HOUSE OF ASSEMBLY

Thursday 2 July 1998

The SPEAKER (Hon. J.K.G. Oswald) took the Chair at 10.30 a.m. and read prayers.

EMPLOYMENT AGENTS REGISTRATION (FEES) AMENDMENT BILL

Mr CLARKE (Ross Smith) obtained leave and introduced a Bill for an Act to amend the Employment Agents Registration Act 1993. Read a first time.

Mr CLARKE: I move:

That this Bill be now read a second time.

The origin of this Bill is as a result of the abolition of the old Commonwealth Employment Service (CES) from 1 May this year by the Howard Liberal Government. With the death of the Commonwealth Employment Service, for the first time in over 50 years in Australia's history we have seen the loss of universal and free access by all persons who wish to seek the services of the CES for employment purposes. Those services were available to every person in Australia without qualification and whether unemployed or employed.

The current Act, the Employment Agents Registration Act 1993, provides a loophole whereby private employment agents can charge fees to people looking for work who want to use their services. The relevant section of the principal Act is section 20, which basically provides that an up-front fee cannot necessarily be charged but a deposit can be made a condition of the contract between a prospective employee and an employment agent and that that deposit can be deducted from any final fee that is charged to an employee once a position has been found for that person.

A whole range of problems has arisen as a result of the abolition of the CES on 1 May. In the press of recent weeks we have seen just what a shemozzle the Howard Government's proposals in this area have turned out to be with private job providers not getting sufficient referrals through Centrelink to the stage where a number of those private providers fear bankruptcy. There is also the position where unemployed persons who are eligible for free service through the private job provider network are having to travel from one location to another at considerable cost and inconvenience to apply for positions.

Unfortunately, my Bill does not address that matter. There is not much that a State Parliament can do in that area, because this was a decision of the Federal Government stupidly and callously to cut out the Commonwealth Employment Service which, as I said earlier, provided a universal and free service to all persons in this country who were looking for jobs that were on its books.

The present rules provided by the Howard Government say that if you are an unemployed person and qualify under the Federal Government guidelines you can access a free job seeking service through the private job provider network or through the Government's own institution, Employment National, but that operates on a commercial basis and in competition with the private sector and it does not offer any free services either. So, it is only if you qualify under the Federal Government guidelines that you are eligible to receive a free service.

There is a whole category of people, who were previously able to use the old CES to get a job, who will now be charged, or who are potentially able to be charged, for that service. Let us take a typical example in my electorate of a middle-aged blue collar worker who worked at the Islington railway workshops, who was retrenched as a result of the privatisation of AN and who received one or two years of redundancy pay. That person is precluded from being paid unemployment benefits until he has used up the equivalent number of weeks of his redundancy pay. That person who obviously would still be looking for work is not eligible for free assistance through the Commonwealth Government's private job provider network.

Women who have been out of the paid work force for some time rearing their children who wish to seek to re-enter the work force are not eligible for this free service. Many people, particularly in this State, are part-time employees who wish to seek full-time employment. They want to increase the number of hours they work in order to survive. They are not entitled to this free service either. A student looking for work is not entitled to this free service. A newly arrived migrant, who has been barred from social security benefits for at least two years under the Howard Government's proposals, is not eligible for free access to the private job provider market. A person who is on the six week waiting list to be declared eligible for unemployment benefits is not entitled to this free service.

My legislation simply seeks to bring South Australia into line with that which applies in New South Wales and Queensland which provides that an employment agent cannot charge a prospective employee for helping that person to find a job. Under the present circumstances, as at 1 May when I spoke to a large number of private consultant companies, I was told confidently that over 90 per cent of them did not charge any fee whatsoever to any prospective employee for finding them a job, that they got their money from the employer. Of course, that was in the context of the Commonwealth Employment Service offering a universal free service right throughout Australia with major offices not only scattered throughout the metropolitan area but also in regional South Australia. That acted as a competitive pressure on these private agents.

What I seek to do by way of this legislation is to prevent exploitation. I wrote to the President of the Recruitment and Counselling Services Association on 14 May this year enclosing a copy of my Bill and asking for comment. To this date, I have not even had a telephone call from that organisation. So, I can only assume from their silence that they are not particularly concerned about my legislation.

This does not seek simply to put a piece of legislation into place against a hypothetical rip-off that might occur some time in the future. In Western Australia, which has similar legislation to that in New South Wales, which bars employment agents from charging fees, there was publicity about three months ago, just prior to the CES being abolished, although the decision had been taken and was well known. A young tradesman who was already in employment but who was wanting to look for alternative employment went to the local CES office. He saw that a position was available that he might like to apply for and he sought information. The CES officers said that they could not handle his matter any more because they were in the process of winding down. He was referred to a private job provider.

The private job provider told the young man that he did not qualify for any free assistance. The job provider gets $250

for every successful placement it makes, but the applicant has to meet criteria, namely, being unemployed for a specified period of time and qualifying under the Government's guidelines. If the young man wanted that information, the job provider would give it to him, but it would cost him $220. That is totally wrong. That company had to back off because it was against State law to do that. I want to make sure that the same thing happens in South Australia.

Because of the shemozzle that the Howard Government has created, the temptation for a number of private agents will be to charge all these categories of people who currently fall outside the Federal Government guidelines for people who qualify for free assistance because the job provider can get money from the Government if the applicants are successfully placed in employment. The whole notion of the Howard Government's concept is flawed because the private providers are under pressure to meet overdrafts and other costs.

They will try to place only those people who are marketable, who have the required skills, who are conversant in English as a first language, who are skilled tradespersons or who are computer literate, because they are more easily placed and the job providers can get their payments far more quickly from the Commonwealth Government than by looking after a migrant woman who has poor English skills, for example. That person is potentially long-term unemployed and, whilst a higher fee is payable by the Government if that person is successfully placed, because of the amount of time and effort it would take to place that person in a job, the private providers will go for high volume, quick throughput, more marketable people in our society so that they can get paid.

I urge all members to support the Bill. It is self-explanatory. Clause 2 repeals those sections of the principal Act which allow for the payment of a fee to be requested by a private employment agent. It states categorically that an employment agent must not demand or receive any fee from a person in respect of seeking or obtaining employment for that person, including listing a person as someone seeking employment. Clause 3 provides for recovery of unauthorised fees. It states that such fees are recoverable in a competent court of jurisdiction.

Clause 4 contains transitional provisions. According to many of the major companies that I have spoken to about this Bill, 90 per cent of them claim that they would not charge a fee to any applicant, so there should not be a great hassle. However, if there are one or two examples, clause 4 provides a transitional provision whereby existing agreements can be honoured but, from the date of the Bill coming into effect, all subsequent arrangements along the basis of a fee for service would be unlawful and cannot be collected. If a contract is in place, it will remain in place for its duration.

As I have said, the Bill is self-explanatory. It seeks to avoid what will become an area of exploitation arising as a direct result of the abolition of the Commonwealth Employment Service, and of the financial pressures on private job providers. It is an area of growth for sharp-eyed business practitioners, and I want it stamped out before it arises. Examples can be found in other States of this type of exploitation, and I want South Australia to stamp on it before it arises and becomes a blot on our reputation.

Ms WHITE (Taylor): I wish to speak only briefly on this Bill.

The SPEAKER: Order! The member for Taylor will resume her seat. Standing Orders provide that debate must be adjourned after the introduction of a Bill. It is not a motion: it is a Bill. I am compelled by Standing Orders to adjourn the debate. The member will have an opportunity to speak on the next day of private members' business.

Mr MEIER secured the adjournment of the debate.

Mr ATKINSON: I rise on a point of order. What Standing Order is that, Sir?

The SPEAKER: The member can look up the Standing Order. Standing Orders are available to the member.

Mr ATKINSON: Sir, you have made a ruling.

The SPEAKER: I understand that it applies equally to Government and private members' business.

Mr ATKINSON: It may apply, but I would have thought that in your role as Speaker, with the advice of the Clerk, you would be able to point the House to the Standing Order that requires that. In the absence of that, Sir, I do not see how your ruling can stand.

The SPEAKER: I will advise the member of the Standing Order number. The member has been here long enough to know the procedures of the House and that we traditionally always adjourn the debate after the introduction of a Bill. I refer to Standing Order 238.

Mr ATKINSON: Thank you for referring me to the Standing Order, Sir. It is most helpful.

EVIDENCE (SEXUAL OFFENCES) AMENDMENT BILL

Mr ATKINSON (Spence) obtained leave and introduced a Bill for an Act to amend the Evidence Act 1929.

The SPEAKER: Under Standing Orders, the honourable member must have a Bill.

Mr ATKINSON: There are two versions of the Bill. Parliamentary Counsel has promised to send over the correct version. The Attendants are in the course of getting it.

The SPEAKER: It is private members' time. The Chair can only conduct the House on motions that are presented and run the procedures according to Standing Orders. It is not the Chair's fault that we do not have a Bill.

Mr ATKINSON: I will introduce it in the form in which the Attendants and Parliamentary Counsel have provided it to the Clerk. He has a Bill with him now.

The SPEAKER: If that is the Bill that the member wishes to introduce, that is fine.

Mr ATKINSON: Thank you, Sir.

Bill read a first time.

Mr ATKINSON: I move:

That this Bill be now read a second time.

For about a year now the Opposition has been wanting to change the law of evidence to grant conditional privilege for a rape counsellor's notes in a sexual assault trial. We want to balance an alleged rape victim's reasonable expectation of privacy with the accused's right to a fair trial.

I asked the Minister representing the Attorney-General about this last year when the New South Wales Parliament was considering a Bill to protect confidential communications from being revealed in trials. Under the New South Wales Bill, a trial judge had the discretion to exclude evidence such as a rape counsellor's notes if it were not probative of the accused's guilt or innocence. The New South Wales Bill protects many confidential communications in addition to those specified in clause 2 of my Bill. The New South Wales Bill extends to confidential communications with a journalist.

We raised this issue because it has become common in South Australian rape trials for defence counsel to try to

introduce into evidence a rape counsellor's notes and other records that contain personal information about which the victim might reasonably expect to be granted privacy. Defence counsel does this not so much because these records might tend to exculpate the accused at the trial but for the purpose of persuading the alleged victim to withdraw charges. A rape trial is difficult enough for the alleged victim without her having to undergo an examination of her counselling notes, her diaries and her medical records. It is common enough in the aftermath of a rape for the victim to blame herself, not because the accused did not commit the rape but because she thinks she might have avoided that situation.

It is this understandable and entirely innocent self-accusation or self-loathing the defence counsel seeks to exploit for the purpose of hip and shouldering the alleged victim out of the trial or, should the trial go ahead, attacking the credibility of the alleged victim or raising a reasonable doubt in the mind of the jury that the alleged victim might have asked for the sexual assault. I accept that there are some cases in which these personal records may be probative of a not guilty verdict. For instance, the accusation of sexual assault may arise out of recovered memory therapy that the alleged victim has undergone with a psychiatrist. The prosecution might be alleging that the accused committed the sexual assault a generation ago and the alleged victim had not remembered the assault until the recent therapy. In that kind of case, the counselling notes would be highly relevant. That is why the Bill has been drafted to give the trial judge a discretion whether to admit the evidence.

The records requested by defence counsel must be produced by the alleged victim's counsellor, through the prosecution to the judge, who will study the records privately before deciding whether to admit them or part of them. Some people involved in rape counselling will say it is traumatic for the alleged victim to have anyone reading these counselling notes—yes, even the trial judge. I understand rape counselling centres in New South Wales have refused to present counselling notes to the trial judge so that he can consider whether to exercise his discretion to exclude. The Opposition's Bill gives the final say on admission of the notes to the trial judge unencumbered by the extensive guidelines in the equivalent Canadian legislation.

The Attorney-General's answer to my parliamentary question of a year ago was that the Model Criminal Code Officers Committee of the Standing Committee of Attorneys-General was looking at the matter. The Attorney said:

> The committee will be reporting to the Standing Committee of Attorneys-General by the end of year. Once the Model Criminal Code Officers Committee has reported, the Government will consider its position on the matter.

I understand the committee resolved earlier this year to recommend a conditional privilege based on legal professional privilege, and that recommendation will now go to the Standing Committee of Attorneys-General. But, even if SCAG were to act much more swiftly than it normally does, our inert Attorney-General is unlikely to act in this century. When it comes to granting a victim of crime the right to address a sentencing judge about the effect of the crime on him or her, the Hon. K.T. Griffin is against it. When it comes to giving the victim of a serious and violent crime a statutory right to know when the criminal is about to be released from prison, the Hon. K.T. Griffin is against it. When it comes to ensuring that the perpetrators of violent crimes are not completely acquitted because they plead that they were too drunk or too high on drugs to know what they were doing, the Hon. K.T. Griffin is in favour of complete acquittal (although the Independents and his own Party room are shoving him in the right direction on this).

When it comes to a householder in his home using such magnitude of force against a burglar or housebreaker as he genuinely believes is necessary in the circumstances, the Hon. K.T. Griffin lines up as the political advocate of the burglar. By whatever means the Opposition seeks to protect the reasonable expectations to privacy of rape victims or other sexual assault victims, the Attorney-General will say we are wrong. Whatever form of words we use, whatever model we put forward, no matter what law elsewhere in the English speaking world we copy, the Attorney-General will order members opposite to vote against it because it is an Opposition Bill. If we wait for a Government Bill on rape counselling notes, we will be waiting until the Hon. K.T. Griffin leaves politics or is overcome in Cabinet by the civilised and decent Minister for Human Services who supports us on this matter.

In February, the Attorney promised a Government Bill on self-induced intoxication to be introduced in the budget session. The Bill was in response to an Opposition Bill on the same topic, but we are well into the budget session and where is it? Yesterday, the Attorney-General told the House that he had had a discussion paper prepared on self-induced intoxication as an excuse for crime and, when he was satisfied with the discussion paper and not before, he would have two alternate Bills drafted on the matter. This is the Attorney-General's filibuster in defence of self-induced intoxication with drink or drugs as an excuse for crime.

Government members should realise that there will always be some pettifogging reason from our Attorney-General why they should not vote for Opposition criminal law Bills that accord with the values of the great majority of South Australians. The Model Criminal Code Officers Committee said this of the kind of Bill I have introduced:

> This would allow the judicial officer to balance the interests of the complainant and the need to protect her privacy against the right of the defendant to have access to evidence that may supply a reasonable doubt as to his guilt.

Other jurisdictions that have inherited British law have had this debate—a debate the Attorney-General will try to deny us by interminable adjournments.

In Canada, the parliamentary secretary to the Minister of Justice said in the House of Commons on the use of counselling records to attack an alleged victim's credibility:

> Have we ever heard of a police officer testifying at a trial and being required to disclose his medical records or to talk about his sex life in order to establish his credibility as a witness?

The parliamentary secretary warned the House that, unless a Bill of this kind were passed, the future of rape counselling was in doubt. He said:

> Some claimants will decide not to participate as witnesses in the prosecution. Some may decide not to report an offence to the police. Others may report to the police but forgo the counselling or treatment essential to their recovery and wellbeing due to fears that these personal records, whether generated before or after the offence, will not be kept private during the court process.

This is a point made in South Australia by women associated with Yarro Place, the North Adelaide Centre for Sexual Assault Counselling. They say counsellors have been imprisoned by trial judges for refusing to disclose their notes written when counselling the alleged victim. Some counsellors do not ask a range of questions useful in rape counselling

for fear of receiving answers they would be required to disclose at the trial. Obedience by a counsellor to a court order for disclosure may damage the trust between the counsellor and the alleged victim.

These are all reasons why the trial judge should have a discretion after reading the notes to exclude the evidence on the ground that it is not relevant to the trial or probative of the accused's guilt. The Bill before the House amends section 34i of the Evidence Act so it would now provide:

> In proceedings in which a person is charged with a sexual offence, no evidence shall be asked or evidence admitted—
>
> (a) as to the sexual reputation of the alleged victim of the offence; or
>
> (b) except with the leave of the judge, as to the alleged victim's sexual activities before or after the events of and surrounding the alleged offence (other than recent sexual activities with the accused); or
>
> (c) except with the leave of the judge, as to any communication (whether written or oral) made by the alleged victim for the purposes of or in the course of relevant counselling and any records of such counselling.
>
> (2) A judge must not grant leave under subsection (1)(b) or (c) unless satisfied that the evidence in question should be admitted in the interests of justice (because it is of substantial probative value) and that this substantially outweighs the public interest in—
>
> (a) ensuring that the alleged victims of sexual offences are not subjected to unnecessary distress, humiliation or embarrassment through the asking of questions or admission of evidence of the kind referred to in the subsection; and
>
> (b) encouraging the reporting of sexual offences; and
>
> (c) in relation to material described in subsection (1)(c), encouraging the victims of sexual assault to obtain counselling as soon as possible after the event.

Application for leave would be heard in the absence of a jury, if there were a jury. The Opposition does not claim to be infallible in this process of adjusting our criminal law. We think we have a worthwhile change. If the House thinks it is worthwhile, then we should pass the second reading and get down to the job of making the change word perfect in the Committee stage. That is the purpose for which the Committee stage exists. I believe that the members for Elder and Mitchell have amendments they would like to move in Committee, and Government members may have a contribution to make. Even the member for Unley may have something to say, however minimal.

Members should not be fooled by the Attorney-General's promise that the Government will act on this. The Attorney-General's idea of private members' time is discussion of standing committee reports and motions congratulating sporting teams. Let us get on with using private members' time to its full potential. If the Attorney-General thinks that he can do better than this Bill, let us have no more school prefect putdowns from him. Let us have Government amendments in the Committee stage. I ask the House to give the Bill a second reading.

Mr HANNA: I have a procedural motion, Sir.

The SPEAKER: I will just make a quick comment from the Chair before we adjourn this debate, and it relates to the comments made earlier by the honourable member when he was introducing his Bill. The honourable member is responsible for his own Bill: it is not the responsibility of the Chamber officers, Attendants or Parliamentary Counsel. I also point out that the honourable member will need to amend the Bill in Committee to get it into the form in which he wants, as we introduced a Bill initially and the honourable member is bringing in a second Bill. The honourable member for Goyder.

Mr HANNA: I have a procedural motion that I believe takes precedence, Sir.

The SPEAKER: Is it a point of order?

Mr HANNA: It is a procedural motion and I believe that it takes precedence over other debate.

The SPEAKER: I ask the honourable member to put it in the form of a point of order.

Mr HANNA: As a point of order, Sir, I seek your ruling. I intend to move that Standing Orders be so far suspended to allow further debate on the second reading of this Bill forthwith.

The SPEAKER: I could allow that, yes.

Mr HANNA: I so move, Sir.

The SPEAKER: So, you are moving that Standing Orders be so far suspended as to allow further debate on this Bill?

Mr HANNA: Yes, Sir.

The SPEAKER: I have counted the House. As there is an absolute majority of the whole number of the members present, I accept the motion.

Mr MEIER: On a point of order—

The SPEAKER: Order! The Chair is on his feet. Is it seconded?

Mr MEIER: Mr Speaker, my point of order is that I would ask you to recount the House.

Members interjecting:

The SPEAKER: Order!

Mr MEIER: I do not believe the count was 24.

Members interjecting:

The SPEAKER: Order! We will start again. The member for Flinders cannot leave the Chamber.

Members interjecting:

The SPEAKER: Order! I have counted the House again and, there not being an absolute majority, the motion lapses.

Mr CONLON: I rise on a point of order, Mr Speaker. When you originally counted the House you counted an absolute majority. I can guarantee that since that time I have observed a change in the number of members in the House. I ask you to abide by your original count, because I give you my honest guarantee that I have observed a change in the number of members in the House since you took that count.

The SPEAKER: Order! The honourable member has made his point. The Chair was in error. If anything, the numbers have increased in the Chamber, but the Chair was in error when we made the count. The suspension is not agreed to because there is not the required number.

Mr HANNA: On a point of order, Sir, I ask for a quorum; there is not a quorum in the House. Perhaps the Speaker can advise me on the correct wording, but I call for a quorum right now.

The SPEAKER: The problem is that there is a quorum. If I can help the honourable member, what usually happens is that, through the operation of the Whips in anticipation of this type of motion, members are either taken out of the Chamber until the number of members in the House is below that required for a quorum and then a quorum is called, or the Whips get the numbers in so that there are 24 members in the House so that the motion is successful. Usually, to hop up and move a motion like that, without having prepared the way, causes the difficulty the House is in at the moment. We need 24 members in the House to suspend Standing Orders.

Mr HANNA: There were 24 members present, and you counted so.

The SPEAKER: No, I have explained on the record the error that the Chair made. There were not 24 members in the House at the time.

Mr HANNA: Sir, we are being cheated of the right to speak in this place, and I will not stand for that.

The SPEAKER: No, you are not. You are not at all. We are tied to the Standing Order that there must be 24 members present in the House, and the Whips have an opportunity of bringing in the numbers to ensure we have them, so that every member gets his right to speak.

Mr HANNA: I am being refused my right to speak because of trickery. I will not have it.

The SPEAKER: Order! If the member does not resume his seat, he will be named on the spot.

Mr Hanna interjecting:

The SPEAKER: Order! If the member does not resume his seat he will be named on the spot and he will not be here for later in the afternoon.

Mr Hanna interjecting:

The SPEAKER: Order!

Mr ATKINSON: I rise on a point of order, Mr Speaker. Having found that there were 24 members present in the House, on what basis other than the instruction from the Government Whip did you re-count the House? Would you re-count the House upon request from any member?

The SPEAKER: Yes.

Mr MEIER: Mr Speaker, could I seek leave to make a personal explanation?

The SPEAKER: No, we are dealing with the matter that is before the Chamber at the moment. Someone needs to move the adjournment of the second reading.

Mr MEIER (Goyder): I move:

That the debate be now adjourned.

The House divided on the motion:

AYES (25)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Lewis, I. P.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	Meier, E. J. (teller)
Olsen, J. W.	Penfold, E. M.
Scalzi, G.	Such, R. B.
Venning, I. H.	Williams, M. R.
Wotton, D. C.	

NOES (21)

Atkinson, M. J. (teller)	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.
Rankine, J. M.	Rann, M. D.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	White, P. L.
Wright, M. J.	

Majority of 4 for the Ayes.

Motion thus carried.

DOOR-TO-DOOR SALES (EMPLOYMENT OF CHILDREN) BILL

Mrs GERAGHTY (Torrens) obtained leave and introduced a Bill for an Act to regulate the employment of children in door-to-door selling. Read a first time.

The SPEAKER: Order! There is too much audible conversation in the Chamber.

Mrs GERAGHTY: I move:

That this Bill be now read a second time.

This Bill is to provide protection for children who sell goods door to door. When the issue of children selling door to door and being at risk was first raised with me, I assumed that some form of protection was afforded to them either through the legislative or industrial award processes. After months of extensive investigation and discussions, it appears this is not the case. I found no legislative or, certainly, no obvious industrial award that sets the standard for work practices where children are employed in the door-to-door sales industry, and I believe it has not been for the lack of trying on the part of many but instead because of the difficulties associated with the variety of industries in which children work. The reasons for those concerns are many. We have very young children working in this industry, as young as 10 years of age, even though those I spoke to in the industry have a recommended minimum age of 12 years, but they require no proof of age.

Supervision is of great concern to most in the community. There are many stories of children being lost in suburbs who have sought the assistance of householders because they have not seen their supervisor for long periods of time. We must ask: what level of protection is that? I raised with an employer the practice of children entering factories and wandering around industrial sites. Although the employer does not support the practice, it still happens and, as one factory owner who rang me said, even though he shoos them out, who is responsible if they injure themselves on his premises and, again, what level of supervision is that?

Such discussions about our working children have continued over long periods of time—years, in fact—so this is not new, but little has changed for these children and with the growth of child labour in the door-to-door selling industry it is time to deal with this matter now. We in this Parliament through this Bill can ensure that for children working in the door-to-door sales industry appropriate standards and safeguards are in place. We can provide protection and proper work practices whilst children are involved in such employment.

This Bill addresses the genuine concern shared by many in the community. Its function is to minimise the risk to young children who walk the streets and enter properties not knowing who will open the doors on which they knock, and to ensure appropriate levels of supervision for their safety whilst they carry out that work. The Collections for Charitable Purposes Code of Practice discusses the level of supervision required and the age of children collecting for charities. A registered fundraising agent or a charity that fails to observe the code risks losing its licence, but children employed or subcontracted by a private company, even though the company donates a sum of money to the charity, are not afforded such a level of protection, simply because the company owns the goods.

It should not matter whether children are employed by a charitable organisation, a registered fundraising agent or a private employer. There should be the same appropriate

levels of protection in law for all children. A document I came across while researching this issue, in part, states:

> The issue of child supervision has been discussed in some detail with the proprietor of a firm which operates as a fundraising agent. Advice has been received that door-to-door sales by children are supervised on the basis of one adult supervisor generally per four or five children with each child allocated to one residential block. No children under the age of 12 are employed and they are in visual contact with the supervisor every 10 or 15 minutes.

It goes on to state:

> Of course, it is difficult to establish with any certainty that responsible supervision has occurred in practice.

