

The Hon. SANDRA KANCK: I rise to oppose the Bill. I found it very interesting to read the *Hansard* record of the comments of the member for Kaurna, Mr John Hill. He called this the 'every player loses Bill', and I think it is a very appropriate title. I have listened to Opposition members and their half-hearted attempts to support the legislation. If ever there has been an example of something being damned with faint praise it has been the contribution of Opposition members in supporting the legislation. It certainly has not been a ringing endorsement.

I recall that some two years ago at the Royal Adelaide Show the Democrats stand on which I was taking my turn was visited by a certain Mr Koutsantonis, who was a member of the SDA. He spent some time abusing me and the Democrats in a very loud voice, drawing a lot of attention from other stall holders, claiming that the Democrats had sold out on the employees, particularly those in his union. Of course, anyone who had followed that issue at the time recognised that what the Democrats had done was to make a promise to support small business when small business had said to us that at that point it was more interested in retail leases than the actual hours, and we were prepared to give ground and to support the concerns of small business.

I found it very interesting then to read what the same Mr Koutsantonis, as the member for Peake, now has to say. He was one of those who spoke in the House of Assembly supporting this legislation. So, all I can say is that some people are very hard to read.

The Hon. T.G. Cameron interjecting:

The Hon. SANDRA KANCK: Yes, I wonder why. Perhaps the Hon. Mr Cameron might have something to say on this when he makes his contribution. This move by the Government (supported by the Opposition) will increase the market dominance of the three major supermarket chains. That, in turn, will reduce the number of jobs available in retailing. I think it is important to recognise that for every dollar of turnover small retailers employ three times as many staff as major retailers. I think we should consider the impact that this will have on small retailers. If they have to spread the same number of dollars earned over longer hours they will be forced to cut corners in one way or another which might, for instance, result in their leaving junior staff on duty later and for longer. That will not only reduce service to consumers but is likely to jeopardise the safety and security of staff who work alone at night. I consider what the Government is doing in this regard, with Opposition support, is quite reprehensible.

My colleague the Hon. Ian Gilfillan, who has responsibility for this portfolio, received a letter from a husband and wife who operate two florist shops: one at Welland and the other at Hallett Cove. They detail in their letter a normal day. This was before the extension of trading hours. The letter states:

> My husband and I leave for work six days a week at 5.30 a.m. to be at the Adelaide Flower Market by 6 a.m. We are in our Welland shop by 7.30 a.m. and the Hallett Cove shop by 8 a.m. Both shops close [to the public] at 6 p.m. By the time that John gets back to Welland to pick me up (it's too costly to run two cars) and we drive home, it can be as late as 7.30 p.m. or 8 p.m.—10.30 p.m. on Thursdays, which are a total waste of time!

That is just one small retailer who will be impacted upon by these decisions. I think it is also important to recognise that these changes to shopping hours will occur at the same time as the Government refuses to end the exploitation of retail tenants by unscrupulous landlords. I indicate that together with my colleagues the Hon. Ian Gilfillan and the Hon. Mike Elliott I strenuously oppose this legislation.

The Hon. R.R. ROBERTS: I rise to make a contribution to this debate. It is not my intention to go over the different points that have been raised, because most of the statistical matters have been covered by many other members in another place and in this Council. I note that the Hon. Sandra Kanck referred to the division between small and major retailers.

I want to refer to one particular point and that relates to traders in metropolitan Adelaide as distinct from country areas. It is well known that I come from Port Pirie where shopping hours have virtually been deregulated. The experience with deregulated shopping hours in Port Pirie has been that after a while traders find their own water level. On one

occasion in Port Pirie we had the situation of one of the major traders staying open for 24 hours a day. That proved popular for a couple of weeks with some of the local youths who, when walking home at 2 or 3 a.m., were able to buy cheap produce, but it did not last long because traders themselves find their own balance.

There is one aspect which will be covered by an amendment to be moved by my colleague the Hon. Terry Roberts in respect of new trading hours. Under the retail lease arrangements in South Australia, it is feared that when leases come up for renewal in future—again, I refer to Adelaide—many small traders in some large shopping complexes will be forced into opening for longer hours. It may well be said that this will be voluntary, but that is like saying to people who are on individual contracts and shop assistants who were caught up in the last round of alterations to shopping hours that whether they work on Saturdays and Sundays will be voluntary. In reality, that is not the case. All sorts of pressures are put on employees. In fact, it comes down to the situation of either you work for the hours the boss wants you to work or you are told that you are too qualified, you are under-qualified, or your attitude is not right, and for some reason you lose your job.

It is my expectation that without an amendment along the lines proposed by the Hon. Terry Roberts undue pressure will be put on small traders in some of these complexes to open for hours that they do not really want. I am confident that the amendment proposed by my colleague will cover all the situations that could arise, but when you are dropped over the cliff you look for any feather to fly with. So, at least some places will be able to get some relief through this process.

Members interjecting:

The Hon. R.R. ROBERTS: I hear members making comments, but I have had some involvement in shop trading hours going back to the amendments that allowed for Sunday trading. I heard the views and assurances of all the Ministers, Government members and Democrats. I will not go over those views again, but I want to make one point regarding small traders in country areas. I think the Hon. Mr Gilfillan said that there would be no winners under these new changed arrangements. However, I beg to differ. There will be some relief for consumers in metropolitan Adelaide and some outlying areas in that the prices they will pay for produce up to 7 p.m. will be reduced.

From my experience and observations over the past couple of years in particular, I note that petrol station operators now operate as de facto supermarkets. These establishments have now expanded their activities to such an extent that there is no difference between a small supermarket and a BP or a Mobil shop. I rent a flat in Prospect not far from a BP shop. I have watched as constituents from Blair Athol come down Prospect Road to do some shopping. They see the BP shop with all its flashing lights and bright appearance and drive straight past the small retail outlets on Prospect Road and go to the BP shop.

Until this legislation was enacted, what they found when they got to the BP shop was that the prices were not much different from those offered by small retailers. That is because these multinational oil companies have a competitive advantage over not only small retailers on Prospect Road—and, no doubt, in other areas—but also supermarkets in the same area which must remain shut. There is an opportunity through this legislation for at least some of those constituents to be able to buy the produce that they require at a reasonable price.