Clearly, that is not the situation in our community now. In fact, when I raised the issue about the frequency of time that a child should be sighted with one of the merchants, it was indicated to me that, by the time they drive around and see the number of children they are supervising—which is greater than the number I have just mentioned—it is impossible to do that within 20 minutes. So, all the right things are said but little commitment is given to put the welfare of the child first. It is just all too slipshod and left to chance and hope. So, to date, for children employed or subcontracted by a private company, it certainly appears that there is little protection, and it is for this reason that I introduce this Bill in this House.

Sadly, the need for this Bill is yet again highlighted by the report in the *Advertiser* of 18 June this year about the young lass who was robbed at knife point while working in a country area. Distressingly, this appears to be not the first occasion on which these children have been robbed or assaulted while selling door to door. It is to the discredit of those in the industry, given that this has occurred in the past, that little has been done by way of any self-regulatory mechanisms to improve their work practices. Those who derive an income by employing children in this type of industry must then be forced to provide a safer level of protection.

By supporting this Bill, we can say to those who employ our children in door-to-door selling that we have standards to be met and that we can make it law. The fact that the child is just earning pocket money does not negate the employer's responsibility to that child. Whilst it is important for children to learn a good work ethic, it should not be at a cost to them. We do not tolerate children being exploited, nor do we want them to be placed at risk. If children are to work, it must always be in a safe environment, free from harm and exploitation. This Bill will not stop children from earning pocket money but will give a direction to those who employ them that they have a duty of care to minimise the risks to the child while the child is in their employ.

I have spent a great deal of time considering advice on the age at which a child should engage in door-to-door selling. The age of 15 is consistent with the Collections for Charitable Purposes Act Code of Practice, which states in section 9:

> Charitable organisations should not use children under the age of 15 years as door-to-door collectors unless they are under responsible adult supervision.

If a young person is to knock on an unknown door alone, our first question should be: are they mature enough to assess a threatening situation and take appropriate action to minimise and avoid a risk that they may be confronted with? At 13 years of age, some children may be able to assess that risk. I suspect that most would not: gauging from those children who have come to my office selling goods, and from the comments of many of our citizens, I suspect that many 13 year olds would not be able to.

Some country members may have concerns about this Bill in relation to the age aspect. Country communities are great fund-raisers for all sorts of activities, and the children love to participate. However, it is more than likely it will be our city children who will be selling in those country members' towns. It is frightening when country people ring saying they know of children who were dropped off at the outskirts of their town and told to meet up in the main street. Where is the supervision in these situations, given that some of these country towns are quite large and very unfamiliar to the child? Clearly, they are at risk.

Given that I have attempted in the Bill to set a standard for a minimum age and level of supervision that I believe best serves to safeguard children who sell door to door, I do say 'without an adult by their side'. Clause 6 of the Bill directs the supervisor of the child to make contact with that child at intervals of not less than 20 minutes. So, the supervisor will know the whereabouts of the child, unlike the present situation, where we have children lost because the supervisor does not know where they are—and, in many cases, nor does the child. This clause is of particular relevance, as the practice mostly is for children to sell away from their own neighbourhood, where they can be in unfamiliar surroundings, not knowing where to seek help should the need arise.

In view of the fact that city children are at times taken to country regions of South Australia to sell door to door—and, on one occasion of which I am aware, taken interstate—the level of supervision and the suitability of the supervisor cannot easily be dismissed. Personally, I must say I find the practice of taking suburban children to country regions for the purpose of selling door to door a most deplorable practice, and it is one that needs to be re-thought by the industry. Surely it would be far wiser, if the industry wants to trade in the country, to employ local children who know their own environment.

The Bill not only deals with the supervision of children but includes a requirement that the employer sight a certificate issued by the Commissioner of Police, currently known as the National Police Clearance Certificate History. It is essential that a person who is to supervise children be a fit and proper person to take on that role. I am making no judgment as to the character of the supervisors, but teachers and others who work with children undergo a similar procedure, so their obtaining such a certificate is merely a safeguard. There is no reason to preclude someone who has committed a minor or past offence—people do make mistakes—but it should preclude those who have committed an offence against children.

Clause 8 directs that the child not carry any greater amount of money than $20 at any one time and, given the perturbing event that I raised of the young lass being robbed, I believe that this requirement provides a greater level of protection than has previously been the case: in particular, when it becomes known that children are carrying very small amounts of money it should act as a deterrent. I realise that children want to earn pocket money, and selling homemade or home-grown goods is a way of doing that. But would we, as parents, be willing to place the safety of our child at risk by allowing them to wander in unfamiliar areas, knocking on doors to earn a little money? Our young children should not be working to supplement the family income, but there is nothing wrong with them working to earn pocket money. But if we are to have them working for a private company, or a charity, the employer must have an obligation to that child to ensure a safe working environment.

The Employee Ombudsman, Gary Collis, with whom I first consulted regarding the rights of these children, has taken a keen interest in their welfare and spent a lot of his own time researching awards and has done all he can within his brief. Likewise, Leon Byner from 5AA has taken a great interest and has been very helpful in gaining information that has led to this Bill. I consulted widely with the Employers' Chamber, the DIA, the Children's Interest Bureau, the Department of Treasury and Finance, the Shop Assistants Union, the UTLC and the industry itself. Their assistance was very helpful, if not at times confusing, but at the end of all those discussions it was clear that not much, if anything, is in place to protect these children. There are well-founded community concerns, judging by the statewide calls I have received, but there was not one call opposing this Bill, I might mention.

I am open to any amendments that will enhance the protective measures I have proposed. This Bill is not about attacking any one sector of the industry: it is about providing protection for children who sell door to door. It is what people in our community have been calling for for a long time. And, as a result of the community's call for protective measures, I am pleased to bring this Bill before our Parliament on their behalf, and I ask all members to support it. I seek leave to have inserted in *Hansard* the explanation of the clauses without my reading it.

Leave granted.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Interpretation

This clause defines the following terms:

- child means a person under 18 years of age.
- door-to-door selling means the selling of goods or services from door-to-door.
- employ means employ for fee or reward and includes engage as an agent.
- person responsible for the child means a parent or legal guardian of the child.
- sell includes offer for sale.

Clause 3: Minimum age at which children may be employed in door-to-door selling

This clause prohibits a person from employing a child to do door-to-door selling unless the child is at least 15 years of age and the person has sighted satisfactory documentary evidence of the child's age.

Clause 4: Minimum age of person employing children in door-to-door selling, etc.

This clause prohibits a child from employing or offering to employ another child to do door-to-door selling and from employing or offering to employ a person to supervise a child while the child is doing door-to-door selling.

Clause 5: Working hours of children employed in door-to-door selling

This clause prohibits a person from employing a child to do door-to-door selling for more than 6 hours on any day or for more than 5 days in any period of 7 days.

It also requires a person who employs a child to do door-to-door selling to ensure that the child does not work on any day after sunset or 6 p.m., whichever is the earlier.

Clause 6: Supervision of children employed in door-to-door selling

This clause requires a person who employs a child to do door-to-door selling to ensure the following:

- that while the child is working the child is clearly identified as working for the person by means of an identification badge or distinctive clothing; and
- that while the child is working the child is supervised by a person who is at least 18 years of age; and
- that the person supervising the child does not supervise more than 5 other children who are doing door-to-door selling at the same time; and
- that the child is accompanied by—
  - a person responsible for the child; or
  - a person who is at least 18 years of age and is authorised in writing by a person responsible for the child,

  when the child is travelling between the child's home and a work location or between different work locations; and
- that appropriate accommodation is provided at the employer's expense for—
  - the child; and
  - a person responsible for the child or a person who is at least 18 years of age and is authorised in writing by a person responsible for the child,

  if the child's employment requires the child to spend one or more nights away from home.

The clause requires a person who supervises a child doing door-to-door selling to do the following while the child is working:

- remain in the general vicinity of the child at all times; and
- know the whereabouts of the child at all times; and
- make personal contact with the child at intervals of not more than 20 minutes.

The clause prohibits a person who supervises a child while the child is doing door-to-door selling from supervising more than 5 other children who are doing door-to-door selling at the same time.

The clause prohibits a person from employing a person as a supervisor of children doing door-to-door selling unless—

- the person to be employed is at least 18 years of age; and
- the employer has obtained a certificate issued by the Commissioner of Police certifying as to the person's criminal record; and
- the employer is satisfied that, having regard to the information disclosed by that certificate and any other evidence, the person is a fit and proper person to be such a supervisor.

Clause 7: Children not to enter motor vehicles or private dwellings to make sales

This clause provides that a person who employs a child to do door-to-door selling or supervises a child doing door-to-door selling must not cause, suffer or permit the child to enter a motor vehicle or a building that constitutes a private dwelling for the purpose of making a sale to an occupant of the vehicle or dwelling.

Clause 8: Children not to carry more than $20 cash

This clause provides that a person who employs a child to do door-to-door selling or supervises a child doing door-to-door selling must not cause, suffer or permit the child to have more than $20 cash in his or her possession at any time while the child is working.

Clause 9: General offence

This clause provides that a person who contravenes or fails to comply with the measure is guilty of an offence and liable to a maximum penalty of $5 000.

Clause 10: Offences by bodies corporate

This clause provides that where a body corporate is guilty of an offence against the measure, each member of the governing body and the manager are guilty of an offence and liable to the same penalty as is prescribed for the principal offence where the offender is a natural person.

Mr HAMILTON-SMITH secured the adjournment of the debate.

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

Adjourned debate on second reading.

(Continued from 26 March. Page 813.)

Ms HURLEY: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Mr MEIER (Goyder): This Bill was introduced by the member for Chaffey. I fully appreciate that various comments have been made by members on both sides of the House. I am conscious that the member for Chaffey intends today to amend the Bill so that a written statement should be incorporated with an oral statement. The Government will probably need to consider the honourable member's amendment. I appreciate that the member for Chaffey would wish to have this matter voted on today and, if that is the case, the

matter can be further considered in another place. As I do not want to repeat anything that has been said in previous debates on this matter, I will leave it for further debate in this House.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I note the amendments from—

Mr ATKINSON: I rise on a point of order, Sir. Reference to the *Hansard* record will reveal that the Minister has already spoken in the second reading debate.

The SPEAKER: I have been given an indication that the Minister has spoken. I uphold the point of order.

Mr LEWIS (Hammond): It seems to me that the proposition seeks to require a court to take into account the views which victims have of the effect that the crime had on their state of mind and their state of health, be it physical or mental health, or a combination of the two. That can occur under the terms of the proposition only after the court has found the accused guilty of the offence as charged. The victim impact statement then is not just simply a written statement but one, by the way, which may never be read by the perpetrator of the offence—the person who has been convicted of it—and which also provides the court and all those attending the court (and we need to remember that courts are public forums that people have a right to attend; it is their democratic right to do so in our system of justice) with the benefit of hearing, and not just reading, what a victim, if the victim so desires, says affected them and the way in which it affected them by reading such a statement, if that is their wont.

This proposal contains no compulsion upon a victim even to be in a court, let alone prepare a written statement or, for that matter, to go further and provide an oral statement, as I understand the nature of the proposition of the member for Chaffey. In all those circumstances, I do not have a quarrel with the proposition. I well recall as a member—having been here for some 19 years, all but a couple of months; September will make it so—that on many occasions I have attempted to get what I have known to be good ideas passed into law and bloody-mindedness on the part of Governments has prevented that from happening, even though the time was well and truly due. It is my inclination to say, 'Let's suck it and see; give it a go.' If it works then we are the better for it, and if we find that, on passage and proclamation, it does not work then it can be repealed when the next session of Parliament is open in a matter of months.

I have always thought that, as part of the historical basis of our justice system, the courts were intended to provide the accused with the means of facing their accusers, where they are accused of committing an offence and charged by the Sheriff, as it used to be, of having committed that offence. The courts then provide the opportunity for the accused to state publicly and under oath his or her defence to any such charge brought against them in the name of justice. Having heard the accused state his or her defence, or have someone else advocating for them do so, and heard witnesses that have material evidence, or some other substantial knowledge of the events, provide their information and be cross-examined by advocates both for the prosecution and the accused, the court then decides. So, it was very much an organic process in an era in which the vast majority of the population was not literate.

I do not see now, just because more of us have learnt to read and write and more of us have full-time, gainful employment, why we should ignore that organic basis in the sociology of the structure and function of our justice system, through the courts. Indeed, as I see the amendment, it is a return to that traditional role of the courts. Therefore, I have no difficulty whatever in commending the proposition to the House. As I understand it, the member for Chaffey's amendment will enable the statement to be read for the benefit of everybody in attendance, including the accused.

The Hon. W.A. MATTHEW (Minister for Administrative Services): I have considerable sympathy for the amendment that is to be moved by the member for Chaffey. Members would well recall that during my time as Minister for Correctional Services a number of changes were made in order better to protect the rights of victims of crime. Indeed, I suspect that some of the same people with whom the member for Chaffey has been working provided me with valuable information and advice concerning the way they felt as victims and the rights that they wanted. Because of my interest in this subject it has obviously been a matter that I have discussed often and at length with the Attorney-General.

The Attorney-General has assured me that the member for Chaffey's amendment is, indeed, part of a review that he is undertaking in the interests of victims. Therefore, the matters raised by the member for Chaffey are being assessed, and the Attorney-General will bring back to the Parliament the results of that review. I also take some satisfaction from the fact that the Attorney-General is taking this on board. However, as I indicated I have some sympathy for the member for Chaffey's amendment and I certainly intend to support her amendment at this time.

Mr ATKINSON (Spence): I thank members for their contribution to the debate, and I would like to thank the members for Chaffey and for Hammond for their support of the principle of the Bill. A survey conducted among South Australian judges not so long ago showed that at least one South Australian judge takes no notice whatsoever of victim impact statements. That was his remark anonymously to the survey conducted.

The Hon. W.A. Matthew: Do we know who that judge is?

Mr ATKINSON: No, we do not, because it was an anonymous survey. If the judge had been identified, he would not have made that candid remark. For too long, victims of crime have been reduced to the role of witness for the prosecution in the trial. All the focus in the trial is on the accused or the defendant. The victim really is a helpless bystander in that process. But under our Criminal Law Sentencing Act the consequences of the offence for the victim are a relevant consideration in sentencing. It is not the only consideration, but it is one consideration among many. It is important that that consideration be highlighted by the use of victim impact statements.

It seems to me that victim impact statements would have more impact in some cases if the victim were able to read the statement orally to the court. We on the Labor side think that it would be, if you like, therapeutic in some cases for the victim to be able to face the perpetrator and the sentencing judge to state his or her view about sentencing. There is a legitimate concern that, if the victim were able to make an oral statement, he or she might get off the track of relevance and start telling the judge what sentence the judge ought to impose, or the victim might introduce irrelevant material or material that had not been previously tested in the trial. The amendment foreshadowed by the member for Chaffey does

address that concern by confining the oral delivery of a victim impact statement to the words of the written victim impact statement. So, the Opposition is happy to accept the member for Chaffey's amendment.

I should say that cross-examination of victim impact statements by defence counsel in South Australia is extremely rare. I shall quote a brief passage from an American case called *Booth v. Maryland* dated 1988 in which the court had this to say:

> . . . the State has a legitimate interest in counteracting the mitigating evidence which the defendant is entitled to put in. . . by reminding the sentencer that just as the murderer should be considered as an individual, so too the victim is an individual whose death represents a unique loss to society and in particular to his family.

For those reasons I urge the House to support the Bill. In conclusion, I state that the idea of the victim facing the accused after conviction but before sentencing has been promoted by both the Government and the Opposition in the area of juvenile justice. Since 1993, by agreement between the major Parties, we have what are called 'family group conferences'. If the Attorney-General thinks it is so good to have this in the juvenile justice area, I really do wonder why he is opposed to it in the area of adult justice.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2.

Mrs MAYWALD: I move:

Page 1—

Line 18—Leave out 'make a statement' and insert: give a written statement

Lines 20 to 24—Leave out subclauses (2) to (4)(inclusive) and insert:

(2) The court must give a copy of each victim impact statement received by the court to the prosecutor and to the defendant or the defendant's counsel.

(3) A person who has given the court a victim impact statement—

(a) must be given an opportunity by the court to present the statement orally; but

(b) in any event, is not liable to be examined or cross-examined on the statement.

The reason for my amendment is to ensure that the victim has the opportunity to write and to state verbally their victim impact statement. It is important that victims have the opportunity, if so desired, to read out verbally their victim impact statement at the time of sentencing. The reason for that is that a written statement can be read, not read, cast aside or no attention whatsoever can be paid to it; whereas making a statement with the convicted person present draws to their attention more forcefully the impact of their actions on many people. I believe that this is a good and fair amendment. It gives victims their rights whilst not disadvantaging the convicted by an overly emotional statement that may be disallowed or overruled in the court.

Mr ATKINSON: I am happy to accept the amendment. It would have been nice to have had the opportunity to explain what the clause was about before the amendment was proposed. Alas, I did not have that opportunity. Now the amendment has been proposed, I would like to say how much better I regard it than the clause.

Amendments carried.

Mr LEWIS: I want to say, along with the member for Spence, how much better I think it now makes the clause in the original Bill. By way of apology to him, too, just now, as Acting Chairman, can I say it was my oversight in that usually in second reading speeches clause explanations are included by leave in the *Hansard* as an incorporated part of the record. This being a private member's Bill, it had not occurred—more my oversight. Any offence that he may have felt was never intended. It was not an act in any sense malicious on my part.

I further want him to know how much better I think it will make the law that he has proposed because it does mean that people begin again to understand that they can participate in the process of the dispensation of justice, and that at the point at which the accused has been found guilty, and not before, when it is on the record that they are guilty, the victim statement is made. At that point, it is not material either as to what the victim statement contains other than it is an expression of the feelings of the victim about what happened to them. It may be a statement of what happened and their response and feelings about that. That is what the courts were intended to do: to draw the bile in the conflict that has occurred where an offence has been committed against the law (democratically determined to ensure that the bad blood does not continue to cause friction and disobedience to the law in other ways, to get redress) and that vengeance is not an acceptable part of what goes on beyond that point.

Rather, it enables the victim to make that statement as well as the perpetrator to understand it. It is not cross-examined, nor does it need to be. That is vital. It is the victim's simple statement of what was done and how it felt, as told by the person who suffered the consequences. That is what I like about it. That is why I have supported the proposition. Again, I wish the measure swift passage.

Clause as amended passed.

Title passed.

Mr ATKINSON: I am delighted that private member's time has worked as it is supposed to work by Opposition members, Government backbenchers and Independents getting together to propose a modest reform of the law which we believe will make the criminal law so much the better. In particular, I am delighted that Government backbenchers and the Independents have liberated themselves from the dead hand of the Attorney-General and overcome his objections to this modest reform by passing the Bill through the House of Assembly today.

The Hon. W.A. Matthew interjecting:

Mr ATKINSON: The Minister representing the Government reminds me there was resistance to the Bill of another Minister as well as the Attorney-General, and that was the Minister for Government Enterprises. But the Ministry has been overcome on this occasion. Parliament has asserted its authority over the Executive about this modest reform. The most important thing to mention from the point of view of defence counsel—

The CHAIRMAN: Order! Can I ask the member for Spence if he is actually moving the third reading of the Bill?

Mr ATKINSON: Yes, I am, Sir. I move:

That this Bill be now read a third time.

You were quite right to remind me about that. So often I forget. I am so surprised to be moving the third reading of a Bill. This is the second or third time that I have forgotten to move the third reading in the course of my third reading remarks.

Defence counsel will be receiving a copy of the written victim impact statement before the victim reads it to the court, so defence counsel will be in a position to dispute elements in the oral victim impact statement and will be able to send the matter off for a disputed facts hearing if there is some conflict between the oral victim impact statement and

the facts as the defence believes them to be. So, there is that natural justice element in there for defence counsel being able to dispute the victim impact statement. I should repeat what I said on the second reading: very rarely does defence counsel in South Australia seek to dispute the contents of a victim impact statement. With those remarks, I again congratulate Government backbenchers, the Independents and my Opposition colleagues in getting this sensible measure through the House of Assembly.

Bill read a third time and passed.

EDUCATION (GOVERNMENT SCHOOL CLOSURES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 March. Page 814.)

Ms THOMPSON (Reynell): I remind the House that this Bill was introduced on 4 December so, despite the progress we have made this morning, I am sad to report that this important matter has taken so long for the House to consider. I hope that the new arrangements will enable us to deal with such important matters in a more timely manner. I also remind the House that the Opposition has indicated that, in the Committee stage, it will seek to remove clause 4 which is the transitional provision of the Bill. Sadly, the closure of the schools mentioned there, which was giving us so much concern, has occurred, and now we are in the position of dealing with the impact of the closure of those schools on the students, their parents and the general community, including the teachers who are part of those schools and who sought to develop an entity in the schools which related directly to their communities.

It is the need to allow communities and their schools to work together to determine the future of a school to which I wish to address my remarks at the moment. The process that we have proposed does enable a wide range of members of the community, as well as members of the school itself, to consider the impact of the closure of the school. One of the impacts that I want to talk about particularly is the work that a number of small schools in my electorate and, I understand, in much wider fields are doing at the moment to work with communities to develop their general educational levels.

The member for Hammond spoke earlier about the changes in the literacy levels within our community, and the demands for literacy that have been made over the past 20 years have been huge. It used to be acceptable for someone to leave school barely able to read and write and get a job where they did not need to be able to read and write. They could exercise a vast range of skills in a very productive and meaningful way in our community, with very little literacy ability.

That is not the case now. In manufacturing we are seeing that people with superb skills with their hands are not able to get the jobs that they used to hold even because they are not able to deal with the paperwork or the computing work requiring extensive literacy and numeracy skills. In a number of schools it has been seen that parents who do not have high literacy skills are not able to assist their children to develop the level of literacy that is now required.

Debate adjourned.

CHILD CARE

Adjourned debate on motion of Ms White:

That this House—

(a) condemns the Federal Government for cutting nearly $1 billion from child care after three budgets;

(b) notes that this has forced an increase in fees for child care, closure of 14 South Australian child care centres, the loss of an estimated 200 child care workers and has threatened the viability of many other child care services;

(c) expresses concern that as a result of the cuts, child care is no longer affordable for many families, that working parents have been disadvantaged and in some cases have to forgo employment and study; and

(d) calls on the Federal Government to reinstate adequate funding to child-care in South Australia.

(Continued from 4 June. Page 1120.)

Mr HAMILTON-SMITH (Waite): I speak to the member for Taylor's motion today because, as the House will be aware, I have had an ongoing involvement with child-care and I have declared that interest previously to the House. As a consequence of that involvement I have some background in this, having represented the industry at both State and national levels over a period of years, particularly the private sector of the industry. I have some sympathy with the member for Taylor's concerns about child-care funding but I feel that a number of the components of her motion require elaboration. In particular, the issue of how a Government should fund child-care in the best interests of families and children. The previous Labor Government's focus for child-care funding was very much on subsidising child-care centres rather than assisting with payments to families.

Over a period of many years what can only be described as an empire of community based funded child-care services emerged, providing high quality services to children right across the country. In concert with that growth in community based child-care, and particularly since 1991, a small business based child-care sector grew and now constitutes over 70 per cent of the child-care industry and over 70 per cent of the total number of child-care places available. The Coalition Government has refocused child-care funding away from subsidising child-care centres towards payments to families. In effect, it has empowered families, by giving them family child-care funding so that they can choose the type of child-care services that suit the needs of that family and their children.

The Coalition Government found that the previous Labor Government's policy of subsidising child-care centres had led in effect to a degree of wastage, fat and inefficiency in the provision of care to the extent that a lot of child-care funding was not finding its way to families in the way of reduced child-care fees. In fact, the previous Labor Federal Government recognised this inefficiency itself when it extended to all child-care services, including private child-care services and families using those services, the right to claim child-care assistance for families using all services. It recognised that the way to go was to empower families by enabling them to claim means tested child-care assistance rather than to subsidise further growth in community based child-care.

In effect, the Coalition has gone on from the previous Labor Government's initiative by cutting subsidies further and redirecting that funding to families. That is because subsidising child-care services is not the way to go. In South Australia subsidised community based child-care centres at one point had the highest fees per week in the country and were not delivering to families more affordable child-care. Where was the subsidy going? How was it that a community based child-care centre on one side of the street was receiving anything up to $60 000 a year in child-care subsidies, while

a small business based child-care service on the other side of the road was able to deliver child-care at the same cost or even a reduced cost without that $60 000 subsidy?

The advent of the Federal accreditation process and the State licensing system guaranteed that both child-care services were providing child-care of a similar quality for families, but one was doing so without a substantial subsidy. Clearly, the Coalition Government recognised that there must have been some inbuilt inefficiency or other problem within the community based child-care sector which required rectification. I think this was at the heart of its decision to cut those subsidies and redirect that child-care funding toward families. Minister Warwick Smith has explained that child-care funding to families has not reduced and, in fact, the total Commonwealth expenditure on child-care has been maintained and slightly increased. It is the way in which the funding has been administered which has changed. I argue that it has been changed in a way which has reduced an inefficiency and which has resulted in a better targeting of taxpayer funding away from inefficient subsidies and towards families.