One might say with some credibility that perhaps the Hon. Ron Roberts is on the wrong track with his usual argument of saying that we ought to protect the small business operator at all costs. If I were a small business operator on Prospect Road or anywhere else, it would not matter much to me if I was being screwed by Woolworths, Mobil or Ampol. That is what has been happening. If this Government was serious about giving a competitive edge to small business, it would look at the BP, Ampol and Mobil shops which, without question, are just mixed businesses or supermarkets. It would say to those people—

The Hon. Sandra Kanck interjecting:

The Hon. R.R. ROBERTS: Well, I certainly support the proposition that we have an even playing field for all. Even with this new legislation we will find that supermarkets will close at 7 p.m. and, in some instances, Mobil and BP shops will trade all night. Small business operators do not have the capacity of multinational corporations to install the big stations with their bright lights and all the facilities such as banking facilities, bakeries and dairy counters that attract the young and those with money in their pockets.

So, I support the legislation, but it is far from representing an ideal situation. This shopping hours debacle occurred because of the prevarication and messing about of this Liberal Government. The Government's handling of shopping hours in South Australia in the last five years has been abysmal. The Government wanted Sunday shopping throughout, and it made deals with multinational corporations for Sunday trading. The Liberal Government has not been able to control its back bench, and we now have a compromise which tinkers around the edges and which does not do too much damage to small businesses. Although it does not do them a lot of harm, it does not do them any good, either. If this Government is serious about even playing fields and about giving everyone a fair go, it will tackle the multinational petrol corporations with the same vigour with which it is tackling the Westfields, the Woolworths, and so on, and make them trade on the same terms.

I am aware of the history of the BP, Mobil and Ampol shops. Indeed, it was a Labor Government which allowed these people to get into this business and which said that 80 per cent of the products that these companies sold had to be oil-based or to do with the motor industry. It was a Labor Government, against my better judgment (I fought long and hard and lost again), which reduced that level from 80 per cent to 60 per cent. The reality is that it is virtually open slather.

If the Government was serious about giving small business a go, it would propose that multinational petrol corporations operate on the same basis as supermarkets. That would at least give the small operator in South Australia a bit of a chance. At the end of the day, the small business operator will be knocked over, because his buying power will never be the same as that of the multinational petrol corporations or the big players such as the Woolworths, the Westfields and so on.

I support this Bill, but with a fairly heavy heart, because it does not solve the problem: it just makes it a little more even than it used to be. The only people who will get some small benefit from it will be consumers in Labor electorates in particular because, unlike the situation prior to the introduction of the legislation, they will be able to buy product at a reasonable price. I indicate my support for the Hon. Terry Roberts' proposed amendment, and I await passage of the Bill.

The Hon. T.G. CAMERON: I rise to oppose the second reading and indicate at this stage that I will seek a division at that stage. I have a number of concerns regarding the proposed changes, and I am sure it will please members to know that I will not go into the detail of the Bill, as the Hon. Trevor Griffin has already outlined the changes in his second reading explanation. I note with interest the Labor Party's support for this Bill, and I will comment on that a little later in my speech. However, it does raise the question why the Labor Party supports this Bill. I have heard some of the speeches of Australian Labor Party members in this Council and have read the rest of the speeches, and they all rose to speak in favour of the Bill and then spoke against it. One can understand the odd dissident speaking against a decision of the Caucus, but—

The Hon. Sandra Kanck: Who in the ALP is supporting it?

The Hon. T.G. CAMERON: I don't know who is supporting it, because we have had members of a number of factions—and Independents—indicate their support for the Bill but then set out a very good case as to why they should be voting against it. Anyway, I am not in the Labor Caucus anymore, so I cannot throw any light on why the Labor Caucus made this decision. Perhaps it could have something to do with the numbers that The Machine has in the Caucus and, of course, the major sponsor of the Labor Unity Faction is the Shop Assistants Union. I will leave my comments in relation to all that for another time—

The Hon. Sandra Kanck: I am disappointed.

The Hon. T.G. CAMERON: I am sure the honourable member would be disappointed; it is an interesting tale. Shopping hours have been on the increase since the late 1970s. In 1977, late night trading was introduced to allow shops in the suburbs to open until 9 p.m. on Thursday nights and in the city on Friday nights. In 1980, weekend trading and holiday trading for hardware and building material shops was introduced. In 1990, Saturday afternoon shopping was introduced. In October 1993, the Labor Government gave ministerial exemptions on applications for supermarkets wanting to open until 9 p.m. on weekdays. The latter changes to shopping hours outraged the small retailing community.

I had the pleasure—if one could describe it as a pleasure—of being the campaign director for the 1993 election, and I can assure you, Mr President, that Labor was on the nose not only in relation to the State Bank and other financial disasters but also in relation to the changes that it had supported with respect to the introduction of Saturday afternoon shopping, ministerial exemptions, applications for supermarkets, etc.

Needless to say, these changes to shopping hours outraged the small retailing community. Many small retail owners who traditionally were Labor voters turned away from the major Parties at the poll on 13 October 1993, preferring the Democrats to Liberal or Labor—and who could blame them? At the following State election we saw the Democrat vote substantially increase to some 17 per cent in the Upper House. I guess all that indicates—

The Hon. M.J. Elliott: In the Lower House.

The Hon. T.G. CAMERON: No, I don't think you got 17 per cent across the board in the Lower House; it was lower than the Upper House vote. After the 1989, 1993 and the following election, it was obvious to me that small business, particularly small retail owners (and many of these were traditional Labor voters who voted either for us or for the Liberal Party), had turned away from the Liberal Party, looked at the Labor Party and at the end of the day decided that the only Party out of the three major Parties worth voting for was the Australian Democrats.

The Hon. T.G. Roberts: They didn't like the Shadow Minister for Small Business.

The Hon. T.G. CAMERON: That may have been the case, but I do not know whether that explains 1989 and 1993. Following the election of the Liberal Government in December 1993, these exemptions were revoked and a committee of inquiry established to review the Act. In 1995, the Act was amended, again to allow for all day Sunday trading in the city. The STA was vehemently opposed to Sunday trading in the city or the suburbs, with its Secretary, Don Farrell, claiming that this was an unfair situation for its members.

In contrast, the Small Retailers Association supported Sunday trading in the city as it believed that it would be good for its membership. Trading in the city on a Sunday was a viable option for many of them. However, the changes we have seen before us seem to be having the opposite reaction. The STA has come out in support of them and the Small Retailers Association and Small Business Association oppose them.

In addition, we have the Labor Party and the Liberal Party supporting these changes as well, although that is pretty difficult to tell from the speeches that have been made in this Council, anyway. Further, 63 000 small businesses employ in excess of 200 000 people in South Australia and provide almost half the State's private sector jobs, and 97 per cent of all retailers are small retailers. Dollar for dollar, small retailers employ three people for every one employed by the large retailers. The Premier was quoted as saying recently, when launching the Government's First Step Program:

> The Liberal Government recognises the importance of small business in South Australia. Small business is a major generator of growth and employment, a cornerstone of our economy.

That quote came from 'The First Step: Committed to Small Business Success'. It seems paradoxical that it is the same Government that wants openly to destroy the many small business in South Australia which arguably are the engine room of our economy, yet it will be small business that will be the big losers in all of this. One local shop owner recently commented in a letter to my office:

> Any changes in the shopping hours will devalue my business.

That came from Welcome Mart. This piece of legislation has been predicated on two main arguments: competition and tourism. I refute both these assertions and will address them in turn. As I have stated, we have seen shopping hours increase over the past two decades. In parallel, the three major retail chains, Coles supermarkets, Woolworths and Franklins, have increased their market share twofold. Research suggests that in 1975 the big three retail chains had 40 per cent of the market share compared with 60 per cent in 1985 and 80 per cent in 1998. This is predicted to increase to 85 per cent by the year 2000.

In comparison, in the United Kingdom the three major retail chains currently hold 45 per cent of the market share. In the USA they hold 21 per cent and in Japan only 17.5 per cent of market share. If competition increases as a result of extended trading hours, why have the Managing Directors of both Woolworths and Coles commended deregulation for increasing their profits? They said recently:

> Competition was weak and margins grew fat [as a result of increased shopping hours].

That quote comes from the *Financial Review* of 12 March this year. While both men might like to take credit for their record profit increases, reality suggests that most of their good fortune is a result of the increase in shopping hours which has been a disaster for their competitors, that is, small business. Again, I refer to the *Financial Review* of 12 March 1998:

> $21 million out of the $50 million profit expansion in the first half of the 1997-98 financial year is a direct result of fatter supermarket margins.

The big three retail chains—Coles, Woolworths and Franklins—have at least 75 per cent of the market share in South Australia. Figures indicate that the small retailer has been losing market share at 1.7 per cent a year. Translated, this means that Coles and Woolworths have gained at least $350 million a year, each year, through market share gains alone. In actual fact, the $350 million gained each year by the big three means that 4 830 jobs are lost in the small retail sector. In other words, as the market share for the big end of town increases and profits rise for shareholders, jobs are lost in small business and small businesses are going out of business. The only support this Government is giving small business is that it is helping them become smaller. I now quote from the Council of Small Business of Australia, as follows:

> For every new job created in a major retail chain, 1.7 jobs is lost in the small retailing sector.

This is not in the public interest or in the interests of South Australia. Competition is about having enough competitors in the market place to determine price. My office has recently received evidence which suggests that we are moving towards a situation where the two major chains—Coles and Woolworths—are divvying up the market place. In the past they have always been fierce competitors, but what are we seeing in the metropolitan area of Sydney? An aerial view of store locations and market areas of Coles and Woolworths in metropolitan Sydney suggests that they have come to some kind of arrangement in relation to the location of their stores. In 1981 in metropolitan Sydney—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. T.G. CAMERON: —Coles and Woolworths were virtually in full competition with each other. The majority of these stores were in close proximity to each other, directly in competition. The winner was the consumer with lower prices. However, what we see now in 1997 is a clustering of Coles stores and a clustering of Woolworths stores. It would appear that Coles and Woolworths are no longer in competition with each other but have decided that their advantage lies in ridding themselves of the smaller competitor. That is precisely what the big retailing chains have in mind, that is, to get rid of as many small retailers as they can, and they are being aided and abetted in the practice by the Liberal Government, the Labor Opposition and the Shop Assistants Union.

As I have already stated, evidence suggests that they have achieved their objectives with the companies' Managing Directors boasting about their record profit margins and increased market shares. Although I congratulate the Government on not going down the path of total deregulation of shopping hours, I wonder how long this Government will be able to withstand the pressure put on it by the big end of town, that is, Coles and Woolworths.

We have merely to look at Victoria to see the disastrous impact of total deregulation of shopping hours. A survey recently conducted in Victoria by the Retail Confectionery and Mixed Business Association in late March of this year, about 18 months after deregulation, concluded that 87 per cent of small businesses reported sales reductions immediately following deregulation; 66 per cent reported further losses over the next 12 months; and 55 per cent still reported sales losses 16 months after deregulation. So, while 87 per cent suffered immediately, 16 months later 34 per cent had stabilised at a lower turnover and 55 per cent continued to lose business.

Clearly the concern here is the long-term prediction which suggests that two-thirds of small retailers do not see a future for their business or their staff. This illustrates a scenario leading to business failure and job losses. Do we really want to see this happen in South Australia? I for one am sick of this Government's hopping into bed with big business; I am sick of seeing the Labor Party in bed with the big unions; and once again we have the two major Parties selling out small business and their families. We have the two major Parties selling out the people of South Australia on jobs.

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. CAMERON: Thank you for your protection, Mr President; they were just about getting me down. They have found my weakness: interjecting while I am on my feet, and I just cannot handle the interjections! Anyway, we have the two major Parties selling out the people of South Australia on jobs. It will generate jobs losses, not jobs growth. We have the two major Parties trying to keep their affiliates happy: the Liberals and their big business buddies and the Labor and their big union buddies. The Labor Party supports these changes.

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. CAMERON: I am expecting to be kicked out of the Australian Workers Union some time in the near future. Wait a minute, I do not have actually to vote against the lease now, so I may be able to retain my membership. The Labor Party supports these changes, and I really have to ask why. We saw the committed and enthusiastic speeches made by my former colleagues in the Labor Party. I draw the House's attention to the Hon. Terry Roberts's speech in particular.

The Hon. M.J. Elliott interjecting:

The Hon. T.G. CAMERON: The Hon. Michael Elliott interjects and asks me about closed shops, but I have only another 55 minutes to go before we break up. Time does not permit me to go into a detailed discussion about closed shops.

The Hon. M.J. Elliott interjecting:

The Hon. T.G. CAMERON: But the time might come, Mr Elliott, when I feel the need to do that. I was just about to comment on the enthusiastic endorsement that the Hon. Terry Roberts gave for this piece of legislation. I must say that I have heard the Hon. Terry Roberts make more enthusiastic speeches in the past, but maybe he did not have his heart in it.