At the end of the day it is the children for whom child-care is provided. Child-care is not for Governments or employees in child-care centres and it is not even for mums and dads. The child-care is really for the child and today the traditional line that had once defined a child-care centre from a kindergarten has become blurred. Partly as a consequence of present Federal accreditation processes, child-care centres in most cases provide extremely high quality kindergarten outcomes for children, providing professional staff, in many cases qualified teachers and delivering extremely high quality outcomes for children of all ages. Similarly, many kindergartens are providing extended hours care and in some cases are meeting work related needs of parents for child-care or children's services.

So, the industry is much more diverse than it once was. There was a range of funding from both State and Federal origins still being made available to child-care. In closing, I commend the member for Taylor for her motion and her concern about the issue of child-care. It is a legitimate concern, because nothing is more important than funding the early learning of children, particularly those aged 0 to 8.

As I said in my first Address in Reply speech, I feel that, if anything, there is scope for us as a nation to retarget our taxpayer funding in education to the ages of nought to eight where perhaps in the past it has focused on university and high school outcomes to the neglect of those early years, which are so vital. I acknowledge and share the honourable member's concern, but I ask her to consider the issue of how best to target taxpayer funding. I would argue that providing subsidies to services is not the best way to go, and I think the Coalition has indicated that in its policies.

The real need is within the family; the real way to target child-care funding is to empower families by means tested child-care assistance, so that the family can then choose the child-care outcome that best suits the needs of that family and that child. The way to go is not to subsidise inefficient services but to require services to become efficient. The best way to do that is to empower the families and then require services to provide high quality, efficient and capable services for those families so that the needs of children are met. I again commend the member for Taylor for her concern, but I ask her to consider how funding should be spent. That is the flaw in the motion.

Ms THOMPSON secured the adjournment of the debate.

WASTE RECYCLING FACILITY

Adjourned debate on motion of Mr Wright:

That this House calls on the Government to oppose the application by a private company to establish a waste transfer and recycling facility on the corner of Old Port Road and Tapleys Hill Road, Royal Park, because:

(a) the development would be inappropriately located in close proximity to a large number of homes;
(b) the proposed development would have a huge negative and undesirable impact on the quality of life of the residents who live in this area;
(c) the development would cause a drastic reduction to the value of people's homes;
(d) an industry of this type would cause significant problems for other nearby commercial operations.

(Continued from 26 March. Page 821.)

Mr De LAINE (Price): I strongly support this motion moved by the member for Lee against the proposal to establish a waste transfer and recycling facility on the corner of Old Port Road and Tapleys Hill Road at Royal Park. This application has been in the system for five years. The applicant, JJJ Recyclers, first submitted the application in December 1993 to the then South Australian Planning Commission. The commission refused the application and since that time it has been taken to both the Environment, Resources and Development Court and the Supreme Court and it has been defeated each time.

A slightly different proposal has since been lodged with the Development Assessment Commission, which conducted a public hearing last month at which the developer, JJJ Recyclers, gave supporting evidence for its application. A large number of people who attended that meeting gave evidence in opposition to the proposal. The member for Lee and I as the member for Price gave evidence in opposition to this proposal. The member for Lee, on behalf of his constituents who live in close proximity to the proposed development site and I, as the member for Price, gave evidence on behalf of the residents who live in the Queenstown and Alberton areas in particular, also taking into account the small businesses in that area and the Alberton Primary School.

So overwhelming was the evidence against the proposal that on the same day the DAC announced its decision that it had rejected the application, mainly on health and environmental grounds. I will continue to speak on this motion, because I feel sure that this bloody-minded developer will appeal and continue to fight for approval to establish this unwelcome facility on this corner site. For that reason I will continue with my contribution. I said in my oral submission to the DAC that I did not want to be completely negative, but that I applauded the developer for wanting to spend money and do something that is very important in the world these days, involving waste management and recycling. It is a growing and much needed industry and I applaud him for that.

However, my criticism, as is that of the member for Lee, is that the facility is proposed to be put on a very unsuitable site. At issue is not only the concept of the industry but also the locality. There is plenty of room in the Gillman area, which is not far from this locality, but the proponent chooses to pursue his endeavours to set up the facility in this very unsatisfactory and unsuitable location.

The facility is in the electorate of my colleague the member for Lee. It is right on the boundary, so it also affects

some of my constituents, and that is why I joined the member for Lee in taking up the fight against this unwelcome facility. As I have said, the proposal was defeated, and the member for Lee and I argued against the proposal on environmental and health grounds. I will raise a few of those issues in the context of this speech. As has been said, the proposed development was located right in the midst of about 3 000 homes and other small businesses and schools, and that is totally unsuitable. I and other people who spoke against the proposal were concerned about noise. It would be impossible to prevent noise created by trucks entering and leaving the site, by waste material being unloaded from the trucks and by the transfer and sorting of waste materials on the site. The noise factor will also be of particular concern if operating hours are extended beyond the normal working hours of 8 a.m. to 4 p.m. and all weekend.

As I said in my submission to the DAC, I have been around long enough and been involved in local government and this place long enough to know that, if some doubtful industry is given approval to set up in a certain area, having made all sorts of promises as to their working hours, which promises are tied down in local or State Government regulations, sooner or later that industry will put forward arguments to extend the hours into the early morning, late at night or even on weekends. That is the danger of allowing these sorts of facilities to set up in these areas, because these regulations can be abused and we know that the policing of them is not totally effective. Also, if they do make application, the regulations can be varied and those limited hours can be increased only too easily.

Odour is another problem. In its proposal the company offered to keep airborne particles and dust down to a minimum, and that can be done by technology, but odour is another problem which is virtually impossible to eliminate. It is quite obvious that it has a very big impact on people, especially people suffering from allergies or other forms of ill health. I have mentioned airborne particles. They can be substantially controlled on hot windy days, but not entirely. Although something can be done about that, it is not without difficulty. Vermin was another problem involved in this industry and its location. Invariably it attracts rats, mice, spiders, flies and whatever else and with similar enterprises it has also led to the establishment of a very large feral cat population in the area, which is also very undesirable.

Another aspect involves vibrations from the very heavy trucks, which of necessity would be coming and going from this facility, as well as putting pressure on an already crowded and busy intersection. It was suggested that the ingress to this facility be situated very near the corner of a very busy intersection, which would be unacceptable and very dangerous. Waste water was another problem that came under consideration, because there is bound to be copious amounts of water used during the processing and sorting of waste materials. This waste water was originally intended to flow into an open drain running down the centre of the Old Port Road which finishes up entering the Port River at its upper reaches, in the West Lakes area. This was totally unacceptable to the people of that area as well.

A further factor was the effect on property values. An unwelcome installation of this type would have very detrimental effects on the values of people's properties, and it has been shown that in some of these areas people cannot even give their homes away. When people come to look at homes that are for sale they see that there is an industry of this type nearby and they will not buy those homes. I reiterate that this is still a live issue as far as the member for Lee and I are concerned because of the fact that this proponent has gone through the courts and appealed and gone on with slightly different proposals in the past, and I dare say that he will continue to so.

In closing, I pay tribute to the way in which this matter has been handled by my colleague the member for Lee. As I said, I was with the honourable member at the DAC hearing and also the public meetings held in the area. The way in which the member for Lee has conducted himself in this matter, provided information and given evidence is very much to his credit. I feel sure that his constituents are very proud of the way in which he has represented them and I applaud him for that. As I say, I strongly support the honourable member's motion.

Mr MEIER secured the adjournment of the debate.

CITIZENSHIP FEE

Adjourned debate on motion of Mr Scalzi:

That this House urge the Federal Government to waive the citizenship fee, as an act of goodwill, for people who have resided in Australia for 20 or more years in order that they may fully participate as Australians in the Centenary of Federation celebration in 2001,

which Mr Wright had moved to amend by leaving out all the words after the word 'fee' and inserting in lieu thereof the words 'in order that all eligible residents may fully participate as Australian citizens'.

(Continued from 4 June. Page 1124.)

Mr WRIGHT (Lee): Having got only half-way through my contribution, I would appreciate the opportunity to continue my remarks at this stage. I moved an amendment to the member for Hartley's motion and in my previous contribution I certainly acknowledged, and do so again today, the fact that the member for Hartley has brought this matter to the attention of the House, and I give him full credit for doing so. However, I have moved an amendment which, if carried, will strengthen that motion quite considerably. The member for Hartley is urging the Federal Government to waive the citizenship fee as an act of goodwill for people who have resided in Australia for 20 or more years in order that they can fully participate as Australians. My amendment takes out the words relating to the need for people to reside in Australia for 20 years or more and simply waive the membership fee, full stop, for anyone, once they become eligible, to take out citizenship.

I know that some people will say, 'Where will the money come from? This will be a cost factor that Governments should not bear and it should be fee for service,' and so forth. However, where there is a will there is a way. Certainly when the need arises we can find funds and we can ensure that money is spent wisely. This would be a very commendable, sensible and practical way of sending a loud and clear message to our ethnic friends, particularly at a time when we have One Nation and some of its leaders running around and giving very poor signals not only to our ethnic friends but to our neighbours as well. I think this would be one way of perhaps diluting that argument. We currently have a Party running around Australia talking about anti-immigration and certainly displaying a racially prejudiced point of view, and I think it is beholden on all of us to speak in opposition to that. I have also noted previously that both the member for

Elder and the member for Colton have spoken on this matter in this House and I congratulate them for doing so.

I give no credit to our Prime Minister for the role that he has played. He should have stamped on this from day one, not waited until after the Queensland election to take a more active role in trying to stamp out some of the policies being put forward by One Nation. When one is in a position of leadership one has to show some leadership and take that responsibility seriously. It is not good enough that currently in our country we have a Prime Minister who has shown no leadership in this area and who has waxed and waned and sat back thinking that he will reap the benefits of the preferences that will come to his Party. I think it is a shame on him and on our country regarding the way in which he has performed his leadership role in this area. I note that leaders of both major political Parties in most States around Australia, apart from Queensland, have shown some leadership skills in this area.

Certainly both leaders in South Australia have shown strong leadership skills in this area and from day one have spoken very strongly of their opposition to One Nation. This motion as amended would be a loud and clear signal that we would be sending to the community of Australia, particularly to our ethnic friends. Certainly it is something that we as members of this House should look upon very favourably and on which we should take a very firm position and send a message to our colleagues in Canberra that they can take a more active role and send a positive signal to all the people who have chosen to live in Australia and have taken the next step, namely, taken out citizenship, which gives them added responsibilities in our country.

Mr WILLIAMS (MacKillop): I rise to support the original motion and in so doing will speak against the amendment. I commend the original motion to the House and to all Australians. It does two things: it tells the people who have come to make their home in this nation of ours, particularly those who have come here, have spent many years here and become part of our society, that we embrace them, and it tells them that we as Australians are going to make them very welcome, particularly those who have been here for a lengthy period. As a sign of goodwill in the celebration of our Federation in the year 2001 we will give them full Australian citizenship rights.

The people who have been here for 20 years or more will suddenly be allowed to vote, even though they may not have taken out citizenship rights and it tells them that they will be able to move in and out of this country without any fear that, through some administrative error (possibly on their part), they might be caught not being able to get back into the country that has been their home for many years. I am happy that the member moving this motion made the distinction between relatively new arrivals in this country and those who have been here for many years. There are a couple of points that the member for Lee may have overlooked. It is my information that it was the Labor Party that introduced fees for citizenship back in 1986.

Mr Wright interjecting:

The DEPUTY SPEAKER: Order!

Mr WILLIAMS: What has brought this to a head is the fact that the fee has risen from $80 to $120 from 1 January this year. The original motion was aimed at people who have been here for at least 20 years. The House should be aware that many of those people at this stage of their lives are pensioners and people of quite limited means. Many migrants who fall into that group will not be affected by this motion at all because pre-1984 migrants of British subjects already receive full citizenship rights in Australia.

We are basically talking of migrants from other countries—those other than British subjects. We are talking of people who more likely came here from countries where they spoke other than the English language. Although the statistics I am using are a little dated (they refer back to 1991), I have no reason to believe that the statistics have changed considerably since then. People other than English speaking nationalities who have arrived in this country have a citizenship rate of around 71 per cent. It is interesting to note how people of different backgrounds have chosen at different rates to take up citizenship upon coming to this country. To arrive at the average of 71 per cent we run through the list, with, at the lower end, people with a Malaysian background having taken up citizenship at the rate of 45 per cent (as at 1991), through to those of Greek background having taken up citizenship in Australia at the rate of 94 per cent.

I do not believe that if the amendment was passed by this House and went on to the Federal Parliament it would take any notice of it at all and we would achieve very little with the motion. The original motion serves two purposes: it shows an act of goodwill to people who have come here and made this country their home. It shows that we are willing to embrace these people, even though they have not taken the formal step of taking out citizenship. It does that as part of the celebration of our Federation in 2001. I commend to the House the original motion, but do not believe there is any necessity for the amendment because it will get nowhere and achieve nothing.

The House divided on the amendment:

AYES (20)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L.	Wright, M. J.(teller)

NOES (24)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Lewis, I. P.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	Meier, E. J.
Penfold, E. M.	Scalzi, G.(teller)
Such, R. B.	Venning, I. H.
Williams, M. R.	Wotton, D. C.

Majority of 4 for the Noes.

Amendment thus negatived.

The SPEAKER: The question now before the Chair is that the original motion of the member for Hartley be agreed to.

Motion carried.

Mr SCALZI: Mr Speaker, am I permitted to close the debate?

The SPEAKER: I was not in the Chair at the time, but I gather that the honourable member was to be allowed to speak. So, with the indulgence of the House I call the member for Hartley.

Mr ATKINSON: I rise on a point of order, Mr Speaker. I am not averse to the member for Hartley speaking in reply to his motion, but repeatedly when this situation has happened to Opposition members, particularly in the previous Parliament—for example, I refer to the Road Traffic (Small-Wheeled Vehicles) Amendment Bill—recommittal in this way has been refused. I just look for some consistency, Sir.

The SPEAKER: I was not in the Chair at that time. If there is any objection, the honourable member will not be able to proceed. I ask for the indulgence of the House. If there is no objection by any member present I will call the member for Hartley.

Mr HANNA: I object, Sir. Let us play by the rules.

The SPEAKER: There is one objection. Therefore, leave will not be given.

EUROPEAN WASPS

Adjourned debate on motion of Hon. D.C. Wotton:

That this House commends the Government on its decision to maintain funding to assist in the control of European wasps and also its commitment to further research issues relating to their eradication and urges the Government not to support the imposition on property owners of a removal fee for wasp nests as this could discourage people from reporting the presence of wasps and would therefore be to the detriment of the program.

(Continued from 26 February. Page 555.)

The Hon. M.K. BRINDAL (Minister for Local Government): It gives me some pleasure to speak to this motion. I also propose to amend the motion and, accordingly, I move:

Delete all words after and including the words 'and urges the Government'.

I acknowledge the intent of the motion and the sterling work done by the member for Heysen on behalf of his constituents. I further acknowledge that the problem of European wasps is particularly bad. It is perhaps at its worst in the Adelaide Hills and in those council areas which are semi-rural and which adjoin rural areas. They are the hardest hit of all metropolitan Adelaide by this growing problem.

I am not permitted to canvass details of the Bill before the House. Suffice to say, I note that the Government proposes to give councils an order making power to allow them some rights of entry on to private property according to strict guidelines and only when people are not being responsible in their duty of care to get rid of this pest. If people wish to put themselves, their animals and their children at risk—I do not understand why they would—that is their choice. However, they should not be permitted to be put at risk their neighbours and everyone who lives within 500 metres of them simply because they see no problem with the European wasp.

This problem is not owned by or unique to this Government. The European wasp was first discovered in South Australia some decades ago. There have been a number of eradication programs. I acknowledge the work of the previous Labor Government in the introduction and trial of a parasitic wasp to try to alleviate this problem. Unfortunately, that was not successful and the problem continues to grow.

The local government sector and the Government have worked closely together on this problem. Over the past three years, an eradication program has been conducted. The combined contribution for that program by both sectors has been about $140 000. However, unfortunately we have not been able to control the numbers, which are ballooning. That means that this problem is beyond the resources so far allocated. I acknowledge that the Government is committed to this problem and that for the next three years it will contribute $250 000, which is three times the amount that it initially allocated. We are confident that the local government sector will match that amount. So, the contribution of $140 000 this year will increase to about $500 000.

However, we are worried that that will not alleviate the problem to the extent that we would like. The message therefore from this House and local government to all South Australians is that this is a South Australian problem and that it should be taken on board by all citizens. The Government and local government can and will continue to work on the problem. We will use all our efforts and the resources of Government.

Mr Koutsantonis interjecting:

The Hon. M.K. BRINDAL: The honourable member opposite is talking about Government intervention. There are times when even the honourable member opposite would realise that Government is only an arm of the people. Unless the people are willing to take a lead on and a share in some issues, Government on its own cannot solve them. This problem is beyond the ability of either local or State Government on its own to solve. Therefore, the Government—

Mr Atkinson interjecting:

The Hon. M.K. BRINDAL: The member for Spence asks questions about matters that are canvassed in the Bill. I am not avoiding his questions, I will be delighted to answer them in the context of the Bill, but at present we are speaking to the motion.

Mr Atkinson interjecting:

The Hon. M.K. BRINDAL: If the honourable member waits until the Bill is before the House, that will be the proper time—

Mr Atkinson interjecting:

The Hon. M.K. BRINDAL: I am sure that, in his usual pedantic manner, the honourable member will ask a million questions and he will tease the very ends out of those questions and get every answer that he wants. But I am addressing this motion.

Mr Atkinson interjecting:

The SPEAKER: Order!

The Hon. M.K. BRINDAL: I am speaking to a motion to delete the very section to which the member for Spence refers. He should surely be cognisant of the fact that if—

Mr Atkinson interjecting:

The SPEAKER: Order! The member for Spence will cease interjecting. The Chair calls him to order.

The Hon. M.K. BRINDAL: I will not respond to the interjection, but I would have thought that for five minutes I have given the Opposition logical reasons for agreeing to my amendment. If I have failed to do so, I apologise to the member for Spence, but I was never good with slightly retarded intellects.

As I said, this is a problem for the entire community. The Government is absolutely committed to addressing it on a whole of Government basis on a number of fronts. We are looking at the education program with a view to its enhancement. We are looking at the way in which Government property is treated with a view to a cost effective and coherent approach. We are looking at eradication. We are looking at baiting. We are looking at spatial technology, which will be trialled in the City of Mitcham and the City of

Torrens. We are trying every measure we can to combat what is a nuisance.

That will be as much as we can do unless the people of South Australia are prepared by way of taxation or rates to pay highly increased fees. The Government does not believe that we should go down that track. We would rather see it done on a case by case basis, as is the case for rats and mice, fleas, snakes, termites, and many other pests. As I point out to my rural colleagues, it is interesting to hear the debate about this matter because the proposal has been inflicted on the rural community for decades. In lots of legislation we tell the rural community whether or not they can pull up trees under the Native Vegetation Act. We tell them that, if a bird flies over and in the bird droppings there are boxthorn seeds and boxthorns grow up, they can and will eradicate those boxthorns. There is a plethora of plants and pests on rural properties which are destroyed at the cost—

Mr McEwen: That means a lot.

The Hon. M.K. BRINDAL: I am glad that my Independent colleagues behind me are helping the Opposition understand some of the words used in this debate. It is a matter that has long been a principle for people in rural areas and on rural holdings. This extends the possibility of a well-tried principle.

Mr Clarke interjecting:

The Hon. M.K. BRINDAL: The member for Ross Smith makes light of the western suburbs; he makes a great joke of the western suburbs. I am sure that Labor Party members opposite—

Mr Clarke interjecting:

The Hon. M.K. BRINDAL: I have never flown over the top of the western suburbs. My grandmother used to live in the western suburbs, so if the honourable member wants to pick on my family background that is his right. I might start picking on his. I commend the amendment to the House.

The DEPUTY SPEAKER: I seek clarification from the Minister. Does the Minister want all words after the word 'eradication' eliminated?

The Hon. M.K. BRINDAL: Yes, Mr Deputy Speaker.

Mr De LAINE secured the adjournment of the debate.

WATERFRONT REFORM

Adjourned debate on motion of Mr Clarke:

That the House condemns the Federal Liberal Government and the National Farmers Federation for their provocative approach to waterfront reforms in Australia, and in particular:

(a) their support for current and past serving members of the Australian Defence Forces to participate in an ill-fated overseas strike-breaking training exercise;

(b) their support for the conspiracy entered into between Patrick Stevedores and the National Farmers Federation front company to establish a union-busting stevedoring company at Webb Dock, Victoria;

and calls on the Federal Government and the National Farmers Federation to recognise that just and fairly negotiated settlements between management, unions and the workers involved can achieve more in terms of productivity and improved labour relations.

(Continued from 19 March. Page 708.)

Mr De LAINE (Price): Time has overtaken this motion to some extent, but I very strongly support the motion as moved by my colleague the member for Ross Smith. Over the past two years, there have been constant public attacks by the Government on the Maritime Union of Australia. Over $1.2 million of taxpayers' money has been spent on secret reports by the Government to attack the MUA, and Workplace Relations Minister Peter Reith continually refuses to make the reports public. That seems to be a typical Liberal disease of not releasing reports, even at Federal level.

The recent disgraceful episode of the Dubai mercenaries has shown the lengths to which the Howard Liberal Government, the National Farmers Federation and Chris Corrigan, the CEO of the Patrick stevedoring company, will go to try to bust the MUA. Over the past century, many attempts have been made to bust the Waterside Workers Federation, now known as the MUA, but they have all failed, and this attempt will also fail. They should quit while they are behind.

I pay tribute to the performance of the national secretary of the MUA (John Coombs) and the State secretary (Rick Newlyn) on the way in which those two officers conducted themselves on behalf of their union and their members. They acted in a very responsible way. They have not been baited, despite the many attempts to do so, and they have kept on course. In the end that responsible attitude has won through in terms of their stand being completely vindicated by two major court decisions which supported the MUA and its members.

This has been a disgraceful episode in Australia's history. It has been a continuation of things that have happened over many years to try to smash the Waterside Workers Federation, and once again it has failed. The dispute is not over by a long stretch of the imagination, but they have certainly got over the first two hurdles, with those two major court decisions finding in favour of the union. I commend the union and its leaders for a job well done on behalf of all unions and all workers in this country. I strongly support the motion moved by the member for Ross Smith.

Mr MEIER secured the adjournment of the debate.

WEST BEACH BOAT HARBOR

Adjourned debate on motion of Mr Hill:

That this House—

(a) calls on the Government to honour its commitments made on 11 December 1997 regarding the West Beach Boat Harbor and in particular that 'an independent environmental consultant will also prepare an assessment for public release';

(b) condemns Liberal and Independent members of the Public Works Committee for forcing a vote on the West Beach harbor before considering the promised independent environmental report; and

(c) expresses its opposition to the proposal to divert stormwater run-off through a pipeline into the gulf at West Beach.

(Continued from 19 February. Page 409.)

Mr HILL (Kaurna): I started speaking to this motion some months ago and I addressed the first of the three issues, which concerns consultants. I will now address the issues concerning the Public Works Committee and stormwater run-off into the gulf. In relation to paragraph (b), there was great concern in the Public Works Committee that the committee forced through a vote on the harbour before it had the opportunity to see the independent environmental report that had been promised by the Government. In fact, when one of the members of the committee was absent on some other business, it was rushed through in an unseemly way, which is typical of the approach this Government has to the management of this issue. The Government should be condemned for that.

I also put on the record my great concern about the proposal to divert stormwater run-off through a pipeline into

the gulf at West Beach. As you would know, Sir, as a former Minister for the environment, the Patawalonga lake has acted as a filtering system for stormwater. That will be diverted so that the lake can be returned to pristine condition. Stormwater will be pumped out into the gulf. That should be of great concern to people.

We as a Parliament and as a people should have a long-term policy not to put any more stormwater or treated sewage into the gulf but to divert it back onto land, as has been the case at the Bolivar works and at Christies Beach in my own electorate where there are plans to divert treated sewage into the winery areas. We should adopt such a policy. The proposal to run stormwater into the gulf is detrimental, it will have an impact on the environment in that area, and it should be opposed.

Mr MEIER secured the adjournment of the debate.

[Sitting suspended from 1 to 2 p.m.]

LIVING HEALTH

A petition signed by 10 residents of South Australia requesting that the House urge the Government to reconsider its decision to close Living Health and to ensure that existing sponsorships currently funded by the tobacco tax are maintained was presented by Mrs Penfold.

Petition received.

MATTER OF PRIVILEGE

The SPEAKER: Order! Yesterday, the Leader raised the question of whether the Deputy Premier misled Parliament on 18 June this year during the Estimates Committees deliberations and again yesterday on 1 July. Before giving my ruling, I would like to clear up any confusion about the Speaker's role in these matters. Simply stated, it is only to decide whether to give precedence to a motion which would then be put to the House, presumably alleging deliberate misleading of the House by the Minister—and I emphasis the word 'deliberate'. Standing Order 132 provides that any question of privilege suspends all other business before the House until the matter is decided. However, the practice has evolved, since at least the early 1970s, of the Speaker's listening to the allegation, deliberating on it, and later giving a ruling on whether a *prima facie* case has been made out and, if so found, to give precedence to a motion. This is what occurred on this occasion.