The Hon. M.J. Elliott: He should follow your example.

Members interjecting:

The Hon. T.G. CAMERON: Well, the Hon. Terry Roberts is always cool and dispassionate, although I can remember times past when I have seen him lose his cool—but they were private matters and we will not go into that in this place.

Another claim is that increased shopping hours will benefit South Australia's tourist trade. I believe this argument is a total fallacy and I was pleased to note that none of the speakers, at least from the Australian Labor Party, had the temerity to get up and argue that this particular proposal will see South Australia's tourist trade rise over the Christmas period.

The Hon. M.J. Elliott interjecting:

The Hon. T.G. CAMERON: Well, I will place some material before the House that I hope will expose the fallaciousness of this argument, which is usually trotted out by the Government, that we need to have 24 hour shopping seven days a week 365 days a year and, if we did that, we would have a tourist boon in South Australia. That is arrant nonsense.

The Hon. M.J. Elliott interjecting:

The Hon. T.G. CAMERON: I am pleased that the Hon. Mike Elliott interjects to remind me of the shopping hours that do exist elsewhere around the world because he raises a very pertinent point. South Australia currently has 64 hours of shopping a week in the metropolitan area and 70 hours in the central business district. This is in stark contrast to other countries around the world where 65 per cent of them have less shopping hours for the week than we do. One can only assume that these 65 per cent are doing even worse than South Australia in attracting tourists to their destination.

The Hon. R.R. Roberts interjecting:

The Hon. T.G. CAMERON: The Hon. Ron Roberts points out that they might not have tourism going to their countries. That may be true, but I do mention that 65 per cent of countries in the world have less shopping hours than we do. Let us look at some of the major tourist countries such as Spain, Japan and Fiji. They have less shopping hours than are currently available in South Australia. For example, Spain, which is one of the major tourist destinations of Europe, has 60 hours a week; Japan has 60 hours a week; and Fiji, another major tourist destination, has only 50 hours a week. Other countries with a high trade tourist—

The Hon. A.J. Redford interjecting:

The Hon. T.G. CAMERON: Well, we will talk about countries with which you might like to draw a comparison. Other countries with a high tourist trade and renowned for shopping and on par with this State include Thailand with 63 hours; Switzerland 63.5 hours; Italy 66 hours; and Germany 72 hours. But, every time an alteration is mooted on shopping hours we are told that one of the reasons why tourists do not come to South Australia is that they cannot shop. Well, that is just plain simple bullshit.

The PRESIDENT: Order!

The Hon. T.G. CAMERON: Bull. It is about time that people recognised it. I am sure members will have noted that some of the countries I have outlined are popular tourist destinations, which have not seen the need—

The Hon. M.J. Elliott: It's where our tourists come from, too.

The Hon. T.G. CAMERON: Well, tourists come from those countries as well. I suppose when some of them get here they are surprised at how many hours they can shop in this country. It begs the question: why does South Australia need to increase its shopping hours? Even retailers in the city do not want the extended hours on week nights.

The Hon. M.J. Elliott interjecting:

The Hon. T.G. CAMERON: The Hon. Michael Elliott interjects to say that it is to please Woolworths. I suspect there is a great deal of truth in his interjection. A recent article in the *Advertiser* highlighted the concern from city retailers when they said in the *Advertiser* on 7 December:

> We cannot see a future for regular trading until 9 p.m. in the city because Adelaide's consumer demand could not sustain it.

Well, I suppose when all the tourists arrive we will have to open the shops in the city each week night until 9 p.m. so that they have time to do their shopping.

It is commonsense to recognise the fact that there is only so much money to go around. This seems to be a common complaint that you hear from small business, and I would suggest to the Government that unless it wants to alienate the few votes it has remaining in small business it spends some time talking to them about their concerns. Many small businesses, such as fruit and vegetable store owners and small minimart proprietors, have contacted my office in real distress over these changes. Many of these businesses have been in the family for generations but may face closure as the big three take more and more of their market share. That is not just a spurious claim on my part; they are not just figures I have plucked out of a hat.

The Hon. A.J. Redford interjecting:

The Hon. T.G. CAMERON: I urge the Hon. Angus Redford to look at some of this material. The busiest time for most small businesses in the suburbs is between 5.30 and 7.30 p.m. when they catch the shoppers who are returning from work. If the major shopping centres are allowed to open until 7 p.m., this will result in the death of the small retailers. Quite simply, they cannot compete with the big end of town. They do not have the same buying power as Woolworths or Coles. One fruit and vegetable store owner commented:

> Woolworths and Coles can afford to lose $100 000 on a line and be subsidised by another product. Losses to us do not mean shareholders get less. It means we will not get paid as much in one week.

I urge all members of this House and the other House, particularly those with electorates, if they want to find out what small business people are thinking about the Government and the Australian Labor Party at this point in time, to do a bit of doorknocking in the shopping centres and call on the small retailers to find out what they have to say.

The Hon. A.J. Redford interjecting:

The Hon. T.G. CAMERON: Well, the honourable member is out there shopping: I guess I am out there listening to their concerns. I would suggest that the honourable member do less shopping and more talking to these small retailers. I retract that: do more listening. If the honourable member starts talking, he will put them off forever.

The two arguments of competition and tourism are a fallacy. There is no evidence to support these claims. In fact, the evidence is to the contrary. The evidence I have produced today only serves to highlight this. The market dominance we have seen over the past decade or so by the big three is almost unprecedented in the western world. I am still looking—and we are still doing research—but I am trying to find—

The Hon. M.J. Elliott: Switzerland is the only one that gets close.

The Hon. T.G. CAMERON: But nowhere near what we have here. The Hon. Michael Elliott interjects to say that Switzerland is running close to Australia: I will look at that but, on all the evidence I have seen, it seems that Australia is way out there on its own with this high percentage of trade that goes through the three major retailers. I think Governments of whatever persuasion, whether they be Liberal or Labor, will have to take a very close look at some kind of legislative changes to try to create a more equal playing field

between small and big business. If they do not, it will not be too long before the only place you will be able to shop in will be a Woolworths, Coles Myer or Franklins store—

The Hon. R.R. Roberts: Or a BP shop.

The Hon. T.G. CAMERON: The Hon. Ron Roberts interjects and says 'A BP shop'. If there has been one change to retailing which has gutted or had a real impact on the small retailer (and I am talking about the corner deli and seven day mini-mart, etc.), it has been the way that the large major petrol retailers, not only in this State but also all over Australia, have introduced basically mini-marts or mini supermarkets into their service stations. That has impacted dreadfully on the trade of the small delicatessen or small retailer. I go down and look at the corner of Unley Road and Cross Road, where there was a terrific little deli just down from a Mobil service station. Quite frankly, when the supermarket got up and running, a lot of the goods that kept his business running were then purchased—often at higher prices—from a service station. So, the impact of these service stations on small retailers has been dreadful. Once again, it is a classic situation and I do believe it needs to be looked at because one wonders whether some of these retailers are subsidising the price of their petrol by keeping up the prices of all the goods in the deli (if you could call it that) inside the petrol station. I agree with the Hon. Ron Roberts there: that is something that needs to be looked at.

In the final analysis I believe there will be winners and losers as a result of these changes. The winners will be Government and its big business mates and the shop assistants' union. The losers (and there are a lot more losers than winners in this equation) will be small businesses and their families; the shop assistants, who will have no choice but to work or lose their jobs; and the consumer, who will be left with no choice but to shop at one of the big three, which will inevitably jack up their prices as competition decreases.

The Hon. M.J. Elliott: More dead-end checkout jobs.

The Hon. T.G. CAMERON: I think we will find within the next five or six years that even those checkout jobs will disappear from the big supermarkets. They have been investing heavily in technology for a number of years now, not only to dispense with the people who put the prices on the items on the supermarkets but also to dispense with the people at the cash registers. A perfect supermarket is one where the truck drives up at the back of the supermarket; the goods are automatically loaded into the store and automatically priced; the consumers go in and pick them out; if they have a problem or they need information they go to a computer terminal to find out where the goods in the store are; when they go to pay their bill, they push their credit card into a machine; and their goods are automatically loaded and they carry them out of the store. That is a perfect store for Woolworths.

An honourable member: Maybe just a thumb print.

The Hon. T.G. CAMERON: Maybe a thumb print.

The Hon. M.J. Elliott: They'd like 10 gaming machines along one wall, too. They've got them over in America in some stores.

The Hon. T.G. CAMERON: Well, the Hon. Nick Xenophon is back in the Council now and I can see him frowning at the thought of poker machines going into supermarkets, but it is not as silly as it sounds. We will get to poker machines in debate on another Bill, but it is quite clear to me that the AHA and hoteliers here in South Australia are hell bent on having 15 000 poker machines here in this State before the end of the year 2000.

The Hon. Carmel Zollo: Not if we vote for the freeze.

The Hon. T.G. CAMERON: I will be very interested to see what the Hon. Carmel Zollo does. I will wind up now; the interjections are getting too much for me. In conclusion, these changes to shopping hours are anti-jobs, anti-small business and anti-families. I do not support this Bill and, as I have indicated before, I will be calling for a division.

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their comments on the Bill. I particularly thank those who have already indicated their support for the second reading but, notwithstanding the fact that some members will not support the second reading, I also thank them for their contributions. From the contributions which have been made in this Council on this debate, one can see how diverse are the views on shopping hours which obviously reflect a variety of views out in the community. Clearly, the Government disagrees with a number of the assertions which have been made. Those assertions have also been out in the public arena and I do not think there would be any profit in dealing with them. There will of course be one issue to be addressed in the Committee stage and I will leave my remarks on that issue until we get to that amendment.

The Council divided on the second reading:

AYES (15)

Crothers, T.	Davis, L. H.
Dawkins, J. S. L.	Griffin, K. T.
Holloway, P.	Laidlaw, D. V.
Lawson, R. D.	Lucas, R. I.
Pickles, C. A.	Redford, A. J.
Roberts, R. R.	Roberts, T. G.
Schaefer, C. V.	Weatherill, G.
Zollo, C.	

NOES (4)

Cameron, T. G.	Elliott, M. J.
Gilfillan, I.	Xenophon, N.

PAIR(S)

Stefani, J. F.	Kanck, S. M.

Majority of 11 for the Ayes.

Second reading thus carried.

The Hon. T.G. ROBERTS: I move:

That it be an instruction to the Committee of the Whole that it have power to consider an amendment to the Retail and Commercial Leases Act 1995.

Motion carried.

In Committee.

Clauses 1 to 4 passed.

Clause 5.

The Hon. M.J. ELLIOTT: During the second reading stage I posed some questions that were not addressed at the end of the second reading, and I think since they largely relate to this clause it is the appropriate point to ask them again. This clause extends shop trading hours and effectively adds an extra two hours to each weeknight except Thursday where trading already operates to 9 o'clock. I noted during the second reading debate that, in fact, the overwhelming majority of stores in South Australia are capable of opening any hours they want to right now, because they are exempt under the legislation. It is largely stores over a certain size that cannot open.

When one makes a close analysis one finds that the stores which cannot open and which are busting themselves to open are the supermarkets—Coles, Woolworths and Franklins. In fact, the extended hours of an extra two hours are more or

less exactly what they have been asking for to this point. So, the amendments strike very much to the heart of what they wanted and are the very things that have been feared by many of their smaller competitors. It has been claimed that the majors expect to increase their market share by some 4 per cent simply on the basis of the change in trading hours. I ask the Attorney-General whether or not that issue has been addressed, whether or not he is aware of those claims and what his response to it is.

The Hon. K.T. GRIFFIN: I am just looking through the honourable member's contribution at the second reading stage. He made a number of points but he did not seem to me to be raising a number of questions, so that is why I did not answer them.

The Hon. M.J. Elliott: Well, I am posing an explicit question now, anyway.

The Hon. K.T. GRIFFIN: That's fine. I must confess that I did not discern from the contribution that you wanted questions answered. You were making some political points—

The Hon. M.J. Elliott interjecting:

The Hon. K.T. GRIFFIN: You can make your points if you want to, but if you want to raise questions we will deal with the questions. That's fine by me. I am informed that it was one of the issues that was taken into account in considering the structure of the Bill. Of course, the difficulty is that the issue of market dominance and the effect of this legislation is not uniform. The Act may have the effect of advantaging some small retailers in the food sector over their larger competitors, but it is not a uniform advantage.

The Hon. M.J. Elliott: You mean an advantage to the large over the small, surely?

The Hon. K.T. GRIFFIN: No, the present Act. I said that the present Act may have the effect of advantaging some small retailers over their large competitors with regard to trading hours. I would have thought that the extent of the increase in hours would not significantly, if at all, adversely affect small food retailers.