In arriving at a decision, it is not my role on behalf of the House to form an opinion on whether the Minister did or did not or might or might not have misled the House. Whether my decision is favourable or unfavourable, nothing should be read into that decision for precedence to suggest that I have formed a judgment about the allegation but merely, on the information contained in the Leader's allegations, there may be issues that are appropriate for the House to decide upon. I stress, so that no member should feel threatened by this test, that the act of misleading the House must be deliberate rather than inadvertent.

In his allegations, the Leader of the Opposition referred to questions addressed to the Minister by the member for Hart, both at Estimates on 18 June 1998 and again during Question Time yesterday, in which the Leader claimed the Minister had involved himself in the selection process for the choice of CEO for the South Australian Thoroughbred Racing Authority. I note in *Hansard* that the member for Hart quoted from a letter from a Mr Rob Hodge, which was accompanied by a statutory declaration sworn by Mr Hodge. The sworn quotations from Mr Hodge in *Hansard* referred to an article in the *Advertiser* of 14 July 1997, as follows:

> Following that story Mr Ingerson rang me between 10 p.m. and 11 p.m. My wife answered the telephone and Mr Ingerson attempted to influence me about Mr Hill's suitability as a CEO. Following this volatile conversation we concluded this somewhat acrimonious discussion.

A second quotation from the statutory declaration also appears in *Hansard* claiming that, on 25 June 1997, the Minister for Racing rang the Chairman of SATRA expressing outrage at the SATRA decision and demanded that SATRA rescind its arrangements.

I note in the *Hansard* quotes that the Minister both indicated that he was not formally involved and that he had had no involvement at all. I have noted a quotation in *Hansard* from a letter written by Mr Merv Hill on 26 June 1997 to his legal adviser. I have also noted in the Minister's statement in the House last night that he did convey information to Mr Hodge concerning Mr Hill's appointment. Whilst I presume that members do not have in their possession copies of Mr Hodge's letter and statutory declaration, the House is entitled to accept the veracity of the member for Hart in his use of the quotations from the statutory declaration and the *Hansard* record. Therefore, given the contradiction between the two positions put down by Mr Hodge and the Minister, I believe there may be enough substance in the allegation to warrant precedence being given to a motion allowing the House to determine how it wishes to proceed.

In coming to my decision, I want to stress that I am in no way confirming the allegation or adjudicating on whether the Minister has deliberately misled the House. That is for the House to decide. I will give some guidance to the House: the question for it to resolve is whether the telephone conversations which took place constitute an 'involvement' by the Minister in seeking to influence the SATRA board. A second question to resolve is whether the House accepts the explanation given by the Minister last night or whether it wishes to inquire further into this matter. I, therefore, give the call to the Leader of the Opposition.

The Hon. M.D. RANN (Leader of the Opposition): I move:

> That this House establish a Privileges Committee to investigate whether the Deputy Premier has misled the House in relation to matters related to his activities as Minister for Racing, that the committee shall operate under the guidelines for a select committee of this House, that the committee shall prepare a report of its investigations for the consideration of this House by 30 September 1998 and shall have the power to send for persons, papers and records, and to adjourn from place to place.

This is a very serious matter. There were specific denials—unequivocal denials—given before the Estimates Committee of this Parliament. There were also specific denials—unequivocal denials—given before this House yesterday, before I moved for a Privileges Committee. Later that night, of course, the Deputy Premier then amended his answer to confirm that calls had taken place. This is a serious matter. The Deputy Premiership is the second highest office in the Government of this State and, far from being punished for his failures in recent times, the Deputy has been rewarded.

This latest example, which is the clearest example I have seen in the 12½ years I have been in this Parliament, is what happened yesterday with the Deputy Premier's failure to meet

the standards required of a Minister of the Crown, his attempted interference in the appointment of the Chief Executive Officer of the South Australian Thoroughbred Racing Authority and his subsequent denial of his actions. Let us just trace back over what happened. On 18 June this year, during the Budget Estimates Committee, the Deputy Premier was asked the following question by the member for Hart:

> Did you have discussions with anyone involved with the South Australian Thoroughbred Racing Authority where you requested and indicated your preference for Mr Hill's contract to be terminated? Did you hold discussions?

To this question, the Deputy Premier replied 'No'—no ifs, no buts, no maybes but an unequivocal 'No'. When further pressed that day, the Deputy Premier told the same Estimates Committee:

> It was not my role to get involved with that authority.

He also said that he had 'no role at all as Minister in matters involving Mr Hill'. Those answers were repeated by the Minister in this House yesterday and confirmed by the Minister in this House yesterday when he referred to it in his response to the questions asked by the member for Hart. The Deputy Premier told the House yesterday that he had answered all these questions during the Estimates Committee process in June. But yesterday we also learned of a letter, a letter written by a prominent Liberal in this State, an acquaintance of yours, Mr Speaker, which is also supported by a statutory declaration. That letter was written by Mr Rob Hodge, a former Liberal Party State Vice-President and former Chairman of the South Australian Thoroughbred Racing Authority.

Sir, I was disappointed this morning, I have to say, when you said that you had not spoken to Mr Hodge to confirm the evidence presented to this House yesterday, because I believe that would substantially assist the consideration of this House in moving towards a Privileges Committee. I also understand that Mr Hodge has informed journalists that he spoke to the Premier about his concerns with the Deputy Premier's interference in the Thoroughbred Racing Authority—again I repeat, an interference that the Deputy Premier totally denied.

Given the positions that Mr Hodge has held in the Liberal Party and elsewhere, we must assume that Mr Hodge is not politically naive. He knows the significance of his actions and the significance of the letter. He knows the significance, too, of a statutory declaration, a legal document. His letter is as unequivocal as the Deputy Premier's answers on 18 June. Mr Hodge wrote, and again I quote:

> On 22 June 1997, the full board of the South Australian Thoroughbred Racing Authority (SATRA) confirmed Mr Hill's employment as Chief Executive Officer of SATRA. On 25 June 1997, Mr Ingerson rang me, outraged at our unanimous decision. He demanded that we rescind that minute and contract with Mr Hill. We did not.

The letter goes onto state:

> On 14 July 1997, the *Advertiser* ran a story on the Victoria Park Race Course, the cost of making the Heritage Stand safe. . . Following that story, Mr Ingerson rang me between 10 p.m. and 11 p.m. My wife answered the telephone and Mr Ingerson attempted to influence me about Mr Hill's suitability as a Chief Executive Officer. Following this volatile conversation we concluded this somewhat acrimonious discussion.

May I just say that you could hear murmurs of recognition through the public sector and beyond over this section of Mr Hodge's letter: 'That sounds like Ingo.' That is what they are saying around the Public Service offices throughout Adelaide today.

According to Mr Hodge's letter and supporting statutory declaration, we have not one but two conversations in which the Deputy Premier tried to influence the Chair of SATRA about Mr Hill's position—no ifs, no buts, no maybes according to this prominent South Australian Liberal, of whom members opposite thought so much as to appoint Vice-President of their own Party.

To add further weight to Mr Hodge's account yesterday, the House was told of a brief sent from Mr Hill to his lawyer raising concerns about his contract of employment. It was dated 26 June 1997, the day after the Deputy Premier's telephone call to Mr Hodge. It reads, in part, and again I quote:

> On 25 June 1997, the Minister for Racing, G. Ingerson, rang the Chairman of SATRA, Mr Hodge, expressing outrage at the SATRA decision and demanded that SATRA rescind its arrangements with me.

Mr Hodge's letter and claims cannot be dismissed as some recent invention. Here is, in fact, an authentication of Mr Hodge's claim by another party the day after the Deputy Premier's telephone call, which he denied and denied again yesterday but last night confirmed.

Members interjecting:

The Hon. M.D. RANN: There was clearly contact between Mr Hodge and Mr Hill at the time and they were talking about the Minister's call. Mr Hill was so worried that he sought legal advice but last night the Deputy Premier hoped that, once again, things could be waved aside or passed over. We have seen it before—think only of the moment, not of what happens the next day or the day after when it comes to telling the truth in this Parliament.

There is no more fundamental tenet of the Westminster system of democracy, no more fundamental tenet of the role of a Minister than to tell the truth, the whole truth and nothing but the truth in this Parliament. That we saw breached yesterday and, in fact, admitted by the Deputy Premier last night in his attempt at an explanation.

Again, at a quarter to nine last night the Deputy Premier's new version of events was not so unequivocal. There were now ifs, buts and maybes; no noes, but shades of grey. There were now, of course, misunderstandings. The Deputy had misunderstood the member for Hart's question in the Estimates Committee. What part of, 'Did you have a conversation with Mr Hodge?' did you not understand when you said 'No'? The member for Hart effectively asked the Deputy Premier the same question 11 times during the Estimates Committee. There must have be some new disease—CMP, chronic misunderstanding problem, some new medical syndrome. The Deputy said last night that there must have been misinterpretations. Mr Hodge must have misinterpreted the Deputy Premier's phone calls, because by 8.45 p.m. last night the existence of phone calls to Mr Hodge had finally been acknowledged—denied in June in the Estimates Committee, denied during Question Time yesterday, admitted last night. They had not existed during that Question Time six hours earlier or at the Estimates Committee on 18 June, but suddenly those telephone calls were recalled. The memory locked in. Suddenly, forced into the position, the Deputy Premier had to remember what really occurred that night.

Of course, last night the Deputy Premier's story effectively crumbled away. It was for all intents and purposes an admission to this House, but not an apology, that what he had

told the Estimates Committee and the House yesterday during Question Time was simply not true. The Deputy Premier had called Rob Hodge about Merv Hill, conveying to him—and I will use the Deputy's own words here—'indicating I could not understand why Mr Hill was being appointed as Chief Executive of SATRA in view of widespread industry concern'. That is it: game, set and match—the Deputy Premier again caught out by his own words; the master of the own goal. If this was Colombia, you would not last one minute.

What the Deputy Premier said last night was in direct conflict with what he told the House in Estimates and yesterday. As much as this motion is about the Deputy Premier's action in attempting to influence Mr Hodge, it is also about an attempted cover-up, the failure to honestly admit what he has done before his peers and colleagues in this Parliament. The Deputy Premier has become the *Exxon Valdez* of the Liberal Party, spreading his mess and pollution as he founders on the rock of his own credibility. Most of all, this motion is not just about one single incident, one single telephone call: most of all, it is about the honesty and credibility of a Minister who lurches from crisis to crisis. Despite the most elaborate and intensive efforts to protect him, he not only gets caught out but keeps being caught out.

The Hon. M.K. BRINDAL: I rise on a point of order, Mr Speaker. As you point out, this is the most serious matter that can come before this House. The Leader of the Opposition should be debating the motion and not straying into the general personality or character of a Minister.

The SPEAKER: I do not uphold the point of order, but I ask the Leader to have regard to the motion.

The Hon. M.D. RANN: Thank you, Sir. Certainly, I am having regard to the motion. This motion is about the credibility and honesty before this House of Parliament and before the Estimates Committee of this Parliament of a senior Minister of this State, the Deputy Premier of this State, who one moment says that there were no phone calls, unequivocally 'No', and then repeats his unequivocal denial—says he never spoke to Mr Hodge, says he never tried to influence the outcome over Mr Merv Hill's appointment. But last night when he was caught out by a statutory declaration by a senior member of his own Party, he was forced to 'fess up'. When he 'fessed up' last night, he contradicted his previous claims before this Parliament.

That, of course, is the dilemma that confronts this House. There have been some rulings before that, even if you have concrete evidence that a Minister has lied before the Parliament, you have to show in *Hansard* that they have contradicted themselves. That does not apply in the House of Representatives in Canberra: it does not apply, of course, in Westminster in the House of Commons. The last time there was a privileges motion on the Deputy Premier we were told that he had to be caught out in his own words. Well, he was last night of his own volition. He admitted the phone calls took place, the phone calls he had previously denied. People might ask, following this example, following the maladministration of the tourism and racing portfolios, his knowledge and involvement in plans to sell ETSA before the election, his Hindmarsh soccer deal—

The SPEAKER: Order! I point out to the Leader that the motion refers to the Deputy Premier's activities in the racing portfolio. I would like him to constrain his debate this afternoon to that particular part of the motion.

The Hon. M.D. RANN: Yes, Sir. In conclusion, the question that all of us must ask after a series of crises, lurching in a burlesque way from crisis to crisis, is: why do they keep him in the job of Deputy Premier of this State? Why does the Liberal Party room not get rid of him? We know that the Minister for Infrastructure wants his job, but the truth is that the Government cannot get rid of the Deputy Premier because he has threatened that if he is forced to go he will take the Premier with him.

Mr LEWIS: I rise on a point of order, Mr Speaker. This debate should be about whether the House establishes a Privileges Committee, not doing the work of that committee, nor presuming what the outcome will be. It is my belief that the argument should surround whether or not the House establishes a Privileges Committee, not the merits of the case.

The SPEAKER: There is a requirement to establish the merits of the case before you take that final step in establishing a Privileges Committee, I would think, but it is important that the Leader stick to his motion, that is, that he refer to the activities of the Minister as the Racing Minister.

The Hon. M.D. RANN: In conclusion, I understand that the Deputy Premier was approached by colleagues several weeks ago to fall on his sword because of a series of gaffs and crises that have occurred this year. I am told that he informed colleagues that he had a bagful to drop, including evidence that the crises and gaffs for which he was being blamed were not of his own doing. He cannot argue that case today. This is totally of his own doing. He cannot say that he was instructed by the Premier to tell the House about the plans for ETSA before the election—to deny it. He cannot claim that. All he can today is on this racing case, in black and white, carved in *Hansard*: he has totally blown apart his own case by what he told this Parliament last night when the media had disappeared. I urge this House to support the formation of a Privileges Committee to investigate whether this Deputy Premier has again misled this Parliament.

The Hon. G.A. INGERSON (Deputy Premier): In rising today I make it clear that the Government supports the setting up of a committee and, clearly, will work as a Government with the Parliament to make sure that the committee works within the confines and rules of this Parliament. I would like to make some points to the Leader and make some general comments in relation to myself. It is important to put on the public record what the real motive of this issue is all about. As the member for Hart has said openly, it is about going on a fishing mission for the Deputy Premier; and it is about the creation of maximum mayhem, which the Leader of the Opposition has set out to do over the last two to three months.

I find it fascinating that the Leader of the Opposition would make a mockery of the ETSA issue, the major policy issue that we need to take on that, the issue of Hindmarsh stadium—

The Hon. M.D. Rann interjecting:

The Hon. G.A. INGERSON:—I am only commenting on issues that you have raised—and, of course, the Tourism Commission.

The SPEAKER: Order! I ask the Deputy Premier to stick to the motion and not to bring in issues that I instructed the Leader of the Opposition not to canvass.

The Hon. G.A. INGERSON: In relation to the matter that was put before the House yesterday, I have received an affidavit which I now intend to read to the House. I received the affidavit today, and it states:

Affidavit of Mr Michael Andrew Wardlaw Birchall of 34 Carrington Street, Adelaide, barrister, take oath and say as follows:

I am the Chairman of the SAJC. In August 1997 I made a decision to terminate the employment of the General Manager of the SAJC, R.J. Hill. The SAJC managed all functions of SATRA pursuant to a management contract between the SAJC and SATRA. At about 5.15 p.m. on 8 September I advised my committee that I decided to pay out Mr Hill's contract. The committee supported my decision and a vote was not necessary.

Mr R.V. Hodge I believe was present. At about 5.30 p.m. on the same day I terminated Mr Hill's contract. From that time it was impossible for Mr Hill to perform duties for SATRA at Morphettville as the two organisations were. . . merged. At no time did I ever discuss the termination of Mr Hill's contract with the Racing Minister, the Hon. Graham Ingerson. I know the facts deposed to herein as my own knowledge except when otherwise.

Signed by Mr Michael Birchall.

Declared and subscribed at Adelaide in the State of South Australia this 2nd day of July 1998.

Witnessed. . . A Justice of the Peace in the State of South Australia.

The point that clearly needs to be made in relation to that is that there is a statutory declaration, an affidavit, that I had no role to play in the termination in relation to Mr Hill—absolutely no role at all. As I said earlier, this is all about a fishing exercise as it relates to me and the Government in particular. It is about maximum mayhem; it is just about creating chaos. As I told—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: I listened in silence to your rubbish: you listen to what I have to say. As told in the House last night, I categorically reject any claim that I ever exerted any pressure on SATRA to withdraw Mr Hill's contract. While I held regular discussions with Mr Hodge, at no time did I seek to influence the appointment of Mr Hill. I would also like to take up the comment that the Leader made today in relation to phone calls. There have been no denials on any public record about me making phone calls in relation to Mr Hodge. Clearly, it was about discussions that were had with Mr Hodge, not about phone calls. I clearly have put on the public record—

The Hon. M.D. Rann interjecting:

The Hon. G.A. INGERSON: I have had many phone calls with Mr Hodge.

The SPEAKER: Order! The Deputy Premier will resume his seat: I am sorry to interrupt him. This is one of the most serious resolutions that has been before me in this House certainly during my Speakership, and certainly over the last 19 years. I would ask members to respect in absolute silence and, if members do not want to respect in silence, I shall move to warn them.

The Hon. G.A. INGERSON: The decision to appoint and to later terminate Mr Hill was taken by the SATRA board, over which I had no statutory or other influence. It also ought to be pointed out that the termination of Mr Hill's position was in September, several months after the discussions that Mr Hodge has highlighted. So, clearly the two are not related. The affidavit which I provide to the House today shows categorically that I did not have any influence over the appointment or termination of Mr Hill and exposes that a no-confidence motion or anything cheap or in essence—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition.

The Hon. G.A. INGERSON: In essence, it can be no more than a political stunt. Clearly, I do not accept any misleading of the House and I bring in the statement I have made today and the affidavit to clearly place the position of my role in relation to Mr Hill's appointment.

Mr FOLEY (Hart): I begin by acknowledging your decision today, Sir. It is a historic decision and, no doubt, it was a very difficult decision for you as Speaker.

Members interjecting:

The SPEAKER: Order! The member for Hart has the call.

Mr FOLEY: I was actually attempting to acknowledge the role of the Speaker in what is a very difficult time. I would have thought members opposite would have the grace to listen to that.

Members interjecting:

The SPEAKER: Order on my right! The Minister for Local Government!

Mr FOLEY: I can understand why you are all a bit tetchy. Let us just deal with this—

The Hon. J.W. Olsen interjecting:

Mr FOLEY: The Premier can be as anxious as he likes, but let us just listen to a few points.

Members interjecting:

Mr FOLEY: We can understand why the Premier is very nervous and anxious about this. I, too, want to put a few further facts on the record. My decision to raise this—

Members interjecting:

Mr FOLEY: Sorry?

The SPEAKER: Order! The honourable member will ignore interjections, which are out of order.

Mr FOLEY: Thank you, Sir. I have copped a lot of flack from members opposite for, as the Premier would call it, going on a fishing exercise to get the Deputy Premier. Throughout this exercise and throughout the ETSA/Optima exercise the Opposition has attempted simply to be about keeping the Deputy Premier and Ministers of this Government accountable to the Parliament. Sir, we cannot be blamed for the statements that members of your Government make and, if they make incorrect, misleading or inaccurate statements, it is the Opposition's role to highlight that.

As to this issue, when I raised these questions on 18 June during the Estimates Committee I asked questions on 11 occasions, and on 11 occasions the Deputy Premier gave me answers that we now find are not correct, in the view of the Opposition. The first question I asked was simply this:

During last financial year the contract with the Government of the Chief Executive Officer of the South Australian Thoroughbred Racing Authority was terminated. What role did you play in the termination of Mr Merv Hill and did you have any other discussions with any other body or persons regarding the dismissal of Mr Hill?

After qualifying a couple of issues to do with the authority Mr Ingerson made the statement:

I had no role at all as Minister in matters involving Mr Hill.

I then asked this question:

Did you have discussions with anyone involved with the South Australian Thoroughbred Racing Authority where you requested or indicated your preferences for Mr Hill's contract to be terminated?

Mr Ingerson answered 'No'. He went on to say:

It is not my role to get involved with that authority.

Repeatedly I put questions to him and he again said:

It is not my role to be involved.

He repeated:

It is not my role to be involved.

On 11 occasions I questioned the Minister on issues about that subject matter. In Question Time yesterday, when the Opposition asked the first of our questions, the Deputy Premier replied:

I have answered this question before the House—

referring to the statements I have just read. In reply to my second question he said:

During the Estimates Committee there was a lengthy question in relation to this issue by the member for Hart. He has it on the public record and, if he checks it, he will see what I did.

In reply to my third question on this matter the Deputy Premier replied:

I was questioned at length over this issue in the Estimates Committee and I have put my position on this issue on the public record. I have a statutory responsibility as Minister and I put that on the record. I had no formal involvement. As I said, I had no involvement at all.

We just heard the Deputy Premier try to tell us that a telephone call is not a discussion. I will leave that for members opposite to ponder. But at 8.45 p.m. last night, after those numerous denials of involvement, discussions or any role in influencing or indicating his preferences, the Deputy Premier made this statement to the Parliament, in part:

Around the time when Mr Merv Hill as the Chief Executive Officer of the SAJC transferred from the SAJC to SATRA, I would have had a number of conversations with Mr Hodge about the racing industry. Many people in the racing industry had expressed grave concern to me about Mr Hill's appointment as CEO, an appointment actually made by the board of SATRA and over which I have no statutory or other influence—

and this is the punchline—

I remember conveying this information to Mr Hodge and indicating I could not understand why Mr Hill was being appointed as Chief Executive of SATRA in view of the widespread industry concern.

So, at 8.45 p.m. yesterday, despite denial after denial, the Deputy Premier was forced to admit that he did make telephone calls. Not only did he make telephone calls, but in one call he conveyed information to Mr Hodge, that information being that people had expressed grave concern to him about Mr Hill's suitability and that he, the Deputy Premier, could not understand why he had been appointed as CEO. I simply refer the House to my initial question of the Deputy Premier to which I received the answer 'No', as follows:

Did you have discussions with anyone involved with the South Australian Thoroughbred Racing Authority where you requested or indicated your preference for Mr Hill's contract to be terminated?

On 18 June Mr Ingerson answered 'No'. However, at 8.45 p.m. yesterday in this House the Deputy Premier gave the opposite answer and I will let members reflect on *Hansard* and the speeches and, on reflection, they can only draw the same conclusions that there was certainly a conflict in those statements. This is a very serious matter. Sir, I am obviously pleased that you have agreed with the Opposition that a *prima facie* case exists. As the Leader of the Opposition has told us, Mr Robert Hodge has made a very brave move, a move that no doubt caused him a lot of internal anguish, as a former Vice President of the Liberal Party; as someone on the Country Council of the Liberal Party; as someone I know with whom you, Sir, have a relationship; and of whom many members of the Government are personal friends.

This would not have been an easy decision for Mr Hodge but, in the interests of Government accountability, of good government and of what he believed to be the truth of the matter, he signed a letter to me with a covering statutory declaration. Without needing to repeat it any more, he confirmed that on two occasions Mr Ingerson telephoned him and, in Mr Hodge's recollection of those conversations, they were certainly issues where the Minister attempted to influence the Chairman of a statutory authority. We also produced a copy of a brief that Mr Hill gave to his solicitor at the time. As to those events, Mr Hill sought legal advice, as he should have, having obviously felt vulnerable. He minuted on 26 June the fact that a telephone call had occurred the day before, and he asked his solicitor for legal advice on what that meant in terms of his contractual obligations. This is a more complex issue and I need to touch on one or two brief points.

Mr Hill was appointed to a three year contract by a body established by this Parliament, in a bipartisan move, the South Australian Thoroughbred Racing Authority. Mr Hill was then General Manager of the South Australian Jockey Club and was offered a three year contract by the board of the South Australian Thoroughbred Racing Authority and was unanimously appointed by that authority. Upon hearing of that signing, the Deputy Premier then made the calls that he made. We now see from the Deputy Premier a statutory authority signed by his good friend and Chairman of the SAJC, Mr Michael Birchall. I will say more about Mr Birchall later, but in this instance Mr Birchall has signed off on a letter saying that as Chairman of the SAJC he terminated Mr Hill's contract and had no involvement with Mr Ingerson.

However, we are talking about two separate contracts, because for a period Mr Hill was employed by the SAJC and by SATRA. It was appropriate that Mr Hill leave the SAJC and join SATRA, but what the Deputy Premier has not told the Parliament today is that there was an out of court settlement concerning the termination of Mr Hill's contract.

The Hon. M.H. Armitage interjecting:

Mr FOLEY: It has very much to do with the Privileges Committee.

Members interjecting:

Mr FOLEY: Leave it to us; we will have you in that seat very soon, Michael.

The SPEAKER: Order! The House will come to order.

The Hon. M.H. Armitage interjecting:

The SPEAKER: Order! The Minister for Government Enterprises will come to order.

Mr FOLEY: You will make a fine fist of being Deputy Premier; just be patient. Mr Hill's contract was settled out of court, and a substantial payment was made to him for termination of a contract with SATRA—a Government statutory authority. We need to know about the nature of and value of that termination, and a question was asked in the Estimates Committee about that. A unanimous decision was taken by a Government authority. Within days of that happening, telephone calls occurred with the Deputy Premier and, within a month or so, Mr Hill's three year contract was terminated. Mr Hill took the Government to court and an out of court settlement was reached involving thousands of dollars in a compensation payout for Mr Hill. SATRA is a statutory authority, is it not, Deputy Premier? We know you have trouble understanding the functions of Government.

An honourable member interjecting:

Mr FOLEY: If you want to know about Bruce Guerin, ask Geoff Anderson; he would have more intimate knowledge about that. Something has to be said about Mr Hill because, in the speech in his own defence last night, the Deputy Premier maligned Mr Hill by saying that many people in the racing industry had expressed grave concern to him about Mr Hill's appointment. We know that the Deputy Premier is not a fan of Mr Hill, but he has used this Parliament to attack Mr Hill significantly. After being dismissed from the South Australian Thoroughbred Racing Authority, for which he

received a substantial payout from the Government, Mr Hill has since been appointed Deputy Chief Executive Officer of the New South Wales Thoroughbred Racing Authority. The South Australian Thoroughbred Racing Authority administers a handful of racing clubs. I understand that in New South Wales he is in a body that is responsible for literally hundreds of thoroughbred racing clubs. I simply make the point—

Mr Brokenshire interjecting:

Mr FOLEY: Bob Carr gave him the job? We now have the member for Mawson also attacking Mr Merv Hill by saying that Mr Bob Carr gave him the job.

Members interjecting:

The SPEAKER: Order!

Mr FOLEY: That is about all the member for Mawson can contribute.

The SPEAKER: Order! The honourable member will resume his seat. We are now straying away from the debate, which involves the establishment of a Privileges Committee. I also remind the present speaker and other members following that it is not necessary to canvass material which would be dealt with by the Privileges Committee if it was established. The member for Hart.

Mr FOLEY: Thank you, Sir; I take note of your comment. I make the point to the Parliament, particularly the media of this State and people listening, that the Mr Hill's integrity and calibre as an administrator have been acknowledged by the New South Wales Thoroughbred Racing Authority—an authority many times larger than this authority here in South Australia.

I will quickly touch on another delicate matter which was raised by the Deputy Premier yesterday and which brought no credit to him or his office. He made reference to Mr Hill's partner, when he said that Mr Hill's partner was an employee of a Labor member of Parliament—as if that mattered; as if that was an issue. The Premier can laugh, but I would hope that whatever job our spouses and friends take up they get on merit and that they do their job diligently. If you have to make the statement by way of interjection, you are absolutely correct, Mr Ingerson: the partner of Merv Hill works for a Labor member of Parliament. She once worked for me. She was a very good employee; I am proud that she worked for me and I am quite happy to give her a reference to work for another member of Parliament. I think it is grubby to bring that into the equation.

Members interjecting:

The SPEAKER: Order! The Minister for Government Enterprises and the member for Mawson will come to order.

Mr FOLEY: I would hope that the employment of Mr Hill's partner in no way influenced the Minister's attitude to Mr Hill and his motive and actions when making those telephone calls. I conclude by saying that earlier we raised a number of issues in relation to the electricity industry in this State and the co-generation contract.

Members interjecting:

Mr FOLEY: I am bringing it to the point, which is simply this. When you make statements to the Parliament you have to be held accountable. The role of the Opposition is to hold the Government accountable. The Deputy Premier is accountable for his own words and actions. The Premier can go off as much as he likes, because the Opposition will participate in this committee properly. We will give the Deputy Premier every opportunity to present his side of the case, we will give Mr Hodge and others every opportunity to present their evidence and we will draw a conclusion from that.

The Hon. J.W. OLSEN (Premier): I will contribute but briefly in this debate, because the Government supports the motion before the House. That being so, I would have thought that the appropriate course would be for the dispatch of business to the select committee. But what have we had? We have had almost 45 minutes of grandstanding, theatrics, hypocrisy and double standards from members opposite. With the Government's supporting the thrust of the motion, one would have thought that the Opposition would want simply to move forward.

I point out to the House that last night the Deputy Premier made a ministerial statement to the House, responding to previous points put forward and to the accusations that the Leader of the Opposition and the member for Hart have made before the House. I also point out to the House that we have become accustomed to history being rewritten, that is, selectively quoting and putting a spin on matters, with a different interpretation and presentation. Let us get to the facts and the accuracy of the matter, and the resolution will enable that now to occur.

In addition to the ministerial statement last night, the Deputy has tabled today a statutory declaration clearly indicating that he did not interfere with the process of Mr Hill's termination of employment.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I warn the Leader. He has already been warned once; if he interjects again I will have no option but to name him.

The Hon. J.W. OLSEN: It if does not attest to their argument they want to denigrate the basis, and that is what we are getting in the interjections across the House. The member for Hart said that this is not correct in the view of the Opposition. It is not for the Opposition to be trial, judge and jury in this matter. On numerous occasions we have seen members opposite make political gain, political theatre and political one-upmanship out of a set of circumstances, and again we are seeing the Opposition abusing the parliamentary process for its own political purposes.

I could talk about a number of committees of this Parliament over the course of the past four years whose process has been abused for no other than base political purposes. If that is the way the Opposition in this State wants to pursue its responsibilities to the House and to the broader community, let it be judged for that at the end of the day. The fact is that we the Government support the resolution. The Deputy will look forward to putting his side of the story and ensuring the accuracy of the presentation before the committee.

Mr McEWEN (Gordon): Cognisant of your learned advice, Mr Speaker, I accept that the process as set out in the motion before the House should proceed, but I question the merits of the time line proposed. Any protracted investigation and consequential destabilising of the Government, especially during the ETSA-Optima debate, will not serve the State well. At the end of the day it is the leadership of the State that matters. To that end, I propose an amendment to the motion and therefore move:

Delete 'by 30 September 1998' and insert 'within 21 days'.

The Hon. M.D. RANN (Leader of the Opposition): The Opposition is happy to accept the honourable member's amendment, provided the relevant witnesses are available. That would be in the interests of both the Deputy Premier and natural justice.

Amendment carried; motion as amended carried.

The Hon. M.D. RANN: I move:

That five members be appointed to the committee and that those members be Messrs Brindal, Conlon, Foley, Gunn and McEwen.

Motion carried.

QUESTION TIME

DEPUTY PREMIER

The Hon. M.D. RANN (Leader of the Opposition): How many times did the Premier discuss with Mr Rob Hodge complaints about the activities of the Deputy Premier in his role as the former racing Minister, and did Mr Hodge inform the Premier that the Minister had spoken to him about the employment of Mr Hill?

The Hon. M.K. BRINDAL: Mr Speaker, I rise on a point of order. Is this not a matter before a select committee of this House, Sir?

The Hon. M.D. RANN: This is about the Premier's involvement and not about the Deputy Premier's involvement. I am asking the Premier to clarify or confirm whether he spoke with Mr Hodge.

The SPEAKER: I ask the Leader to repeat the question.

The Hon. M.D. RANN: How many times did the Premier discuss with Mr Hodge complaints about the activities of the Deputy Premier in his role as the former racing Minister, and did Mr Hodge inform the Premier that the Minister had spoken to him about the employment of Mr Hill? In today's media Mr Hodge has said that he first raised 'the Ingerson issue with the Premier soon after the October election because of his concern at the arrogance of the Olsen Cabinet.'

The Hon. J.W. OLSEN: After the election Mr Hodge had to my recollection one meeting with me. At that meeting Mr Hodge was an aggrieved person in relation to the racing industry in South Australia. He raised numerous issues in relation to the racing industry and he, Mr Hodge.

ELECTRICITY, PRIVATISATION

Mr MEIER (Goyder): Will the Premier inform the House what has been the response from the Leader of the Opposition to the offer by the Premier yesterday to provide the Leader of the Opposition and his Caucus with a full briefing from the Government and its electricity advisers on the sale of ETSA and Optima?

Ms HURLEY: On a point of order, Sir, has the Premier any responsibility for the response of the Leader of the Opposition?

The SPEAKER: The question I believe was whether he had had a response, in which case it is in order.

The Hon. J.W. OLSEN: One would have hoped that we would have at least heard the word 'Yes' from the Leader of the Opposition for this one option to brief members of the Caucus. If there is some hesitation on the other side, let them not be concerned: I will make the team available at noon next Wednesday. If it is not confirmed by the Leader that his Caucus is available for the briefing, I say to any member of the Labor Party Caucus that at noon next Wednesday we will designate a room in Parliament House with all the advisers and the Treasurer available to brief anybody who would like to turn up. I hope that the Opposition will take up the opportunity to have this briefing.

As I mentioned yesterday, Opposition members can not only have a briefing but can ask any questions they want in relation to the proposal to sell our power utilities, including the legislation that will be put in place as it relates to structure, including the role of the Ombudsman and the industry regulator to give protection to consumers, to look at the pricing order we have put in place so that prices will not rise beyond CPI to 1 January 2003, or any other issue members of the Labor Party might want to canvass with the sales team. They can bring some media along if they want to. If they want to open it up to the media, that is fine by us.

I would simply like the Opposition to at least be informed so it can make a decision with information and not a decision based on prejudice, on ideology or on a resolution of 1996. The Leader of the Opposition has not been prepared to go back to the Labor Party and say, 'It's two years later, perhaps circumstances have changed; perhaps we ought to review the position as to our policy on the sale of our power utilities.' Bob Carr, the Premier of New South Wales, is prepared to do that. He has been back to his Caucus a couple of times, and he is going back to a conference in October. He will do that as soon as the next Federal election is out of the way, so that Federal Leader Kim Beazley is not embarrassed in relation to the Telstra sale. With that out of the way, there is no doubt that the New South Wales Government will proceed to change the policy. Why does not the Leader of the Opposition take the issue back to the ALP conference for reconsideration? There would not be a business person around who would be making decisions today based on circumstances back in 1996.

Mr Brokenshire: They would go broke if they did.

The Hon. J.W. OLSEN: Yes, they would go broke—exactly. If circumstances change you then make a decision on the new circumstances, but not the Labor Party in South Australia. Members opposite want to stay in their time warp, they want to stay in the past and ignore the fact that it was a Labor Government—the Federal Hawke-Keating Government—that put in place the national electricity market. It is its policy that has been put in place, yet the Labor Party sits mute. It will not look at the new circumstances. Where is the Labor Party's policy on retirement of debt?

Mr FOLEY: On a point of order, Sir, this is awfully repetitious. Coming back to your ruling on Tuesday about the fact that in about one hour we will be in Committee on this legislation, the comments of the Premier are clearly consistent with the enabling legislation before the Parliament to sell ETSA and Optima. He is anticipating an item already on the Notice Paper and an Order of the Day, and I ask you to rule accordingly, Sir.

The SPEAKER: I remind all members of the House of the ruling I made earlier in the week. We have an ETSA Bill before the House and I ask members not to canvass matters that are the subject of that Bill.

The Hon. J.W. OLSEN: Policy is what is important—judgment on policy. Debt is one of the most important issues in this State. What does the Labor Party have to say about debt? It says:

Debt will be reduced in real terms, in nominal terms, and as a percentage of gross State product.

Mr Brokenshire: How?

The Hon. J.W. OLSEN: Exactly. It does not explain how or what it will do to reduce debt. This is a Party, in opposition, that claims to be the alternative Government. It is not the alternative Government because it has no alternative policies. It is not prepared to put down any policy initiatives for

assessment and judgment by the public of South Australia. Members opposite remain condemned.

Ms Key interjecting:

The Hon. J.W. OLSEN: I am glad that the new member opposite waved that policy document. I have just read what the Opposition's policy is on debt. It says absolutely nothing. The Opposition has no policy thrust, direction or plans for the reduction of debt in South Australia. It has no plans, no vision, no ideas and no policy initiatives. It is not even prepared to take the matter up at its conference, because the Leader of the Opposition has put down a public position from which a number of members of the Labor Party are walking away.

There is in place a Federal Labor policy on the national electricity market. Off the record, a number of Labor members are prepared to say that they hope this legislation goes through. The point is that the Leader of the Opposition is not game to take the matter back to the conference because he could well be rolled from the position that he has put down in the past few months. Take it back. Don't ignore—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: Instead of resorting to a tired old 1996 policy, update yourselves to 1998.

Members interjecting:

The SPEAKER: Order!

UNEMPLOYMENT

Ms HURLEY (Deputy Leader of the Opposition): In the light of the Premier's promise to reduce South Australia's unemployment rate to the national average by the year 2000, does the Premier believe the forecast of his own key economic adviser Professor Cliff Walsh of a South Australian unemployment rate for June 1999 of 10.8 per cent compared with his forecast for national unemployment of 8.7 per cent?

The Hon. J.W. OLSEN: This Government will continue to attract new private sector investment to this State, such as the announcement I was able to make two hours ago that Boral is shifting its national call service centre to Adelaide. This is a $3 million new investment with the creation of 80 additional jobs, making a total of 140 positions because it protects the 60 positions that are already here. At risk was the location of this service centre in another State of Australia. Not only have we protected 60 jobs but we have added a further 80, which means that in total 140 jobs will be located in the central business district.

I point out to the Deputy Leader, who has a very selective memory and who clearly does not read a lot, that the new private sector investment figures for South Australia and the percentage increase show that we are outperforming every other State of Australia.

Ms Hurley: Your advice is wrong.

The Hon. J.W. OLSEN: The Deputy Leader suggests that the advice is wrong. That retort arises from my comment to her about her research staff who put her up to asking a sham question. Yesterday, they made her the fall guy with that question about an airline ticket. The Deputy Leader only needs to look at ABS figures and the percentage increase as reported in the *Australian* and other newspapers which clearly indicate that, as far as private sector new capital investment in South Australia in percentage terms is concerned, South Australia is outperforming the other States. We will keep our initiative, our momentum and our direction on achieving that. With new private sector investment you get job creation and job certainty. That is what we have to achieve for South Australia.

ADELAIDE 36ers

Mr CONDOUS (Colton): Will the Premier inform the House of what action the Government will take to welcome home our newest sporting champions, the Adelaide 36ers?

The Hon. J.W. OLSEN: I am pleased to advise the House that—

Mr Conlon interjecting:

The SPEAKER: Order! I warn the member for Elder for continuous interjections.

The Hon. J.W. OLSEN: Like most members on this side of the House I was a very proud South Australian last night to see the 36ers bring home the NBL title to South Australia, despite the spoiling tactics of the Leader of the Opposition who refused to give me a pair to go to Melbourne yesterday. How petty and small-minded is the Leader of the Opposition?

I was proud to be there following a 75 minute meeting with Premier Kennett in his office before the match. We discussed Federal taxation reform: in particular, horizontal fiscal equalisation. For the benefit of members opposite, that means the security of payment from the larger States to the smaller States to ensure equality in the delivery of services in education, health and the like in the future. In any fundamental taxation reform, if horizontal fiscal equalisation is removed, it is the smallest States of Australia that are disadvantaged. I wanted to ensure that, in any discussions, Western Australia, Queensland, New South Wales and Victoria do not put at risk and disadvantage smaller States such as South Australia. We believe in taxation reform but not if it brings about disadvantage. To ensure that we get HFE included—

Mr CONLON: On a point of order, Mr Speaker, whilst this might be more important than basketball, the question is about the 36ers.

The SPEAKER: Order! I ask the Premier to come back to the question. I understand that the reasons he was in Melbourne were perhaps many, but the question relates to basketball.

The Hon. J.W. OLSEN: In respect of my visit to Melbourne yesterday, that was the most important thing. In addition, I had the opportunity to be at courtside to congratulate Phil Smyth, much to the chagrin of the Leader of the Opposition who in his petty, small-minded way refused to give me a pair. I remind the House that we gave the former Premier, John Bannon, a pair to take leave—not to go on a ministerial trip but to—

An honourable member: To have a holiday.

The Hon. J.W. OLSEN: That's right. On no occasion when we sat on the Opposition benches did we deny the then Government any reasonable pair. We gave John Bannon a pair to go to the Formula One Grand Prix.

Mr CONLON: On a point of order, Mr Speaker, again I draw your attention to the fact that the question is about welcoming home a basketball team, not the practice of giving pairs in this House.

The SPEAKER: Order! The Premier is skirting around the mark. I ask him to have regard to the question.

The Hon. J.W. OLSEN: I understand why members opposite are sensitive and do not like having drawn to their attention the pettiness and small-mindedness of their Leader. In acknowledgment of the win in the National Basketball League the Government is pleased to give the 36ers due

recognition for this national title. A State reception will be held for the national basketball team when it returns. It will include the sponsors and members of the 36ers fan club, 800 of whom travelled to Melbourne as part of the contingent to support the team yesterday. As this is the team's first win since 1986 (12 years), we will acknowledge its sporting achievements with a reception, and we would even be delighted to have the Opposition come along and support this grand win by the 36ers.

POLITICAL COMMENTS

Mr ATKINSON (Spence): Does the Premier agree with his economic adviser, Professor Cliff Walsh, that Liberal Party instability is harming South Australia's economic interests and that some of his Liberal colleagues are 'wankers'? In briefing the media today, Professor Walsh said that none of the Liberals to whom he had spoken objected to his calling them wankers. He said:

> What they objected to was my suggestion that they should adopt the motto for the Liberal Party: 'We have seen the enemy and it is ourselves.'

At the subsequent business briefing, he said of Liberal disunity that some Liberals were in danger of 'going blind'.

The SPEAKER: Order! The tenor of the question is a little out of character for this Parliament.

The Hon. J.W. OLSEN: Might well members opposite simply laugh. We have one of the most significant and important policy debates in this State's history, certainly in the past 20 to 30 years. Yet this week, the Opposition, in terms of any questions on the structure of ETSA, has been silent.

Ms Hurley interjecting:

The Hon. J.W. OLSEN: That is how much the Deputy Leader knows. Well, Ralph, welcome back any day. The Deputy Leader just demonstrated her absolute ignorance. The fact is the restructuring Bill has not been introduced into the Parliament yet. So she is caught out yet again. If the Deputy Leader would do just a little homework, she would understand that, as the legislation has not been introduced, any range of questions, discussions and policies can be put forward in debate in this Chamber. But, no, the only question that the Deputy Leader could think of yesterday was out of the *Financial Review*, having read one of the bottom lines in which one of the journalists had put a disclaimer and wanting to know how much the airfare was from Sydney or Melbourne to Adelaide. That is the extent of her knowledge and interest or that of the Labor Party in a policy that talks about a $4 billion to $6 billion sale of a utility which will have the capacity to almost eliminate debt in South Australia.

Instead of languishing with debt as we have since the State Bank, we would be able to break free and give our kids a debt free future. We would be able to spend $2 million a day instead of its going down the drain and being wasted on interest. We would no longer be burning money as a result of the policies of those opposite. We would be able to put the $2 million a day into schools, hospitals and services for South Australians. The tenor, the substance—or lack of it—of questions from members opposite clearly underlines the point that they are not a credible, alternative Government. They do not even have the semblance of a credible, alternative Opposition. Time and again they demonstrate that they have no ideas or vision, and they certainly do not have even a plan for South Australia's future.

STATE ASSETS

Mr SCALZI (Hartley): Will the Minister for Government Enterprises advise the House of the reasons for the various scoping studies being undertaken within his department?

The Hon. M.H. ARMITAGE: This is a particularly important question, as it deals with matters that go to the heart of the financial future of South Australia. The scoping studies being undertaken within agencies for which I am responsible include the TAB, lotteries, SAGRIC, Ports Corporation and WorkCover. The aim of the studies is to identify any of the financial and commercial risks to the Government of owning and operating the businesses, and to identify how the Government can maximise the value of those assets. The scoping study may lead to the sale of the assets if the financial and commercial benefits outweigh the risks of continued ownership. The reasons for undertaking the scoping studies frankly are just commonsense. Whenever one owns an asset—whether it is a house, a car or any other asset—it makes sense to review whether the continued ownership of the asset would be a wise thing or whether, given all the present circumstances, it might be better to sell that asset.

It is particularly interesting that members of the British Labour Party, upon which the Leader of the Opposition and members of the Opposition so closely model themselves, have had similar thought processes. The Labour Government in Britain has announced the sell-off of State assets. Those assets include the remaining interests in British Energy, National Air Traffic Services and the Belfast port. Also, the Tote, the British state run betting industry, and the Royal Mint are seeking private partners to take advantage of new commercial opportunities.

The phenomenon that is occurring in Britain is somewhat typical of the Labor Party in general. When members of the Opposition are in opposition, they oppose all privatisation. When they are in power, they embrace it—SAGASCO, Qantas, the Commonwealth Bank, and on and on the list goes. The Leader of the Opposition clearly likes to see himself in the same tradition as Tony Blair. I would say that factually the comparison ought to continue for a rational future for South Australia. The Labor Party, like a chameleon, changes to suit political circumstance rather than the interest of the community. The Government is focused on consistent policy while the Opposition is looking at politics.

In this case, as I have said, the Labor Party Opposition ought to follow the model set by its counterpart in Britain. It is particularly relevant, because in the Electronic Telegraph of Friday 13 March, one of the items from the UK News states:

> The sale of Whitehall agencies to the private sector has been ruled out by the Government, despite signs that many have failed to hit performance targets in recent years.

That was in March. Here we have in June a Government looking at different circumstances: different things prevail and different rationales occur, so it is clearly making decisions that are for the good of the United Kingdom. Where is the protest from anyone in Australia who sits on a Labor Party bench? Nowhere, because they do not want to have their comments getting in the way of what Tony Blair is doing in the United Kingdom—which they support.

I well remember seeing the television photographs of a number of the people over here who were gloriously celebrating the victory of the United Kingdom Labour Party in the

election. I do not know whether the member for Peake was there, but they were all celebrating, because they think that the Labour Party over there is terrific and that it has all the right ideas. As I pointed out, between March and June the Labour Government has clearly seen different circumstances and has decided to go against what it said in March, that is, the sale of Whitehall agencies to the private sector has been ruled out by the Government. Far from maintaining that, under different circumstances, in the future Government departments will be set fixed three year budgets and, in the first privatisations by a Labor Government, majority stakes are to be sold in the National Air Traffic Services, the Commonwealth Development Corporation and so on. In the United Kingdom we have a Labour Government that is clearly prepared, for the good of the United Kingdom people, to look at the best possible use of the assets of the British people, and the Labor Party here should do exactly the same thing.

ELECTRICITY, PRIVATISATION

Ms HURLEY (Deputy Leader of the Opposition): My question is directed to the Premier. In what way was the 1996 Industry Commission report wrong when it advised the Premier as the then Infrastructure Minister that breaking up Optima Energy further into separate companies would not be in South Australia's interests? The April 1996 Industry Commission report, commissioned by the then Infrastructure Minister, considered whether to break up Optima into more than one company. The report states:

> The commission's analysis lead it to conclude that division was unlikely to reduce market power to any practical degree. Division could result in losses of economies of scale and scope. Such losses would disadvantage South Australian generators in the national market, compared to the much larger generators in New South Wales and Victoria.

The Hon. J.W. OLSEN: I simply point out to the Deputy Leader that it is 1998. The national electricity market is starting up in October this year and circumstances are a lot of different from those in 1996. To start with, the reason the Government sought the Industry Commission report at that time—some two to three years ago—was that we wanted to move to meet the requirements of COAG with minimal change. That is what we sought to do. The fact is that the other States of Australia—and the Deputy Leader has been here for the past four years so she ought to have understood and at least know this—had objected, including New South Wales Labor, to our minimal position.

Therefore, we were under threat, first, in participating in the market and, secondly, regarding competition payments, and the other States would take that up. The Deputy Leader knows that this debate took place. Just ask the member for Hart; he would recall the debates in the Parliament indicating the steps we had to take and the reaction of the other States to it.

Once again, get a decent researcher who can read *Hansard* or get some basic information so the premise of your question has some semblance of accuracy to it rather than being right out of court. Clearly, it underscores the necessity for the Opposition to go to the briefing at noon next Wednesday. And, as it happens, I was incorrect. I said that it was here at Parliament House but it is not: it is on the 16th floor of the State Administration Centre. I ask the Deputy Leader to avail herself of that briefing so she can at least get some information and a degree of accuracy upon which she can make any future contributions in this House.

ABORIGINAL RECONCILIATION

Mr LEWIS (Hammond): What recent initiatives has the Minister for Aboriginal Affairs taken to promote Aboriginal reconciliation and self-determination in South Australia?

The Hon. D.C. KOTZ: The South Australian Government has moved forward across a very wide range of important social and economic areas to provide support to Aboriginal people. In this endeavour, we have had the effective administration back-up of the Division of State Aboriginal affairs. As I reported in my National Sorry Day speech to the Parliament, the Ministerial Council of Aboriginal and Torres Strait Islander Affairs (MCATSIA) has agreed to respond comprehensively to all concerns raised in the Human Rights and Equal Opportunity Commission report bringing them home. A key agency advisory group will undertake the necessary work.

This matter is of utmost importance but it remains part of a wider set of positive approaches. Efforts in health and education and job creation will continue. The South Australian Aboriginal Education and Training Advisory Committee, comprised entirely of Aboriginal people and representing all levels of education and training from early childhood to higher education, is charged with ensuring that the educational needs and concerns of Aboriginal people are being met. It is playing a very important role in monitoring, evaluation and implementation of the eight priorities that are outlined in the national report of the Ministerial Council on Education, Employment, Training and Youth Affairs on Aboriginal Education.