The Hon. T.G. Cameron: It should not be a question of what you think; you should know, shouldn't you?

The Hon. K.T. GRIFFIN: Well, how do you know that? You tell me how you know that. You can't know it. 'Know it' means that it is irrefutable fact, and you can't determine that.

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: That wasn't the issue. The Act only applies in certain areas of the State. Woolworths in Victor Harbor is not covered by the Act and may therefore trade at any time. Where it does apply, the Act also does not give uniform advantages to small retailers over large retailers. The Act, for example, has the anomalous effect of advantaging some large specialist retailers, such as hardware stores, over their large department store competitors. So, the issue of market dominance, whilst it has been taken into consideration, is not the only factor which determines the issue of trading hours.

The Hon. M.J. ELLIOTT: The Attorney-General said that the Government took it into account. Does that mean that it acknowledged there was a very real possibility of a market share change of 4 per cent? That figure was published interstate by Woolworths which believed that a 4 per cent share change would occur in its favour. Does the Attorney-General acknowledge that that was a real possibility even if it is not a known fact?

The Hon. K.T. GRIFFIN: I am advised that the Government took that possibility into consideration but that it had no numbers in front of it.

The Hon. IAN GILFILLAN: I am sure that it was of interest to the Government that the major stores in the city opposed the offer of this extended trading period trial. Did the Government note that the argument for the rejection of this offer was because they did not think it would increase the volume of sales and the overhead costs for the extra hours would not be recouped? There was very little enthusiasm for it. In fact, there was virtually a rejection of it to the point where the Minister (Hon. Michael Armitage), I think with some degree of pique, said that they were looking a gift horse in the mouth or that they took a particularly obnoxious attitude to what he viewed as a very generous offer.

I put to the Attorney that, if the people who know more about retail trade in South Australia than anyone decide that it is not worth their while to extend their trading hours—which reinforces the argument of those of us who have persistently said that there are no more dollars and that there will be an increase in overheads—does that not reinforce the argument that the clear motive for this whole push is to enable the big players in the field to operate during periods of time which would crush their opposition and leave them virtually with monopoly marketing outlets?

The Hon. K.T. GRIFFIN: The fact is that Harris Scarfe did not agree with the big city retailers. Harris Scarfe said that they were mad—or something like that.

The Hon. M.J. Elliott: Is that a direct quote?

The Hon. K.T. GRIFFIN: I read the newspaper article in which Harris Scarfe said that they were mad for rejecting it. That is my recollection. At least that was the tenor of Harris Scarfe's response. So, I do not acknowledge that there is a consistent view which is demonstrated by city retailers and which might be used as an argument against extended hours. It has always been the Government's view that the hours are the maximum hours. They are optional hours. My recollection is that when Sunday trading came in many city retailers were opposed, but now they are all fighting for it. The ball game changes as their experience broadens. It may well be that Harris Scarfe's position will ultimately carry sway and that the reflection which it has made on other retailers for rejecting extended hours on weeknights will prove to be a valid criticism.

The Committee divided on the clause:

AYES (14)

Crothers, T.	Davis, L. H.
Dawkins, J. S. L.	Griffin, K. T. (teller)
Holloway, P.	Laidlaw, D. V.
Lawson, R. D.	Pickles, C. A.
Redford, A. J.	Roberts, R. R.
Roberts, T. G.	Schaefer, C. V.
Weatherill, G.	Zollo, C.

NOES (4)

Cameron, T. G.	Elliott, M. J.
Gilfillan, I.	Xenophon, N.

PAIR(S)

Stefani, J. F.	Kanck, S. M.

Majority of 10 for the Ayes.

Clause thus passed.

Clauses 6 to 9 passed.

New clause 10.

The Hon. T.G. ROBERTS: I move:

Page 4, after line 7—insert new clause as follows:

Amendment of Retail and Commercial Leases Act 1995.

10. The Retail and Commercial Leases Act 1995 is amended by inserting the following subsection after subsection (2) of section 61:

(2a) The lessor or the lessee under a retail shop lease (or an officer of an association referred to in section 60 acting at the request of a lessee) may call a meeting of the persons who are entitled to vote in a ballot to vote on a resolution approving different core trading hours for the purposes of subsection (1)(c).

This amendment tries to come to terms with some of the fears that people have in relation to the removal of compulsion for some of the small retailers to remain open. In particular, I refer to those small retailers who have rental/commercial premises in large supermarket chain areas in larger shopping precincts. When the Retail and Commercial Leases Act 1995 was being considered, some members who made contributions indicated that a number of the commercial lessees in the larger precincts were forced to stay open for the same hours as the larger retailers. This amendment tries to come to terms with some of the problems faced by smaller retailers by giving them the opportunity for a plebiscite that would directly involve them.

They could then make a decision about whether or not they want those hours and, hopefully, avoid some of the implications of acting perhaps against the best interests of the larger retailers by insisting that those hours for which the smaller retailers want to remain open are in keeping with their ability to make their decision voluntarily, because some of the information reported to this Council indicated that, when those lessees had to renew their leases, pressure would be put back on them and that they might have trouble renewing their leases if they acted as individuals within those precincts. Hopefully, this amendment will take the pressure off those individual lessees so that in a plebiscite they can act in concert with each other and thereby avoid any victimisation.

I am not saying that it will prevent it entirely, because I know that at some meetings if the stakes are high enough—and I am not sure that in one or two hours the stakes would be high enough for lessors to victimise lessees over it—we need at least to give those lessees some form of solidarity and protection. I am sure that there have been cases where there have been reports of meetings held by smaller lessees in informal circumstances; in fact, when the lessees started to organise in 1995 a number of them were asked not to participate in many of the political activities leading up to that Bill, and much pressure was applied to prevent them from becoming active. Hopefully, this will allow those people to act in concert and to come away with a unified position.

The Hon. K.T. GRIFFIN: The Government opposes the amendment. The Government's view is that this is misconceived, and I will endeavour to demonstrate why that is the case. I notice that the Minister for Government Enterprises in another place indicated that this was an issue that he would ask me to raise at the Retail Leases Advisory Committee, which is constituted under the Retail and Commercial Leases Act. Since he made that observation, which was the week before last, there has not been an opportunity to convene a meeting of that committee, but I can indicate to the Committee that that will be done and that there will be a considered reaction or response to the issue. Obviously, that will not be in time to enable us to deal with it in respect of this Bill or amendment.