Further, it is also intervening, directly with research support, in areas such as attendance, retention, Aboriginal children's health and focusing on hearing loss, and in an area that is also extremely important, that is, calcium deficiency. I have reported previously on the work of the economic development team through the department and its contribution to economic projects such as the whale watch centre at the head of the Great Australian Bight, which is being undertaken successfully with the cooperation of the Yalata people.

More recently, there has been project development of a South-East tourism trail in cooperation with Aboriginal people in Victoria. This opportunity to share Aboriginal culture with tourists has the potential to be a very successful employer of Aboriginal people. As a Parliament—and I am sure every member will agree—we must encourage these activities which bring jobs and certainly self-esteem. The department was recently successful in gaining $6 million for infrastructure works such as community housing, water and sewerage in remote communities—which I have reported to the House before. That will provide a greatly improved public health base in these communities.

The announcement yesterday of the Federal Government's move to a solution on Wik is to be commended. It will provide a fair outcome for Aboriginal people and further the process and the progress of reconciliation between indigenous and non-indigenous people. Progressing Native Title issues in itself will have the added benefit, and certainly the beneficial effect, of returning community focus to overcoming the health, education and job opportunity deficits that are, indeed, suffered by many throughout the Aboriginal communities.

ELECTRICITY, PRIVATISATION

Ms HURLEY (Deputy Leader of the Opposition): Given the Premier's stated desire for a competitive power industry, will he tell the House the sum total of additional costs involved in operating six separate power companies as proposed by the Premier on Tuesday, each of which would operate six separate administrations, legal departments, advertising and promotions departments, and so on? In response to that 1996 industry commission inquiry, ETSA stated:

> The loss of economies of scale and scope that would result from the complete separation of ETSA's generation, transmission and distribution retail businesses would not be less than $18 million per annum.

The Hon. J.W. OLSEN: As the Minister for Government Enterprises rightly points out, they are private sector companies. So what? Secondly, and importantly, this structure has been—

Ms Hurley interjecting:

The SPEAKER: Order! The Deputy Leader will remain silent; she has asked her question.

The Hon. J.W. OLSEN: And a lot less than compromising the competition payments. Competition payments are in two components, and I detailed to the House in my ministerial statement on Tuesday what they were. I will not go through them in detail again, but the structure we have put in place has now been signed off by the ACCC (Professor Fels) and the NCC. With their sign-off, with the structure, we are guaranteed, therefore, no diminished competition payments because of our power utility structure. But, if you leave it as the Labor Party would want it in South Australia, you put at risk those competition payments. Therefore, if you were to put it in that context, the cost is negligible and, if they are private sector companies, it is irrelevant.

LOCAL GOVERNMENT RATES

Mr BROKENSHIRE (Mawson): Will the Minister for Local Government inform the House how many council applications for exemption from rate capping have now been approved? From the information received from councils, can the Minister provide the House with the estimated economic growth and employment opportunities that will occur as a result of the Government's policy?

The Hon. M.K. BRINDAL: I thank the member for Mawson for a very intelligent question.

Mr Clarke interjecting:

The SPEAKER: Order! The member for Ross Smith will come to order.

The Hon. M.K. BRINDAL: At least I learnt to use crayons.

Mr Clarke interjecting:

The SPEAKER: Order! The member for Ross Smith does not have the call.

The Hon. M.K. BRINDAL: As this House well knows, in an attempt to form a more seamless relationship with the local government sector, the Government has asked it to join in a partnership to drive forward the economy and important developments such as tourism by inviting it to submit significant projects of a unique nature to particular councils that might qualify for exemption from the rate cap.

In the first round of granting exemptions, the Governor by proclamation exempted 17 councils from the rate cap. Some did not need to be exempt; for example, the City of Salisbury had been to its ratepayers, as is provided by law, and had its own exemption per favour of its ratepayers. A number of other councils, while they were anxious to assist the economy and work with the Government in economic development, because of undertakings given during the amalgamation process, felt honour bound to adhere to the rate cap process that they had taken on board already. The first part of the answer is that 17 councils have already been granted exemptions.

However, it would be unfair not to inform the House that councils have been given a second opportunity to apply for an exemption from the rate cap. As we speak, officers of my department are preparing a recommendation which will go before the Executive Government and which suggests that another group of councils may be eligible for a rate cap. Either the Premier or I will be pleased to inform this House when the Executive Government makes a decision about how many additional—

Mr Atkinson: Higher taxes create jobs!

The Hon. M.K. BRINDAL: That reminds me of the chortling opposite when the Premier was answering a question, because this question asked by the member for Mawson is indeed about the creation of jobs. I was disgusted, as the people of South Australia have every right to be disgusted, when in answering a question some members opposite shrugged their shoulders as though 80 jobs did not matter. I have to tell members opposite that, if you are unemployed, one job matters. To laugh and to carry on because it is only 80 jobs is a disgrace. If I were not in this Parliament I would say more than just 'a disgrace'.

Mr CONLON: I rise on a point of order, Mr Speaker. While the member for Unley's high dudgeon is impressive, is he responding to this question or a previous one?

The SPEAKER: Order! I point out to members on my left that the Minister's response was in reply to the member for Spence's interjection. If members realised that interjections are out of order and if they did not bait Ministers, they would not get these responses.

The Hon. M.K. BRINDAL: I will continue with the answer to my question and will observe that when it comes to high dudgeon I am but a mere student of the member for Mitchell. It should be noted that, of the 17 applicant councils, what the project recommended for approval from those 17 applicant councils amounted to an additional expenditure of approximately $10.1 million in the 1998-99 financial year by councils for those special projects. Apart from a small number of environmental projects, the vast majority of the projects fell into the economic development, tourism, employment creation and small business categories. I will try to explain this in detail to the House, unless members opposite try to trip me on my own words, which seems to be their favourite occupation lately.

Members interjecting:

The SPEAKER: Order! The House will come to order.

The Hon. M.K. BRINDAL: It should be noted that the $10.1 million is a composite of projects where part or all of the funds will be taken directly from the new revenue generated but also from council contributions to major projects by way of loan funds where some or all of the principle plus interest payments in the first year would be met from the new revenue generated from the rates limitation exemption. The member for Spence, who loves to interject, keeps asking, 'Where does the money come from?' It comes from exactly the same place that all Government money comes from: the people of South Australia. It also comes

from those same people who are paying $2 million a day for the maladministration of a Government of which he was a part.

If the honourable member wants to question the good application of money by a decent sector of government, that is local government, let him first look at his own hypocrisy. They might be increasing the rates for legitimate purposes, spending the money on good and legitimate purposes. They are not tearing up money and destroying it. This Government faces losing $2 million a day because of what the member for Spence and those of his ilk did in this House. Let the honourable member be a little lighter on the hypocrisy and a bit stronger on truth: it might be a new experience for him. This is the very same member for Spence who boasted—

Mr HANNA: I rise on a point of order, Mr Speaker. Surely the Minister is straying from the point in responding to interjections, something that of itself is out of order.

The SPEAKER: The Chair has been listening very carefully to the Minister, and he is starting to stray in his reply. I draw him back to answering the substance of the question.

The Hon. M.K. BRINDAL: Certainly, I will return to the substance of the question. The $10.1 million does not reflect the total expenditure on projects, because many also have funding contributions from the State Government or from other sources. The figures listed above refer only to the council contribution from new revenue or from loans serviced by new revenue. Therefore, this figure ($10.1 million) could well be seen as a conservative estimate of the new expenditure on projects which would otherwise not have occurred unless the rate limitation exemption were granted. It is important to realise that there cannot be a definitive answer on this, because not all of the applicants in the first round had the formal approval of their councils to go ahead with the projects. Of course, they need to do that because, while the Governor might grant the exemption, that matter still needs to go before councils to be ratified and to be part of their budget. This is a matter which is outside the control of this Parliament—except perhaps for the member for Spence, who often boasted that he had one particular council in his pocket.

Mr Atkinson: Two.

The Hon. M.K. BRINDAL: I apologise, Sir; I have been corrected. I know that interjections should not be responded to, but it was two councils—not one. It is not possible—

An honourable member: It is wasting time to answer a question.

The Hon. M.K. BRINDAL: I thought the people of South Australia would be interested.

Mrs Geraghty: It is really an abuse of Question Time for you to do this.

The Hon. M.K. BRINDAL: I would remind the honourable member opposite that it is also against Standing Orders to point.

Members interjecting:

The SPEAKER: Order! The Minister has the call.

The Hon. M.K. BRINDAL: It is not possible—in fact it would be dangerous—to predict exact employment levels, but I will do my best. With outcomes arising out of the project submitted—

Mr Atkinson interjecting:

The Hon. M.K. BRINDAL: I will answer the second question after I have answered the first. Councils have not decided on the particular level of rate increase; therefore, an exact employment projection is difficult to provide. Secondly, some projects, especially those which have been let to contract, do not lend themselves to accurate predictions of the exact numbers of new employees. Therefore, it is suggested that it is more sensible in this place to talk about the increased level of economic activity generated—and that is not a joke. The councils are doing their best in this area and they are doing their best to help their ratepayers. The member for Spence says, 'It's the ratepayers' money.' Indeed, it is the ratepayers' money. Every cent that this Government handles is public money: it comes from the citizens of South Australia and across this nation. The Commonwealth collects money that way; we collect money that way; councils do it no less. People do not mind paying their taxes and their rates: they are concerned about the proper application of that money.

I will conclude by giving an illustration of a couple of the projects concerned. In one council, the District Council of Le Hunte, support for the new industry in a rural town (it is a granite quarrying industry) is estimated to create 33 jobs in the construction phase and up to 300 long-term jobs in a period of three years. I have heard members opposite talk about the multiplier factor. So, in a town such as Wudinna, around which this industry is centred, there are in fact 300 new jobs. That will bring teachers—it may even keep some banks open—and it will bring a degree of economic activity into the—

Mrs GERAGHTY: I rise on a point of order, Mr Speaker. The Minister has been answering this question for about 14 minutes. The Opposition has asked about five questions but still has five questions to ask, and we have only 13 minutes left. It appears that the Minister will use all of that time to indulge himself.

The SPEAKER: I am constrained by Standing Order 98. So long as the Minister adheres to the substance of the question and does not debate it, I have no powers to sit the Minister down, but I remind Ministers that there is the opportunity for ministerial statements and there are occasions when it is appropriate to use that opportunity.

Mr Atkinson interjecting:

The SPEAKER: Order! I hope that is not casting a reflection. I am constrained by the Standing Order.

The Hon. M.K. BRINDAL: Thank you, Sir. In an example closer to home, in fact in the member for Spence's own electorate, the Council of Charles Sturt—

Mr Atkinson: A good council!

The Hon. M.K. BRINDAL: It is interesting that the member for Spence a while ago was questioning councils doing this, yet his own council has done it and he is on the record—

The SPEAKER: The Minister will get back to the substance of the question.

The Hon. M.K. BRINDAL: Yes, Sir. I am just agreeing that it is a good council indeed, as the member for Spence said. That council actually asked for support for a new IT industry joint development project, estimated on completion to sustain 150 long-term jobs in the industry. If that comes to fruition, or even half comes to fruition, it is exactly in concert with the blueprint laid down by the Premier and his Ministers in terms of driving this State forward and in terms of hi-tech, cutting edge type developments. The IT precinct at Charles Sturt is something we should all applaud.

Mr Atkinson interjecting:

The Hon. M.K. BRINDAL: As I said, the lifting of the—

Mr CLARKE: Mr Speaker, I rise on a point of order. I understand your ruling with respect to Standing Order 98, but you also have the power to withdraw leave from Ministers at any time, as a former Speaker has done on occasion with

respect to the present Minister for Environment and Heritage in the case of a particularly long-winded answer. The Minister has been going for at least 14 minutes and, if he keeps going much longer, he truly will go blind.

The SPEAKER: It is fair that the Minister have regard to the statement I made earlier about adhering to the substance of the question and considering the use of ministerial statements. I ask the Minister, in deference to other members who wish to ask questions, to draw his answer to a close.

The Hon. M.K. BRINDAL: Of course, I am always very pleased to take your wise counsel on board, Mr Speaker. Therefore, I conclude by saying that I have only but scratched the surface of this issue. I do not want the Opposition in any way to suggest that I have given a complete answer or that there may not be contradictory bits in my statement because they have failed to allow me to answer this question fully.

The SPEAKER: I am sure Her Majesty's Opposition does not think that.

TELETECH

Mr HANNA (Mitchell): Does the Premier stand by his claim that Teletech will create 1 000 jobs, as he promised two days before the last election, and can he tell the House whether any taxpayer money has yet been given to Teletech, given that Teletech has not yet established its call centre in South Australia? In a press release of 9 October 1997 the Premier stated that the Teletech deal would create 1 000 jobs, and the press release continued:

> Teletech's premises will be constructed at Science Park and will be ready by mid-1998. Until then the company will operate from temporary premises within the park's Mark Oliphant Building.

Calls to Teletech in Sydney and Science Park on Tuesday this week confirmed that Teletech has still to establish a call centre in Adelaide.

The Hon. J.W. OLSEN: It is because the contractual negotiations are still being undertaken.

OVINE JOHNES DISEASE

Mr VENNING (Schubert): My question is directed to the Minister for Primary Industries, Natural Resources and Regional Development. Following an unfortunate—

Members interjecting:

Mr VENNING: —this is a very serious question—outbreak of Ovine Johnes disease in South Australia, can the Minister update the current situation on the measures under way to investigate the outbreak and indicate anything further being done to help the industry deal with OJD and reduce the serious threat it poses?

The Hon. R.G. KERIN: It is unfortunate that we have had an outbreak of Ovine Johnes on Kangaroo Island. The South Australian industry would like to thank the landholder concerned for his cooperation in cleaning up the problem. It is important that people realise that Ovine Johnes is a serious disease and a threat to the industry in South Australia. The industry is doing a good job of eradication and testing to control the disease, and people should realise that this is a productivity and in no way a food safety issue. Certainly, the industry and the Government will work together to ensure that we do not have a spread of the disease on the island.

NUCLEAR WASTE DUMP

Mr HILL (Kaurna): Can the Premier explain to the House the Government's policy on the establishment of a nuclear waste dump in South Australia and can he tell the House whether the Government opposes the dumping of high level nuclear waste, such as plutonium, or waste from overseas, in South Australia? On 10 June the Federal Minister for Resources, Senator Parer, announced that the final 18 sites for a national radioactive waste repository were all located in South Australia.

The Hon. R.G. KERIN: I thank the honourable member for the question, which has been a long time coming. Not only has the Government policies but it has laws which determine where radioactive waste can be dumped. We are working with the Federal Government, which has undertaken an extensive consultation project, and this is something the Keating Government did not do when it proposed to bring radioactive material here. There has been an extensive—

An honourable member interjecting:

The Hon. R.G. KERIN: You have been here five minutes. There has been an extensive consultation process, which is on track. Unfortunately, once again the people of that region have had to put up with very extensive misrepresentation of what the Federal Government is actually looking at putting there: it is low level radioactive waste. The locals have had to put up with accusations that the material to be dumped will cause all sorts of diseases and the like. There has been misrepresentation. We have ensured that the Federal Government is going through the right steps. There has been much consultation with local people and they have a far better understanding of what it is all about. It is about low level radioactive waste.

Mr Hill interjecting:

The Hon. R.G. KERIN: The shadow Minister should read the legislation which controls this. As I said, we are working with the Federal Government, and members ought to be aware that there is a responsibility by the people of Australia to do something—

Mr Hill interjecting:

The Hon. R.G. KERIN: What the honourable member is talking about is stored in hospitals, factories and elsewhere in the metropolitan area and people are in close proximity to it.

Mr Hill interjecting:

The Hon. R.G. KERIN: The honourable member is trying to put words in the Minister's mouth. One point needs to be made concerning the responsibility for the waste we have created. This issue is about the Federal Government's taking up that responsibility, accepting the fact that we have created this low level radioactive waste and acknowledging that something needs to be done about storage. It is like our debt—we have to do something about it and not leave it for the next generation to contend with. We will continue to work with the Federal Government and we will be watching closely the decisions it comes down with. However, there has been much misrepresentation and I repeat: it is low level waste that the Federal Government is looking at.

SPORTING EXCELLENCE

Mr HAMILTON-SMITH (Waite): Can the Minister for Recreation and Sport inform the House of the potential economic and social benefits that derive from the pursuit of

excellence in sport, as demonstrated last night by the grand final win of the Adelaide 36ers?

The Hon. I.F. EVANS: I thank the honourable member for his question. Last night the 36ers were an example to all South Australians of what happens when people pursue a particular level of excellence. In the case of the 36ers they were lucky enough to achieve it and they will be an inspiration to all South Australians. South Australia is very lucky with the sporting success it has had of late with the 36ers, the Crows, Quit Lightning and others. It is important for members to realise what underpins that success in South Australia. South Australia is fortunate that we have a very high participation rate within sport and recreation across the State. That participation rate is inspired by the victory of the Crows, the 36ers and other South Australian teams competing against Victoria—

An honourable member: The Power!

The Hon. I.F. EVANS:—and the Power when they occasionally win. Being a Crows fan—

Mr FOLEY: I rise on a point of order, Sir. I ask that the Minister put the true facts on the record and not make such flippant remarks.

The SPEAKER: There is no point of order.

The Hon. I.F. EVANS: As I said, when the Power wins it is an inspiration to South Australia. It wins occasionally; it does not win all the time, to my recollection. If you can prove they win all the time, good luck to you. It is the participation rate that underpins the success of the various sporting teams in South Australia. If we look at our participation rates in sport we see that we are well above the national average for people over the age of 15, and that is excellent. The member for Hart might be interested to know that we have a higher participation rate even in Aussie Rules; we have about 2.4 per cent, whereas Victoria and Western Australia have 2.1 and 1.9 per cent respectively. We are also a very important netball State, and we have a very high participation rate in women's sport. In fact, South Australia has over twice the participation rate in netball of New South Wales, which has about 3 per cent, and we are well ahead of Victoria, which has about 3.9 per cent. So, South Australia is very lucky to have such a high level of participation in sport.

Such a high participation rate is reflected in employment. I note that the member for Ross Smith mentioned employment in an earlier interjection. South Australia has a high level of employment in the sport and recreation industry. About 20 000 South Australians are currently employed in the sport and recreation industry, and some 14 500 of those record their main job as being within the sport and recreation industry. The sport and recreation industry accounts for about 2.2 per cent of the State's gross domestic product, and that is about the same as the mining industry. So, when people talk about Western Mining and others' level of mining in South Australia, they should realise that employment in sport and recreation and their contribution to the gross State product are at about that level. With that comes an opportunity to export our expertise in sport and recreation. We have in place companies that have secured contracts in Brunei and Hong Kong to the value of $600 000, and we are also looking at bidding for projects in Singapore, East Malaysia and other areas, to the value of about $3 million.

BRINK PRODUCTIONS

The Hon. DEAN BROWN (Minister for Human Services): I lay on the table the ministerial statement relating to a new theatre company made earlier today in another place by my colleague the Minister for the Arts.

NATIVE TITLE

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I lay on the table a ministerial statement relating to Native Title made earlier today in another place by the my colleague the Attorney-General.

GRIEVANCE DEBATE

The SPEAKER: The proposal before the Chair is that the House note grievances.

Mrs GERAGHTY (Torrens): I had intended to ask the Minister for Government Enterprises a question today but, because of the long-winded waffling of the Minister for Local Government, our time has been reduced yet again. Rarely do we ever get 10 questions up any more, because these Ministers just blabber away, making no sense at all at times, and it is an abuse and an outrage.

The question I wanted to ask the Minister was about the further loss of another 25 jobs from ETSA—jobs that will be lost as a result of the outsourcing of the management function of the vegetation clearance section. I wanted to ask him whether it is true that this decision to outsource these jobs will mean the work will go to an interstate company. On top of all the other maintenance workers who have been made redundant from ETSA, the loss of these 25 jobs is escalating the financial loss to our communities, because they are losing their wage packets. There can be no beneficiaries of this practice of redundancies in South Australia because, as I have said in this place on many other occasions, if people are not employed they do not spend money and, if they cannot spend, this has a continued negative effect on our consumer based economy.

One of the great problems where we have seen jobs being lost here and people moving interstate is that we lose not just that one job but probably several jobs. We also lose children from our schools when whole families pack up and move away. We heard the outburst from the Minister for Local Government; I am a bit tired of hearing him and the Premier talk about their concern for jobs in this State. That is all we hear—they are concerned—but it is just words, because here again another 25 jobs are going.

What I find most confusing and outraging about the outsourcing of the management of the native vegetation clearance to this interstate company is that, if we must outsource, surely we have companies here in South Australia. We should be resourcing ETSA properly because it has been doing the job for a long time and should continue to do so, but we would have companies here in South Australia which are probably providing jobs and which could provide more. But, no; I suppose because the Premier went to Victoria and sat with Kennett last night we can give him a few more jobs along the way.

The loss of these 25 jobs is absolute madness. In fact, our Premier is becoming 'affectionately' known as Captain Titanic around the industry. It is just not logical or rational to shed these jobs, and certainly not from a very top performing utility such as ETSA. This will continue to reduce the maintenance services to the communities in regional and metropolitan South Australia. We remember what happened during Ash Wednesday, so it is essential that these maintenance crews be well skilled and able to do the job to the best of anybody's ability, and that is what happened in the past.

Under the review conducted by ETSA Power, the corporation emphasised the need to look at ways by which vegetation clearance activities could be made more efficient. In a letter to the CEPU of the South Australian Electrical Division the Treasurer states:

> I am advised by ETSA that the purpose of the review is to examine the means by which the organisation of vegetation clearance activities can be made more efficient.

What does 'more efficient' mean? It means shedding 25 jobs. So much for job creation!

The Hon. D.C. WOTTON (Heysen): Earlier this week I was very pleased to be able to represent the Minister for the Arts in launching the Cyber Safety Parents Internet Resource Centre Package. It was a very successful launch and I was delighted to be involved. Young Media Australia is a national, non-profit group, the only one of its kind in Australia, and it is recognised nationally for the excellent work it does as the media watchdog for children. I have had an association with this group before, and I am delighted with the responsible role that it has adopted in this area. Previously it has been funded through a grant from the Film Corporation. Regrettably that funding has ceased and it is now looking for extra financial support.

I hope we will be able to do something in Government to assist it. At this stage it has secured a grant from the Department of Communications and the Arts to undertake this cyber safety project, which is designed to help parents and caregivers become familiar with the new media and the issues raised. It is a service which aims to inform, advise and empower parents and families in relation to the exciting but sometimes unnecessarily frightening area of new technology and learning. The emphasis of Young Media Australia is to promote the positive aspects of on-line services for children while teaching parents how to help their children use this new media in a safe, productive and worthwhile manner.

Parents, caregivers and teachers can play an important role in ensuring that children are safe in such an environment. Young Media Australia has demonstrated its commitment to working with the public, children, parents and caregivers, to ensure greater understanding of the challenges, opportunities and responsibilities of new media. It is also working with regulatory authorities, legislators and the industry, including service and content providers, to create family friendly environments.

Children's experiences with the Internet and other on-line services need to be safe, informative, educational and entertaining. The Internet should be and can be seen as one of a range of valuable tools to assist children's learning and development. An essential element of the cyber safety project is the recognition that not all on-line content can be taken at face value, that children need to be taught to be discerning users of on-line services just as they need to be critical of all forms of the media.

I was pleased to be able to commend Young Media Australia because it is doing a terrific job in encouraging parents, caregivers and educators to harness the power of the Internet as a positive force in the lives of children. It is doing excellent and very significant work in the areas of new media. This whole area has been an interest of mine for some time, and that is why I was particularly pleased to be able to stand in for the Minister earlier this week. The cyber safety introductory course for parents and caregivers is informative, educational, well presented, written in plain English, user friendly, engaging and covers all major issues in relation to the use of the Internet by young people.

Late last year Young Media Australia won a second Australian violence prevention award presented by the Australian Institute of Criminology on behalf of the Australian Head of Government for its project 'Media Violence—Education and Advocacy'. I wanted to use the time allotted to me today to extend our congratulations to all those involved at Young Media Australia. I encourage those members who have not had the opportunity to learn more of the involvement of this group to do so, particularly to support the excellent new initiatives that it is bringing forward in a number of ways and to take note of this latest initiative that I was pleased to launch earlier this week.

Ms KEY (Hanson): Today I refer to the Adelaide Airport Curfew Bill, which I understand was passed in Federal Parliament this morning. This is certainly a piece of legislation that will be welcomed by the constituents of Hanson and Peake. I know that the member for Peake has spoken on a number of occasions about concerns residents in the western suburbs have had with regard to airport noise. This piece of legislation will also affect in a positive way the constituents of Adelaide. I understand North Adelaide is also cursed with airport noise, particularly around the hospital sector.

My concern is that the member for Hindmarsh (Ms Chris Gallus) has misrepresented the position of the Labor Party on this issue. I have been in a number of forums with Ms Gallus where she has claimed that she has had major concerns about airport noise and that she is a big supporter of the airport curfew. However, it has taken her over eight years to introduce such a Bill. Although I compliment her on having done so, it certainly has been a long time coming. With you, Sir, I sit on the Adelaide Airport Environment Committee, along with the members for Colton and Peake, the Federal member for Adelaide (Mrs Trish Worth) and Ms Chris Gallus.