If one looks at the amendment, one sees that it is to section 61 of the Retail and Commercial Leases Act. That section provides that a retail shop lease may only regulate trading hours if the shop is within an enclosed shopping complex, and then certain other conditions apply. So, it has to be recognised that trading hours can only be regulated for retail shop leases where the shops are in an enclosed shopping complex. So, the strip shops and the non-enclosed shops cannot have their trading hours regulated.

Even in an enclosed shopping complex the hours of trading on a Sunday cannot be regulated, because a provision in the Shop Trading Hours Act makes void any provision of a lease or collateral agreement requiring a trader to open on a Sunday. In effect, Sunday trading hours cannot then form part of the core trading hours regulated by a lease in an enclosed shopping complex.

If we consider the rest of section 61(1), where there is a retail shop within an enclosed shopping complex the hours may be regulated only to this extent:

(b) the lease does not reduce the trading hours for which the shop is permitted to be open for trade to less than 50 hours per week—

so, that is an attempt to set a minimum in the interests of the tenant—

(c) the core hours (i.e. the hours for which the shop is required to be open for business)—

(i) do not exceed 65 hours a week—

so, that is still the cap—65 hours a week—

(ii) [and] have been approved in a secret ballot, conducted in accordance with the regulations, by a majority of at least 75 per cent of the votes cast.

(2) In the ballot the lessor is entitled to one vote and the lessee of each retail shop affected by the proposal to be decided by the ballot is entitled to one vote in respect of that shop.

(3) A retail shop lease for a shop that is required to be open for business during core trading hours is void to the extent that it requires the lessee to pay, or pay a contribution towards, the cost of operating the shopping complex outside core trading hours when the lessee's shop is not open for trading.

There are a number of other provisions in section 61 of the Retail and Commercial Leases Act. So, there is in place already a regime which deals with the issue of core trading hours and the balloting procedure. There are regulations which have been in effect at least for the last 10 or so years, certainly originating under the old Landlord and Tenant Act when it dealt with commercial leases, which set out the procedure for the conduct of a ballot.

If one looks at the amendment, one sees that there is of course a technical error, because it deals with the lessor or the lessee under a retail shop lease. It does not limit it to 'enclosed shopping complex', which of course is the ambit of section 61, but I suppose one could say that whilst, technically, there is an error in the drafting, it is not a material issue. But what it does say is that the lessee or the lessor may call a meeting of the persons who are entitled to vote in the ballot to vote on the resolution approving different core trading hours, which of course may be anything between 50 and 65 hours and exclude Sunday trading, because they are not part of the core trading hours.

But what it does not say is how often this can happen, and is it just one lessee who can require the ballot, or is there a minimum number of lessees, or lessees and the landlord, who can require a ballot? So, it leaves a lot of that up in the air. Notice is to be given, when the ballot is to be taken and so on.

If there is to be an amendment which deals with this issue, it has to be rational, sensible and certainly build in some protections against just precipitate action at the request of perhaps a new tenant when a new tenant comes into the shopping complex, so that you do not have a series of rolling ballots at the request of only a mere handful of tenants, rather than a substantial number, recognising that 75 per cent of the votes cast change core trading hours. I suggest to the

Committee that the amendment be not agreed with and that it be taken to the Retail Shop Leases Advisory Committee, and I will give an undertaking that, when it has been considered, I will bring back a report to the Parliament in respect of that matter. We oppose the amendment and I will be seeking to divide on it if that opposition is not successful.

The Hon. IAN GILFILLAN: The Hon. Terry Roberts may confirm this but, as I read the amendment (and let me make it plain that we have not had the amendment in hand for long, so I cannot claim to have had an opportunity to really analyse it in depth), it appears to enable a meeting. I do not read it as enabling a vote. The Attorney indicated earlier what was in the current legislation involving the secret ballot, and so on, but I do not see this amendment as varying that. I am not sure whether or not that was the intention.

The Hon. K.T. Griffin: It does.

The Hon. IAN GILFILLAN: It does? Well, subsection (2a) provides:

> The lessor or lessee under a retail shop lease (or an officer of an association referred to in section 60 acting at the request of a lessee) may call a meeting of the persons who are entitled to vote in a ballot to vote on a resolution—

The Hon. K.T. Griffin interjecting:

The Hon. IAN GILFILLAN: I am not sure how one interprets that. I refer to the words 'in a ballot'. If you stop there, you would ask, 'What ballot?' I understand that the latter part of the amendment identifies the ballot, in other words:

> . . . in a ballot to vote on a resolution approving different core trading hours for the purposes of subsection (1)(c).

It may be that I have taken a shade different opinion to the intention of the mover, but I argue that grammatically the amendment does not dictate that there be a vote. It dictates that there can be a meeting of people who are entitled to vote in a ballot.

An honourable member: To vote.

The Hon. IAN GILFILLAN: No. This defines what the ballot is. The ballot is to vote 'on a resolution approving different core trading hours for the purposes of subsection (1)(c)'. That could be a secret ballot. It is not deleting it. However, it may well be that my interpretation, to which I still hold steadfastly, may not be the intention of the original mover of the amendment and I would be interested to hear his views.

The Hon. T.G. ROBERTS: The amendment before us solves one of the problems that the Attorney raised, that is, that meetings may be called for different reasons and there may be much disruption around people calling meetings for no good reason. Proposed new subsection (2a) indicates that, along with what is already in the legislation, which is a right to call a vote amongst the lessees, is drafted specifically to call a meeting to hold a ballot to vote on a resolution approving core hours specifically, because core hours are at the crux of the debate and the amendment that we are looking at. It is the changes to core hours that are impacting markedly on small businesses. They are saying that, if the major chains want to change their core hours and the smaller traders do not want to do so, and they are in the same building, it gives them the flexibility that other people in other retail areas have, for instance, in country areas. A number of members have mentioned that in country areas an informal plebiscite is generally conducted.

As some people in retail activity know, the desperate will hold out and open their doors a little longer than the less desperate but eventually the informal plebiscite will hold. This amendment will give those people in retail areas who are compelled to open because of compulsion by the large retail centres to hold a ballot to hold a different view. My interpretation of it, as explained to me (and I understand that it has been discussed by the Small Retailers Association and members in another place), is that it is by request that the amendment be included to protect their interests.

If the Attorney-General is saying that he wants to refer the amendment to the advisory committee, I have no problems with that, but the time frames for passing this may conflict with that. If we pass the amendment we are using our judgment that this is what is required and requested. The Hon. Ian Gilfillan is saying, probably on advice that he has received, that it may not necessarily cover the problem that we are trying to solve. I may have to seek advice on that but, at this stage, we are pursuing the amendment for the reasons outlined.

The Hon. K.T. GRIFFIN: What the Hon. Terry Roberts says about the interpretation of the amendment is correct. If we look at it in the context of section 61, which it seeks to amend, we see that subsection (2) provides:

> In the ballot—

referring back to a ballot in relation to core trading hours—

> the lessor is entitled to one vote—

etc. Proposed amendment (2a) comes after that and talks about a meeting of the persons who are entitled to vote in a ballot, I interpret it, for the purpose of voting on a resolution approving different core trading hours. That is the issue. That is my interpretation of it and that is how it will be interpreted. I guess it throws up just another reason why we should be cautious about passing this amendment.

The Hon. IAN GILFILLAN: I listened intently to what the Attorney said earlier about why he was opposing the amendment, and it appeared to me that there is a secret ballot and there is 'one enterprise, one vote'. That is how I interpreted what I heard. It appears to me that there is in place a voting structure which is reasonably effective. The other point is that, as honourable members know, we passed legislation, substantially a Bill to amend the Retail and Commercial Leases Act, which is at the moment proceeding through the Lower House. I have not had discussions to clarify this, but there may have been moves to amend that Bill by members in another place along those lines.

I have had no briefing from the Small Retailers Association on the desirability of this amendment and it leaves me rather reluctant to load this amendment into this Bill at this stage. Quite frankly, apart from the advantage that I interpreted, that is, the capacity to draw together those interested parties for a meeting in which there could be an open discussion of the matter, it is better that the vote be a secret ballot rather than a public vote in which heavyweights could in fact intimidate and score who voted in which way.

Contrary to my expectations, because I felt that anything that came through from Terry Roberts would have almost automatically had my support in this matter, to be fair the Hon. Terry Roberts himself has indicated just a small degree of vagueness about it. It seems to me to be somewhat dangerous to load this amendment into the Bill, if I have understood the interpretation from the Attorney-General's explanation, and this amendment in fact would open up the possibility of an open forum vote where everyone can see how they are voting. I cannot indicate support for it. I think it is too hastily brought forward into this debate.

The Hon. CARMEL ZOLLO: I have read a section of the original Act which certainly provides for a secret ballot, and I understand the amendment is simply to be used as a trigger to initiate a ballot.

The Hon. IAN GILFILLAN: What is in the current legislation which would trigger a ballot of the nature that the Attorney-General described?

The Hon. K.T. GRIFFIN: There is nothing in the Act. As I said, this procedure came in under the former Landlord and Tenant Act under commercial leases when the Hon. Barbara Wiese was the Minister. This must have been in operation for about 10 years. If I have misled the House, I will make sure that members know about it and I will correct it. I honestly believe in what I am saying. There has been no specific trigger, but my understanding is that it has been worked out in practice within the enclosed shopping complex as to calling of the meeting, because they have regular tenants' meetings, and proper notice must be given. The whole process is set out in the regulations: they must receive at least seven days notice of the meeting; notice must be in writing; it must state the time and place at which the meeting will be held and set out the text of the resolution that is to be put to the meeting; and a person who is entitled to vote at the meeting may by written instrument appoint another person to act as his or her proxy.

The Hon. Ian Gilfillan: Who can call the meeting?

The Hon. K.T. GRIFFIN: My understanding is that it can be either the landlord or the tenant, but they do it generally by arrangement. There is no particular trigger. The concern I have about this amendment is that it is all very well to talk about it being a trigger, but any one tenant can call a meeting at any time on any number of occasions. That is the problem. Certainly in the Office of Consumer and Business Affairs which deals with the Retail and Commercial Leases Act, there have not been any complaints of which I have been aware or of which I have been informed to suggest a problem with any of the mechanisms for operating this particular provision.

The Hon. T. CROTHERS: My question relates to the last statement the Attorney-General made that 'any tenant can call a meeting'. A meeting at which one person attends is not much of a meeting. What mechanism, if any, is in the Act to ensure that once a meeting is called all interested parties will be in attendance?

The Hon. K.T. GRIFFIN: There is nothing, but the ballot must be—

The Hon. T. Crothers interjecting:

The Hon. K.T. GRIFFIN: The fact that a person who is entitled to vote at the meeting may 'by written instrument appoint another person to act as his or her proxy' is meant to be the safeguard. This affects the interests of all the tenants.

The Hon. T. Crothers interjecting:

The Hon. K.T. GRIFFIN: For example, if Westfield opens up a whole range of new shops, my understanding is that it will call a meeting of the new shop owners—in fact, the whole shopping mall—to deal with this issue of core trading hours. That is my understanding.

The Hon. T. CROTHERS: You could render the meeting impotent by a decision taken by a sufficient number of the lessees not to attend the meeting. There is more than one way of ensuring that non-attendance at a meeting will in fact deliver you what you seek to get.

The Hon. K.T. GRIFFIN: It is a hypothetical, but the amendment does not deal with that issue.

The Hon. IAN GILFILLAN: With a little patience, I do hope we can wend our way through this. Is the majority of wisdom in this House correct that this amendment does indicate that it facilitates the vote but that the vote will still be a secret ballot—in other words, it does not interfere with the actual method of the ballot? Can the Attorney-General confirm whether that is the case?

The Hon. K.T. GRIFFIN: It is not my amendment.

The Hon. IAN GILFILLAN: I am asking whether you agree with what I am saying. Do you believe that the amendment changes the method of the ballot?

The Hon. K.T. GRIFFIN: I do not think it does, but it enables anyone to call a meeting at any time on any number of occasions. That is the problem.

The Hon. T.G. ROBERTS: It is a matter of common-sense. Those people who would want to call numerous meetings for no reason at all would get short shrift in a retail shopping area where they have a lot more to do than regularly attend meetings about nothing. The amendment is pointed towards meeting around the changes to core hours. That is what the amendment describes. I am not sure whether it rules out the ability for people to call meetings around other issues—that is up to them—but there is no point in knocking out this amendment on the basis—

An honourable member interjecting:

The Hon. T.G. ROBERTS: That is right; it is a specifically aimed amendment.

Progress reported; Committee to sit again.

ADJOURNMENT

At 6.16 p.m. the Council adjourned until Wednesday 9 December at 2.15 p.m.