I remember being at a meeting—I do not think you were there, Sir—with the member for Peake where everyone except the member for Peake and myself voted for the curfew limitation to be changed. The curfew time is from 6 a.m. to 11 p.m. Everyone else on the committee supported there being a change to the curfew time to allow, between March and October and maybe at other times, for planes to come into Adelaide Airport at 5 a.m. Although we heard the argument that this would be under exceptional circumstances and to facilitate a Qantas passenger flight from Singapore during the northern hemisphere summer months, there was absolutely no argument put up by other members about how this would affect the local residents.

I am told that something like 20 000 people who live around Adelaide Airport could be affected by excessive airport noise. Publicly the member for Hindmarsh always says that she thinks residents (and I agree with her on this point) should be protected from excessive noise. We are

certainly together on that point, but in looking at Federal *Hansard* from this morning I note that on the amendment put up by the member for Melbourne and the shadow Minister of Transport (Lindsay Tanner) to ensure that the residents of Adelaide have the chance to have noise abatement in their area, as has been done in other States, particularly New South Wales, Ms Gallus voted with the Howard Government against that amendment.

So, while it has taken her eight years to get the curfew Bill, over that time she has spoken for only 3½ minutes on this issue, which she publicly says is one of great importance to her. One would wonder, if it is so important, why she has spoken for only 3½ minutes on it. That is on her conscience and not mine. Ms Gallus talks publicly about the need for protection of the residents of Hindmarsh but then voted against an opportunity for the people in Adelaide—some 20 000 people, of which I understand there are anywhere from 700 to 1 200 who would be protected from excessive noise—to have a noise abatement program. Despite her public pronouncements, she would not cross the floor to ensure that Adelaide residents had the same benefits as their counterparts in other States. I criticise her seriously for so doing, especially when she parades in public saying that she is an advocate for the western suburbs. In *Hansard* of 29 June—

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

Mr LEWIS (Hammond): I summarise in part the remarks I made yesterday. Further benefits can be derived by South Australian firms aggressively entering the economies of east Asian countries at this time, in particular Korea. We can sell services into those markets: such things as education, where the arrangements between their post secondary and tertiary institutions and ours will enable students to do the preliminary studies whilst still at home and come to Australia to universities like the university of Adelaide to finish their degrees or to Adelaide TAFE to finish their courses, giving them a qualification which has been agreed by both institutions, in terms of the curriculum study, which would be equivalent, indeed a part of, the qualification if offered by our institutions.

We get the benefit of their living here for a year, which is likely to amount to about $20 000 to $25 000 per student. They get a qualification from our institution, which is internationally recognised, as well as a qualification from their own institution. As you would know, Mr Speaker, if we multiply that $20 000-odd by five we get $100 000; and if by 50, we get $1 million. So, we need only 5 000 students a year from, say, Korea to make $100 million additional expenditure in the South Australian economy which it does not have at present. This idea is appealing to them. It is a sensible way for us to make better use of our existing facilities and spread our overhead costs. In doing so, we also get an increase in the number of jobs and, therefore, the number of people who can go on living in South Australia. It increases the level of prosperity in South Australia in the process.

Moreover, we have developed some fairly intelligent management systems in various agencies and departments of Government to which the Koreans would like to get access, for instance, the traffic management system that we use on the Southern Expressway or on the Main North East Road. Whilst at present Korea uses artificial intelligence—that is, computers controlling traffic flows and lights—they do not have the sophisticated software called SCATS that was developed and first installed in Sydney. We can supply it.

In addition, tourists are still leaving those countries even though they are having difficult times, and Australia represents much better value in terms of fares and overnight costs than going to Germany, Europe or America. We are not selling that aspect of ourselves as well as we could and we certainly can and will do better. We could also better sell our sports training facilities as well as our farm produce and minerals, and we should not overlook the opportunity of buying cheaper imports of comparable quality to those which are available from some other countries outside the region, now that their currencies are devalued. Also, we can get better goods at exactly the same price if we now check out what is available in the regional markets. But most important, we can also build markets by buying Korean companies or shares in them, or enter into joint ventures and thereby increase the efficiency of the operations of our companies.

I now want to draw attention to another matter, and that is the urgent necessity for us in South Australia to establish a fish passage through the barrage at the Murray Mouth.

Mr Brokenshire: Hear, hear! I support that.

Mr LEWIS: I agree with the member for Mawson. In effect, the barrage has traded off 90 per cent of the natural production capacity of high value migratory species such as mulloway, bream and greenback flounder in return for the creation of Australia's most prolific European carp hatchery, which is a feral species. It is a swap that most South Australians think sucks, and so do I. I agree with the remarks that have been made by Bryan Pierce about that and I strongly support the initiatives that have been taken by the local government bodies of Alexandrina and the Coorong. I strongly support the other organisations involved, such as the Murray-Darling Association and the South Australian Scalefish Management Committee, SAFIC, the South Australian fishermen's association, SARFAC, and Primary Industries South Australia for their remarks made in pursuit of that objective.

Mr HILL (Kaurna): I refer today to an article in today's newspaper on the resignation of Mr David Shetliffe, the long-term Executive Director of the Retail Traders Association. The article mentions that last night Mr Shetliffe resigned for several reasons, including the fact that he needed a break after six years and his role in the organisation would change when it merged with the Australian Retailers Association. The article also refers in passing to the pressures that he faced at the RTA regarding the shop trading hours debate.

I heard today from sources close to the Retail Traders Association, which I believe are very reliable, some of the real reasons for Mr Shetliffe's resignation from the RTA. I have never met Mr Shetliffe, so nothing that I say is to be taken in any way as a reflection on him or his character because I do not know the man. However, I understand that one of the reasons that Mr Shetliffe resigned was that he found out on Friday that his organisation was $300 000 in debt and also that he was asked to resign by the executive.

I understand that part of the reason the money has been lost is that the RTA organised an Asia-Pacific conference last October which was a great money loser. I also understand that the Government might have put $100 000 into that venture either as a loan or a grant. If it was a loan, I do not think it will get it back. I would like to get some clarification of that issue at some stage, because that $300 000 debt may be a $400 000 debt.

The other thing that I have been told is that the Retail Training Group, which is run by the Retail Traders Association, has also been losing money hand over fist and is in all sorts of strife. I have also been told that there are possible breaches of the Taxation Act by the organisation using the retail training arm to provide sales tax exemption for executives of the authority for the use of motor cars. That is another issue which Mr Shetliffe or others associated with the association might like to contemplate.

The third reason for the loss of income from the organisation is the fact that it has lost a large number of its members. I understand that last month alone over 200 members resigned from the association: in particular, Foodtown and Welcome Mart removed themselves from the organisation. As we all know, the reason they left was they did not like the political line that the RTA was pushing on its members because it did not reflect what the majority of businesses that are associated with the RTA believe: that is, they do not want an extension of trading hours or Sunday trading. Those organisations have voted with their feet and left the RTA.

So, we now find that the key part of the Government's defence or attack in terms of changing shopping hours, the RTA's very strong support, is crumbling. Days before the report comes down that will say what is happening to retail shopping hours, the chief executive of the RTA resigns, the RTA is in a state of decline being hundreds of thousands of dollars in debt, and hundreds of members are leaving the organisation. It is a sorry mess. I will attempt to obtain more information for the Parliament and I will report it to the House when I do so.

Mr BROKENSHIRE (Mawson): First, I would like to place on the record the fact that I agree with the member for Hammond. As he is well aware, I do not agree with him all the time but, on this occasion when it comes to the issue at the barrage, I strongly agree with him. I am keen to see the re-establishment of the fish passage to the lakes and the Coorong through the barrage network as soon as possible.

I want today to congratulate Woodcroft College, which is celebrating its tenth anniversary this year. This is a low fee Anglican college in my electorate. It has grown from a very small beginning with a chequered and difficult entry into the education system into a school that now provides a magnificent education curriculum and a great Christian ethos for students from reception to year 13.

In particular, I want to put on the public record my appreciation of the Chairperson, Mr Rex Keily, a senior executive of Mitsubishi who puts an enormous amount of work into jobs through Mitsubishi for South Australians and who has also taken an enormous amount of time over the years to ensure that Woodcroft College is given a magnificent foundation to become a long-term private Anglican college in the southern suburbs of Adelaide. This college services not only the southern suburbs of Adelaide: its catchment area includes Cape Jervis, Goolwa and Victor Harbor, across to Strathalbyn and right back to O'Halloran Hill. Close to 1 200 students are receiving an education in that college. It has gone through five building stages so far, and there are plans for further staged development over the next five or six years.

I would also like to congratulate the Principal, Mr Mark Porter. He has a large, dedicated and committed team of staff to look after, and they are doing a fantastic job of ensuring that those young people are developed and positioned well when it comes to their opportunities of either going onto tertiary education or taking on a trade skill in the southern area. The students who are leaving years 12 and 13 are job ready, and they are committed to the community spirit of the south, as well as having the opportunity to get a good Christian education. Of course, that does not mean that I am against public sector education in my electorate: in fact, I am a strong supporter of it, and I spend an enormous amount of time supporting and encouraging growth in that sector. There is room in the education parameters for both the private and public sector.

Sometimes some people get a little uptight when they see that Federal and State Governments contribute money to private schools. I would like to remind members in this House that parents who send their children to private schools are still paying taxes, so they are still contributing to the public system. Over and above that, they are contributing additional money to support the private system. In doing so, they are allowing the public system to be better than it otherwise would be if there was not a private system. I want to highlight that and clearly get that on the record today, because at times some members of the community go off at a tangent, not understanding that both systems work in the best interests of education development for our State or for any other State in Australia. Just imagine for one moment what it would be like if all the young people in private schools headed into the public arena. Clearly, there is a limit. Whilst our Government is absolutely committed to the public education process and spends a significant amount of its total budget in education, we in South Australia still have the smallest class sizes of any State. On a *per capita* basis, we spend more money than does any other State. I might add that Territories are different, because they get additional top up funding from the Federal Government.

We have a State that is rebuilding, addressing major debt but having as its number one priority public education. I want to reinforce that. Over the next few weeks and months many of my constituents might be subjected to a fair bit of propaganda. I want to simply get these facts on the record. The South Australian Liberal Government has achieved the smallest ratio—that is, the best ratio—of teachers to students of any State in Australia. It also spends more dollars on public education *per capita* than does any other State in Australia. Alongside that, there is a good argument for the Government to put money into capital works development for the private sector. Again, as I highlighted to my colleagues here, if private sector education is alive and well, that will allow more dollars to be freed up per student in the public system. It is a simple equation but it is a factual one. I want the people in my community to understand that.

I congratulate Woodcroft College on the initiative it has shown. I declare that I am a member of the board of the college. Particular initiative has been shown by Andrew Lockyer is very much committed to viticultural and agricultural development for that school. When you have a look at the way the electorate of Mawson is growing when it comes to value added horticulture and agriculture, you see it is important that we encourage students whether they are in public or private schools, but in this instance through the Woodcroft College viticultural and agricultural courses they have an opportunity to secure jobs in the Mclaren Vale wine region. Andrew Lockyer puts in an enormous amount of time. I am impressed with all board members and the staff.

Now that I have relocated my office to the Woodcroft town centre, next to Harris Scarfe, I see these students on a regular basis. They are well dressed, and they are well

respected by the shop owners for the way they go about their business. They project an extremely good image for Woodcroft College. Recently, there was the launch of the foundation for the college so that it can be underpinned by other economic income outside the direct income of student education. That is also a great initiative. The patron is Sir James Hardy, and I do think we could get a better patron for that foundation than someone of the calibre of Sir James Hardy.

The DEPUTY SPEAKER: Order! The honourable member's time has expired.

TECHNICAL AND FURTHER EDUCATION (INDUSTRIAL JURISDICTION) AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendment.

The Hon. M.R. BUCKBY: I move:

That the amendment of the Legislative Council be agreed to and that the following consequential amendment be agreed to:

Clause 2, page 1, lines 19 to 21—Leave out the words 'and an agreement or award, order or other determination under that Act has effect and will be taken always to have had effect'.

We have debated this Bill at length. I remind the Committee this Bill resulted from the full bench of the Industrial Relations Court in South Australia unexpectedly indicating that it did not consider that the TAFE Act allowed the Industrial Relations Commission to have jurisdiction in relation to employment matters for TAFE Act employees. Previously, both the TAFE Act and the Industrial Relations Act had had equal jurisdiction over TAFE employees but, as a result of the court case, this was brought into question.

The view of the court implied that the awards and agreements operating for many years under State industrial legislation were of no effect for those employees. That was not the wish of the Government at all and, as a result, the legislation was introduced. It was suggested that relevant employees did not have recourse to the dispute resolution processes contained in industrial resolution. That was not the view of the Government; neither was it the view of the AEU. The TAFE Act and the State industrial legislation had coexisted for many years without any problems whatsoever, with the question of which piece of legislation held sway in a particular issue being decided on the circumstances applicable to the issue, the *status quo*.

That is what this amendment I am proposing this afternoon will do, and our total aim is to return the legislation to the *status quo* as existed prior to that court case in August 1997. This amendment merely aims to put beyond doubt the relevance of existing awards and agreements relating to the TAFE Act employees in conjunction with TAFE legislation and to preserve the *status quo* including the ability of employees to access dispute resolution processes of the industrial legislation. Therefore, this would return it so that either the TAFE Act or the Industrial Relations Act can be used by the court to determine which is the Act relevant to the dispute that arises, and that is the position to which we seek to return through this Bill.

Ms WHITE: In discussing the amendment that the Minister has moved, I make a few comments about the Bill in the form in which it comes to us. The Minister gave a short history of the sequence of events which led to the necessity for a Bill to come before Parliament. I have a slightly different interpretation of the implications of those events. The situation did come about, as the Minister rightly pointed out, after a decision of the Full Bench of the Industrial Relations Court in August last year. However, it arose as a result of the Government's own actions. The Government challenged the jurisdiction of the State Industrial Relations Commission to make an award dealing with classifications of some TAFE employees, and the Government appealed the decision of the commission. The commission did not agree with the Government's case, the Government appealed the decision to the Full Bench of the Industrial Relations Court and the Full Bench upheld the Government's appeal.

However, in the process it decided that the Minister, and only the Minister, could determine such matters. In other words, TAFE employees did not have recourse to an independent arbiter and had no right of appeal to the Industrial Relations Commission—which is a major problem. The Government response, no doubt, was, 'Oops!' The intention of the Labor Party is to confirm award coverage and conditions of employment for TAFE employees. That is the agenda in terms of which we view this Bill. The Government has said that its aim is to make clear that there was never any intention to prevent the Industrial and Employees Relations Act 1994 from operating and that recourse to the commission was there. However, the sequence of events seems to question that a little.

The Bill was passed by this House on 17 March this year and passed through the Legislative Council on 25 March this year. However, it has taken until today for the Government to progress the Bill further. That creates a problem. It means that since August last year, as a result of that decision of the court, there has not been an award to which TAFE employees could appeal. The legal decision was that that award was not necessarily covering them. That has been a huge problem, yet it is 10 months down the track and we are now dealing with this Bill.

The amended Bill, as it comes to us today from the Upper House, incorporates the amendment moved by me in this place and moved by my colleague in another place. It incorporates the Labor Party amendment, which left out some wording in the principal clause. The Minister is seeking to delete further wording. The Minister, when discussing this proposal with me, handed me a piece of paper on which was written some advice to him about the effect that this amendment would have. The piece of paper states that this amendment:

. . . means that the two Acts operate together but leaves the question of which one dominates to be determined as required.

I foresee a problem, and hope the Minister can assure me that the intention of this Bill is to clarify the situation. I hope that the Minister's amendment will not ensure that the situation remains unclear and that the matter in question has to be determined every time there is a dispute.

Also, in summing up, I ask the Minister to assure the Committee that it is not the Government's intention to limit the Industrial Commission's jurisdiction or to stop the Industrial Commission from resolving disputes over any matters contained in the TAFE award. Will he assure the Committee that his amendment does have the effect of removing uncertainty over the validity of the current award, enabling TAFE employees to refer employment matters in the TAFE award to the Industrial Commission? Otherwise, as

seems to be implied by the advice contained in the sheet of paper he handed me, there would still be some uncertainty as to which Act prevailed in any dispute.

The Hon. M.R. BUCKBY: It is our intention that the Industrial Relations Act still comes into play for TAFE employees. On significant Crown Law advice to us, this amendment returns the wording to what was there in the Act prior to that court case. That means that, when a dispute arises with a TAFE employee, the court will decide which Act should be used to determine that dispute. It is out of my hands: it is the court that then decides which Act comes into play. In some disputes it will be the TAFE Act; in others it will be the Industrial Relations Act. That is exactly how it was before this court case came up, and it allows the court the flexibility to determine which Act should take precedence in the relevant dispute.

I confirm again that it is not our intention to eliminate any access to the Industrial Relations Act for TAFE employees. We want to return the balance that was there prior to the court case that brought out the resolution that was totally unexpected by all parties.

Ms WHITE: I thank the Minister for the assurance that the commission would be recognised in solving disputes involving award conditions. I am not totally convinced that we are doing what we should in terms of resolving any uncertainty about which Act takes precedence, and I retain some concern about the impact that that uncertainty may have on further court proceedings. However, I also recognise that it is not a very good situation that, since August, the status of the TAFE award has been unclear due to that court decision. So, in the interests of making sure that the award has the status that it needs to cover TAFE employees, given that we are 10 months down the track, the Opposition will support the amended version of the Bill.

Motion carried.

The Hon. M.R. BUCKBY: Mr Deputy Speaker, I draw your attention the state of the House.

A quorum having been formed:

ELECTRICITY CORPORATIONS (RESTRUCTURING AND DISPOSAL) BILL

Adjourned debate on second reading.

(Continued from 1 July. Page 1247.)

The Hon. J.W. OLSEN (Premier): I rise to close the debate on the Bill. My speech to the House on Tuesday did very thoroughly cover almost all the issues that had been raised in relation to the sale of the State's power assets. For that reason I will not make this a long, point-by-point speech. However, I stress again that, if there had been another way to go forward with power in this State, we would have clearly chosen it. If there had been a way to keep power in public ownership with no risk to taxpayers and with high service and low prices, we would have chosen it. If there had been another way to reduce our debt at the speed which is required so that tax changes proposed by the Federal Government do not result in South Australia's paying higher PAYE tax than any other State, we would have chosen it. If there had been any other way through which this debt-ridden State could have afforded to put in place a mechanism to protect country power consumers from the steamroller effect of the national electricity market, we would have chosen it.

As I said in the House on Tuesday, this is not an ideological debate: this is a debate about the survival of the South Australian economy. We cannot afford more debt, and keeping power in public hands will deliver us nothing but debt. We cannot afford to keep the debt levels we have, never mind having to deal with the spectre of more of the same. Basically, we cannot afford to keep ETSA and Optima in public hands.

Anyone in this Parliament who puts a contrary view to that statement is fundamentally wrong. They would be voting for higher debt. They would be voting to sit back and to watch our power utilities deliver a much reduced revenue flow, most probably high losses and, certainly, a much reduced asset value. They would be voting for country power users to be at the mercy of the national electricity market pricing after 2003.

How could we afford to help them otherwise? They would most definitely be voting for this State to head into the next century with higher debt rather than minimal debt and with higher PAYE for every salaried employee. In debating this Bill no-one has put forward an argument to keep ETSA and Optima that cannot be answered. No-one has put forward an argument to keep ETSA and Optima that cannot be seen to be flawed. No-one has put forward any way in which, with ETSA and Optima in public hands, we can give financial security to the State and to the people who live in it and care about its future.

Importantly, all our analysis has proved categorically that we are not forgoing the current revenue stream by selling ETSA. We have been pleased to make this available to Labor and the Democrats. They have chosen to ignore the findings. Bluntly, the current revenue stream ceases to exist as soon as the State enters the national electricity market, which we have no choice but to do. It ceases to exist because customers can bypass the power network and generate their own power. We fully expect that this will happen in a State where 27 large customers consume 17 per cent of the power generated. Households can choose their own retailer and new companies will set up power plants: the monopoly that gave us the revenue streams is ending. So, the argument I have heard about what will replace this revenue to the Government simply does not hold water.

We are fast heading into uncharted territory, where it is highly likely that there will be no revenue; hence, we want money from the sale for our coffers now, as a lump sum, to replace all we are about to lose. The only way in which those revenue streams can be maintained is by ETSA and Optima raising power prices sky high and by cutting staff to the bone, slashing spending on service, maintenance and infrastructure. In other words, it can only deliver those revenue streams by destroying itself, and then deliver this State much more debt in the process. By selling, we protect ourselves from all this and from the risk of the national electricity market and from the weight of the debt that we already suffer.

Remember that I gave this warning today, and remember the date—because if we do not sell, these words will come back to haunt those who refuse to vote to sell our utilities. I am warning, and I am stating as fact, that our State debt will increase through the losses incurred by our utilities in public ownership in a deregulated market. It was stated in the debate that we have exaggerated the risks of operating in the national market. If anything, we have been cautious in discussing them. The risks to our small utilities are massive. The bottom line is that they could lose most of their large customers gradually and, as more customers get to choose, they could lose many of their small customers. Remember that, interstate, 50 per cent of customers who could move from the

utility that had been supplying them have done so. Customers will not stay if ETSA and Optima cannot deliver the price and service of the massive interstate operators and the new local operators, who will most probably be part of the large interstate companies. The national electricity market means that we cannot stop those operators moving in. By selling, we can ensure that the high risks of competition are owned and managed by the private sector and not the taxpayers of South Australia. We will take all the financial risk away from the Government and from the customers—the taxpayers.

I admit that it is difficult to warn of something that has not yet happened. But what I can say to all South Australians is that we have not exaggerated the risk of the NEM, because it is fact that every single power customer in this State will choose the best power deal they are offered: they would be fools not to. And that is the biggest risk that ETSA and Optima face. I cannot see Labor voters and Democrat voters continuing to buy their power from ETSA and Optima if it is cheaper somewhere else. Can anyone in this House? Yet, that is what Labor and the Democrats are saying must happen if the *status quo* is to remain. I bet they have not told their voters that. So, no, we have not exaggerated the risk of the NEM, as some members have stated in this debate—far from it.

It has also been put in this debate that service and maintenance standards will drop in private ownership. Again, far from it—as I hope my speech on Tuesday highlighted: they will not, and they cannot. Logic and what has happened interstate supports the view that, when customers have choice, that choice brings with it far better service. At the moment, we may complain about ETSA and Optima, but we cannot buy our power from anyone else. It is a captive market: it soon will not be.

As well, the private companies must commit to a customer service charter. There will also, for the first time, be an independent regulator and an ombudsman. We will be delivering all South Australians far greater accountability from their power suppliers to service standards than they ever have had. Here I would like to address the concern that was raised about the regulator being truly independent, when he is to be funded by industry. While the position is funded by industry, the regulator is not paid directly by the industry, and he is responsible to Parliament in the same way as the Auditor-General is. If the inference in the comments of the honourable member was that there would be industry interference, I say to him that there cannot be.

I look across the border to Victoria and to the decisions taken there, which show how just very independent an independent regulator is. I would also like to address the furphy of Auckland and Ash Wednesday, which has been raised more than once in the debate. Mercury Energy in Auckland is not privatised. If anything, its structure most exactly mirrors the corporatised ETSA and Optima we have at present. Its problems were the result of years of decay in Government hands. With Ash Wednesday, as I have already told the House, the Electricity Act of 1996 covers all power companies, be they private or public. They must maintain their infrastructure to protect the State. If there were another severe bushfire where a private power company was found to have some liability, then they would be financially responsible through their insurers.

The Hon. M.K. Brindal: Would we keep the liability?

The Hon. J.W. OLSEN: Under the Labor Party proposal. The suggestion that such liability would make any such company go bankrupt is a scare tactic easily demolished by the value behind such companies and the commensurate insurance that they carry. If I can put it in layman's terms, these power companies could buy and sell this whole State many times over. The South Australian community and business, therefore, would most definitely not be at risk from an Ash Wednesday situation. Penalties would be enforced through the regulator in such an event, as well as damages paid.

I would now like to address the comment made in the debate that the Government's sale proposal creates a situation where there is nothing to prevent a purchaser raising prices to maximum profit. This cannot happen. The structure created by the Government quite deliberately stops generation owners having enough market share to do so at source, plus in the deregulated power market power companies are out to reduce prices—not keep them high. They must be competitive or their many competitors will move in and take their market share, take their business. There will also be the independent regulator who will ensure companies cannot take too high profits. So, customers are to be doubly protected. Competition will keep prices down and the independent—I stress 'independent'—regulator will have the authority to monitor the returns the industry takes. These are two very important customer protections which have never existed before.

In the same vein, concerns have been raised about security of supply. As my statement on Tuesday made clear, security of supply for the State has been a main principle of the industry breakup. We will ensure that there is security of supply for the State, and I will not go over these points at this time. What is important to stress is that private power companies must ensure everyone on the power network, no matter how remote, continues to receive power and that the network is maintained. As well as the customer service charter that is being prepared, there will be severe fines by the regulator for any companies that fall down on delivery of service. Again, this will be the first time South Australians have had such protection. Categorically, service will be secure.

Also raised has been the subject of foreign ownership. While there is always an emotional attachment to local ownership and while the structure we have created, I am pleased to be able to report, is attracting a lot of local interest, I have to say that I find the foreign ownership argument both crass and despicable. How would the people of our northern and southern suburbs feel if our foreign-owned car companies pulled out of Adelaide? How would many teenagers feel if McDonald's shut its doors, and are those who are against foreign ownership telling us to tell Microsoft and Teletech to go home and not to bother setting up here with more than 1 000 employees?

If we start down this Hanson road we are in trouble and I will have no part of that. Any foreign company that wants to set up in this State to expand and provide additional jobs, to deliver world's best practice and training for South Australians, all of which those global power companies can do, we should welcome with open arms. So, let us be real about this. Foreign companies bring in jobs and money to this State, and I will not reduce this debate to the xenophobic level of the Leader of the Opposition who uses the media to call some of the best power advisers in the world 'gringos' because they have American accents.

Mr Brokenshire: It is absolutely disgraceful.

The Hon. J.W. OLSEN: It was disgraceful. If a foreign-owned company acquires our utilities, it will be because it delivers the most money and the best deal for all South

Australians. This whole debate is about getting the best deal for all South Australians. I turn now to the issues raised with respect to debt in the House yesterday as they relate to the $150 million budget hole and the $2 million a day interest payments on our debt.

The questions posed appear to have missed the point. When the power utilities are sold we will have neither the $150 million black hole nor will we be paying $2 million a day on debt. What we will have is $150 million extra in our coffers for the budget, and we will have almost all of the $2 million a day we currently spend on interest to spend on hospitals, schools, roads and other infrastructure. I have made—

Mr Brokenshire interjecting:

The Hon. J.W. OLSEN: To compensate what has already been spent and what is proposed. I have made an offer to all members—which I note the Labor Party has refused unless conditions are attached—to attend a comprehensive briefing of the sales team on all issues. I simply appeal to members of the Labor Party to take up the opportunity to attend the briefing at noon next Wednesday on the sixteenth floor. It will be an interesting briefing. It will be an information based briefing at which some of the misunderstandings that have been abroad can easily be put to rest. I simply invite the Caucus to that briefing. For all we care it can bring the media to ensure that it gets a better background and understanding of the imperative of this policy for South Australians. I commend the Bill to the House.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5.

Mr FOLEY: Clearly the Opposition's position on this Bill has been well noted. The Premier and I have been down this ETSA track many times over the past four or five years, so it is perhaps not surprising that we have reached this point. I suspect that it is probably the fifth or sixth piece of ETSA legislation we have debated over the past four or five years. Clearly there will be confusion and some conflict between this legislation and the next lot of legislation that comes into this Parliament. It may be that some questions are better suited to the subsequent legislation, and it may be that we will choose to ask more questions in the next Bill. It is hard to know just how this legislation relates to the next raft of legislation.

The Premier has contracted an advisory team of legal and various other consultants to undertake the work involved. The Treasurer gave us an indicative figure for this year, but what is the overall budget figure required to be put aside?

The Hon. J.W. OLSEN: It will depend on the process, the passage of the legislation and the extent of time for which the advisers will be involved. As the honourable member has indicated, the Treasurer has given up front figures to the Estimates Committee. I have no further figures than that. In answer to the honourable member's question, if the legislation is passed they will be employed for up to 18 months or two years. If not, upon passage of the restructuring legislation, a different time line will apply. I could not contemplate that the restructuring Bill would be defeated and put at risk our competition payments, because whether or not it goes to sale the restructuring has to occur to give us the protection of those competition payments. So, it really depends on those circumstances.

Mr FOLEY: What penalties are involved if Parliament does not agree to this sale legislation? Do any penalties apply to the negotiated contractual fees with the consultants? So, if the consultants are not retained because we have no assets to sell, are you liable for any penalty costs?

The Hon. J.W. OLSEN: I am told that there are no such penalties and that in the policy decision the Government could 'walk away'.

Mr FOLEY: I am using this clause to ask questions, and if the Premier or you, Sir, do not feel that they fit this area—

The CHAIRMAN: The member for Hart has only three questions on this clause, so this is his third question.

Mr FOLEY: Who are the consultants? The Treasurer mentioned them by name, but will the Premier outline the experience of the advisers, particularly the American company advising the Government (Morgan Stanley), the size and composition of the team and the background to the company?

The Hon. J.W. OLSEN: Morgan Stanley is clearly the lead adviser with Pacific Road. Morgan Stanley is one of the three largest merchant and investment banking corporate firms. As it is one of the top three in the world we have some of the best advice. Mr Ray Spitzley and Mr Jim McGinnis are the lead advisers from Morgan Stanley. Pacific Road officers are here, and a range of other legal, accounting and finance firms are also giving advice. I am advised that the Treasurer read out before the Estimates Committee the names of the various companies giving us advice. I am advised that the Treasurer has released all that detail publicly, and if the honourable member would like a copy of that we can arrange that for him.

Ms HURLEY: What local advisers are part of this advisory program, and did any initially tender to be part of the program?

The Hon. J.W. OLSEN: Yes; a significant number of South Australian firms are involved with the lead advisers in giving advice. Off the top of my head I cannot list all the companies and names, but I recall holding a press conference and indicating in a detailed press release that Finlaysons, KPMG, Kinhill, Johnson, Winter and Slattery and Mercer's have also given advice in relation to superannuation for ETSA employees.

There has been a whole range of companies. Where we have been able to source local accounting, economic, finance and legal services, we have. They have teams where there might be a lead adviser in from either interstate or overseas. What we are seeking to do is maximise the local content. Our purpose in doing that is to get technology transfer, if you like, locally to those various professional firms in South Australia.

Clause passed.

Clauses 6 and 7 passed.

Clause 8.

Mr FOLEY: I do not know whether a lot of these questions are better placed in the next piece of legislation, but I want to refer to the Edison capital lease involving ETSA. This is the Cayman Islands lease deal, the cross-border lease that the Premier would be familiar with, although he was not the Minister who entered into that negotiation. Leaked documents—

The Hon. M.K. Brindal: Not again!

Mr FOLEY: He can't help himself, can he?

The CHAIRMAN: Order! The member for Hart.

Members interjecting:

The CHAIRMAN: Order! The member for Hart.

Mr FOLEY: In that document it canvassed the options that would be required should the sale then proceed. With the cross-border lease, the options available were to sell the lease

with the assets in place or to form separate companies. I understand that the Premier may have touched on this issue in his presentation the other day, but we were not part of that. What is the status of that lease and how has that hindered the sale process?

The Hon. J.W. OLSEN: I want to make one point in opening the remarks. Much has been said that, during the course of 1997, the Government (according to the Opposition) always had a plan to move down the privatisation path. That is not right. If we were to do that, and if we did have that plan, why did we enter into the off-shore lease, and why did we support Riverlink?

Mr Foley interjecting:

The Hon. J.W. OLSEN: No, because it underscores the veracity of our statements made publicly that at that point we were not proceeding down the privatisation path. You would not have put those policies in place if you were. You would have kept your options open. Having made that point as a fundamental point that substantiates the position we have been arguing constantly, the best legal advice given to us in relation to the lease is that there is a range of options open to us and it will not interfere with the sale that we would want to put in place.

Mr FOLEY: What are those options? One of them was that you breach the lease and pay a penalty. The other option was, from memory, that you form a company that holds onto the Government guarantee. I understand that these cross-border leases, which are very much for the taxation purposes of the American company, need a government guarantee. I would like to know exactly what those options are.

The Hon. J.W. OLSEN: I am advised that all options will comply with the lease, so there will be no breach of the lease, and those options that we consider and put in place upon point of sale will look to maximise the benefit for South Australians. I do not want to detail in a public arena what the options of the lease are if they are keynote negotiating points as part of the contract. However, to give the House a reassurance, I indicate that, first, the lease does not preclude the sale and, secondly, the lease will not be breached in the options that have been presented to us.

Mr FOLEY: The Premier has said two things, which is fine. However, further documents provided to the Opposition—not from the Government this time, I might add—contained advice given to one of the potential buyers of some of the electricity assets in this State—Canadian Utilities—where the consultant firm Ernst & Young had indicated that a discount of between 8 to 12 per cent would be likely on what potential buyers of these assets would be prepared to pay if the lease remained in place. Is there a likelihood of a discount with these assets once they are put on the market if that should happen and, if not of the order of 8 to 12 per cent, will some other discounting be involved?

The Hon. J.W. OLSEN: The Treasurer addressed this matter in the Estimates Committee and it is not a report from Ernst & Young but a letter to GPU and was based on an assessment and not as a result of access to the documents. So, there was not access to the documents. It was an opinion based on a range of assumptions made by them as to what might or might not be in such a lease.

Ms HURLEY: To ratchet down the price a little, the Premier might be aware of a number of advertisements that appeared from local lawyers regarding persons who have ETSA facilities on their property and querying the subject of compensation for those landowners. Will the Premier advise what liabilities might be involved there by ETSA?

The Hon. J.W. OLSEN: The Government has sought advice. The advice is that there is no basis at law for the claims that are made. The Government has now written to the law firm saying, 'On what basis do you make this claim?'

Ms HURLEY: I refer to subclause (3), which provides:

> A transfer order may take effect prospectively or retrospectively.

Under what circumstances might there be a retrospective transfer and why?

The Hon. J.W. OLSEN: It is no different from the provisions put in place for the SGIC sale. To comply with a full financial year you might make the sale in September but want it to apply from 1 July. So, for accounting purposes a full financial year is incorporated in it. It is similar to legislation passed by this Parliament previously.

Clause passed.

Clause 9.

Mr FOLEY: I will use this clause to explore the sale process a little further. With the options looked at, the Premier was initially very keen to say to the Parliament that he could bypass Parliament and enter into a lease arrangement, should the Parliament not be accepting of the Government's proposals. The Premier has since changed that position. The initial advice clearly was that the electricity assets could be leased. Will the Premier expand a little on the advice given at that time and on what are the implications and options available should legislation not be agreed to?

The Hon. J.W. OLSEN: One of the principal reasons for our review is that we have had further advice indicating that the discount applied to any sale would be quite substantial. Part of the reason for pursuing the sale of our electricity assets is not only to remove the risk but also to maximise the sale value for maximum retirement of debt. It is almost self-defeating to say that we will accept a 30 per cent or a 40 per cent discount on that which ordinarily would be achieved. In the final analysis, I do not think that sort of decision is necessarily in the best interests of South Australians. The elimination of risk is high on our agenda as an area of concern, but so also is the debt question. At the end of day, we will have to make a judgment about risk and price, but to pursue a course that would have a very substantial discount on the price would not necessarily be in the best interests of South Australians but for the kick-in of the risk related to trading.

Mr FOLEY: Obviously, Crown immunity applying to assets of ETSA is a very complex legal question. Will the Premier advise the Committee about Crown immunity applying, I assume, to fixed structures with ETSA, be they Stobie poles, transmission towers, and so on? What are the implications for Crown immunity?

The Hon. J.W. OLSEN: It seems to be taking a little while to get the information. I am told that private owners will be liable in relation to any residual Crown immunity. We will have that point clarified for the honourable member.

Clause passed.

Clause 10.

Ms HURLEY: Clause 10(3) refers to the value of particular assets and so on. I understand that there is some confusion about valuing assets of other utilities. There was some discussion about rates of return and valuation of assets sold interstate. The thing that has struck me most is that even in Victoria where assets have already been sold and a system is, to some extent, already operating, there is still quite a lot of discussion about pricing of assets and how they will be valued in terms of rate of return and the operation of

NEMMCO. In fact, they are still looking at the modelling of a lot of these things and they have not decided on what model to use. Will the Premier advise whether the value being assigned to various assets has been determined, according to which modelling, and how that will operate in South Australia?

The Hon. J.W. OLSEN: That is principally a question for the restructuring phase because, at the point that the assets move into the new corporate structure, the different models that are available will identify the value. The value will be struck as then, that is, the first day of trading under the new model that has been put in place.

Ms HURLEY: I take the Premier's point that it perhaps applies to the second tranche of the legislation when I suppose many of these questions will be re-asked, but I am also a bit concerned about the constant evoking of commercial confidentiality in these discussions. I regard South Australians as shareholders in ETSA and Optima, and I am concerned about the amount of information that is being given to those shareholders, the taxpayers of South Australia. I ask the Premier whether, following the second stage of legislation, it is envisaged that there will be much more information available without evoking this commercial confidentiality defence.

The Hon. J.W. OLSEN: Perhaps the Deputy Leader would like to give an example of where we have applied that. We have been very open, forthright and frank. We have opened up the sales unit to full media briefing and questioning. We have offered you exactly the same, but you have not taken it up.

Ms HURLEY: My briefing with the Treasurer did not inspire me with confidence about future briefings. The briefing that the Leader of the Opposition, the member for Hart and I had with the Treasurer consisted of our sitting there whilst the Treasurer said he did not know the answer to a number of significant questions. Let us hope that the Treasurer's advisers know a lot more than does the Treasurer. Obviously, it was just a political manoeuvre by the Treasurer to offer us this briefing.

Members interjecting:

The CHAIRMAN: Order!

Ms HURLEY: I am pleased that the Treasurer is here to hear this. This was obviously a political manoeuvre by the Treasurer rather than a genuine attempt to give the Opposition a briefing in the early stage of its consideration of this Bill. Again, I rather think that the offer by the Premier is in the nature of a political manoeuvre rather than a genuine offer. I am happy to go along with the briefing if, subsequently, the Leader of the Opposition is given the opportunity to debate the matter face-to-face with the Premier in the presence of the media.

Commercial confidentiality has been evoked a number of times by the Premier in respect of the sale price and the price at which we will break even in terms of the sale. These are important considerations on which shareholders and taxpayers need more information before they can decide whether their companies, ETSA and Optima, should be sold.

The Hon. J.W. OLSEN: For the benefit of the Deputy Leader, I ask the following question: would she expect any commercial operation that is to be sold to go out and put into the marketplace the sale price before it goes to tender so that it can be checked? Of course, she would not. I simply ask the Deputy Leader to apply one ounce of commercial nous. In the light of that question, obviously she has none.

With regard to the question of evoking commercial confidentiality, apart from the sale price, perhaps the Deputy Leader might like to tell the Committee when I have used it, because I have not. How more open can you get than to say to members opposite that we will give them open slather to the advisers to ask any questions and put any points of view that they want and that we are happy for members opposite to take the media along with them to demonstrate the openness of this process?

I am many more than happy to debate the Leader of the Opposition in the most public of forums—this Chamber, in front of the media every day or in front of the public in the gallery. I debate the Leader of the Opposition here every day this Parliament sits. Let us not have this nonsense about the debate. The other point that I would make is—

Mr Koutsantonis interjecting:

The CHAIRMAN: Order! The member for Peake is out of his seat.

The Hon. J.W. OLSEN:—that the Deputy Leader and others had clearly made up their mind about the sale process. It would not matter what sort of meeting took place with the Treasurer, because the member for Hart and the Leader of the Opposition had made up their minds before they went there that they would not support it. And, yes, I have changed my mind (I readily acknowledge that) for very good reason. If the Deputy Leader has private discussions with a number of her colleagues, she will find out that they agree with me.

Ms Hurley interjecting:

The Hon. J.W. OLSEN: Well, there is one sitting next to you. If she then goes to the Upper House she will find a few others who will privately say, 'This is the only course of action a responsible Government should take.' And it is.

Ms Hurley interjecting:

The Hon. J.W. OLSEN: I have just named one.

Members interjecting:

The CHAIRMAN: Order!

The Hon. J.W. OLSEN: Thank you for your protection, Mr Chairman. In terms of openness, we could be no more open than saying you can have your access to the whole sales team and advisers.

Clause passed.

Clause 11.

Mr FOLEY: You made a point about not wanting to give away the price that you would like to get for your electricity assets, that it would be a silly thing to do commercially and that you would not want to let people know anything. That is nonsense.

Mr Venning interjecting:

The CHAIRMAN: Order! The member for Schubert is out of his seat, too.

Mr FOLEY: The nonsense of your rhetoric on that is quite simple. The very nature of the companies involved in the bidding process means that they would have a fair idea of fair value and what premium above fair value they are prepared to pay. I suspect they would know more about the price of these assets than even the Government. No public discussion about what you might like to get for the assets at the end of the day would have much impact on the final price people are prepared to pay. Secondly, by the arithmetic that you—

The Hon. M.K. Brindal interjecting:

Mr FOLEY: I do. We supported you on that one.

The Hon. M.K. Brindal interjecting:

Mr FOLEY: The member for Unley misrepresents what I am saying. What I am saying is simple. The market would

know the value of the electricity assets. You gave away the game simply by saying, 'If you don't sell the ETSA and Optima assets, we'll have to raise another $150 million.' It does not take much in the way of mathematics to work out your ballpark figure if you think you will then be short of $150 million. You can just do a calculation of the dividend income, the interest rate costs and the $150 million and then work out the number. I reckon that figure is based on about $6 billion. I am interested in the make-up of the industry.

Let us say that for some strange reason you were able to get this legislation through: I am particularly interested in the profile or make-up of the companies that would own our electricity assets, especially with regard to their relationship with assets that they may or may not own interstate. What restrictions will the NCC and ultimately the ACCC put on you regarding what assets companies can own in Victoria and here? What companies are cashed up in Victoria, have bought assets and floated them, and have some interest in other South Australian assets? Can companies own assets in Victoria and South Australia?

The Hon. J.W. OLSEN: I draw the honourable member's attention to the ministerial statement that I made to the House on Tuesday in which reference was made to the structure and cross-ownership. There are restrictions on cross-ownership because of the ACCC.

Mr FOLEY: I understand that, but I was hoping that the Premier might have been able to expand on it. Will generators in Victoria be able to own a generating company in South Australia? Has the Premier had those discussions with the ACCC? The Premier must have some idea of what the boundaries are before the bid process gets under way.

The Hon. J.W. OLSEN: For the purpose of expedience, I ask the honourable member to read the ministerial statement that I made on Tuesday, which goes into these questions.

Mr FOLEY: I was probably the only member in the House who followed it word for word, but I do not believe that the ministerial statement made sufficient reference to that point. However, I will take the Premier's word for it and read it again.

Clause passed.

Clause 12.

Mr FOLEY: This measure gives the Government the option to maintain Government guarantees. One of the elements of the guarantee that causes me concern can be found in subsection (3), which provides:

> The Treasurer may, from time to time, fix charges to be paid by the transferee in respect of a guarantee continued under this section and determine the times and manner of their payment.

That rings alarm bells because it seems very similar to the recommendations of the Auditor-General in the State Bank inquiry, namely, that as long as Governments give guarantees to public trading enterprises there should be a charge on that guarantee so that the Government company is paying a fee for the provision of the Government guarantee, with which it can borrow cheaper money. That is something for the Government to determine. Secondly, it imposes a discipline for the trading enterprise to understand that the Government guarantee is of value. Can the Premier explain why the clause is in the Bill?

The Hon. J.W. OLSEN: It is not expected that the clause will be invoked, that is, that guarantees will be left for any of these trading enterprises. If they were, the Treasurer must have the capacity to charge a fee for such a guarantee. It is simply to create the opportunity, should it be necessary. As we go through the process, it is designed to give us a degree of flexibility that we do not anticipate using. Having passed the legislation, if it did not have flexibility in it, we would have to come back to Parliament again. It is for no more than flexibility. It is not anticipated at this stage and there is not one example that I can give the honourable member where a guarantee will continue.

Mr FOLEY: One example that I ask the Premier to think about can be found in the document on the Edison capital lease. One of the options to get around that would be for the Government to have a publicly owned company still holding the assets, and then there would be a sublease for the purpose of moving the assets into the private sector. Ultimately it would still be a Government corporation owning the assets, with the Government guarantee applying to that. Was that clause put in the Bill as an option for the Government to get around the Edison capital lease, or is it irrelevant to that lease?

The Hon. J.W. OLSEN: It is about transferring the liabilities out, and therefore removing the guarantee. That is what we are seeking to do. That is the measure before the Committee.

Ms HURLEY: I think that the member for Hart was referring to the assets that were leased. In what way are they liabilities that have to be transferred out?

The Hon. J.W. OLSEN: Funds and contracts in other areas have been put in place as part of the lease and other components of the lease agreements. We will be seeking to transfer out those liabilities. In transferring out the liabilities you, take off the badge of Government to guarantee and you eliminate the guarantee. That is where we are going. Quite obviously, the tenor of the asset sale is to minimise risk. Government guarantee is a risk.

Mr Foley interjecting:

The Hon. J.W. OLSEN: Yes, I know. In answering the honourable member's previous question, I said that there is no example I can give of a guarantee we will hold in place. Our whole objective is to get rid of these guarantees and, therefore, get rid of the debt risk. But, in the course of the sale process, in complicated legal and commercial outcomes, it might be to our advantage to keep a small guarantee. This gives flexibility, but it is not an intention of Government to keep that in place. Without a degree of flexibility in some of these things, our hands are tied and we must keep bringing legislation back into Parliament. If you are in a sale negotiating process, you have to say, 'Hold on: we will go back to Parliament to fix this so we can negotiate the position with you.' It is designed to have a degree of flexibility but, I repeat, we do not anticipate a guarantee to be kept in place—and there is not one example I can give to the Committee.

Mr Foley interjecting:

The Hon. J.W. OLSEN: If you are talking about that offshore lease, that presupposes some circumstances in the Ernst & Young letter to GPU which was not the basis of access to the contracts.

Ms HURLEY: If the intention is not to have any Government guarantee to transfer it out, would that not be a breaking of the conditions of that offshore lease and would not a penalty then apply?

The Hon. J.W. OLSEN: As I indicated to the Committee, it is not our intention to break or breach the lease. The options that have been put forward to the Government mean that we will not be doing that and, if you do not do it, you do not apply a penalty.

Clause passed.

Clauses 13 and 14 passed.

Clause 15.

The Hon. J.W. OLSEN: I move:

Page 10, lines 18 to 24—Leave out subclause (1) and insert:

(1) The Treasurer may only apply proceeds of a sale/lease agreement under this Act as follows:

(a) in discharging or recouping liabilities of an electricity corporation, including liabilities transferred to a body by a transfer order;

(b) in payment of the costs of restructuring and disposal of assets of electricity corporations and preparatory action taken for that purpose;

(c) in payment to a special deposit account at the Treasury to be used for the purpose of retiring State debt;

(d) in payment to a special deposit account at the Treasury to be used for the purpose of a scheme to limit differences between electricity prices charged to classes of consumers in non-metropolitan areas and those charged to corresponding consumers in metropolitan areas.

The reason for this amendment is to put in place, principally, two deposit accounts; first, any sales proceeds must go into a trust account in Treasury so that it is designated and can be used only for debt retirement. It does not go into general revenue or anywhere else.

Mr Foley interjecting:

The Hon. J.W. OLSEN: We want to ensure that there is no misunderstanding of where the money is going: it is to retire debt. The other account is simply to enable some funds to be put aside in a deposit account to make doubly sure of the structure we put in place so that country regional prices have a maximum 1.7 per cent. Funds are put aside should that modelling in any way fall marginally short. I am advised that the funds in that account will not be significant at all. But, by the process of these measures in legislation, we want to indicate clearly that we will be implementing the intent as put down in the second reading speech.

Ms HURLEY: Is the payment to the special deposit account to limit the difference between electricity prices charged to city and country consumers a one-off payment or an ongoing payment, so that you must determine beforehand how much you have to put in there?

The Hon. J.W. OLSEN: Modelling is being undertaken and there will be some compromise on the sale price, and funds will be put into that account. It is not anticipated that, in the sunset period of about 10 years, that will be topped up but, as I have also indicated to the House previously, a future Liberal Government from 2013 or 2015 would be topping that up if necessary. The modelling that has been put in place by the advisers clearly indicates that we will not be drawing down on those funds. The structure that is being put in place is to have it at the extreme where you get voltage drop running on a SWER line: if there is a voltage drop of 5 to 6 per cent and therefore a price variation because you lose part of the power over that distance, the maximum that will be applied at the retail level for households and small businesses is 1.7 per cent.

I make the point that places such as Port Augusta, close to generators, will have a reduction in power bills, as will the South-East close to the interconnector. It is those far-flung places right at the end of the line where you get voltage drop. We want to protect the people as much as we can, and that is why we have insisted on the structure having this maximum price variation of 1.7 per cent.

Mr FOLEY: I must say that the poor old punters are having enough trouble believing one of the Premier's promises for six months; he has now given them one for 13 years, about a future Liberal Government in the year 2013. I think that he might have a little trouble convincing the punters of that one. If the Government is taking a slice of the proceeds of a sale and putting it into that account, what is the estimated size of that deposit account?

The Hon. J.W. OLSEN: I cannot give you today the exact figure that will be in there. It will be a couple of tens of millions. It certainly will not be in the fifties or the hundreds of millions.

Mr FOLEY: The Premier is saying that the cross-subsidy component is only of the order of millions. What is the Treasury calculation as the cross-subsidy component?

The Hon. J.W. OLSEN: As the honourable member would know, the cross-subsidy runs into tens of millions of dollars annually, but the structure which we are putting into place and to which I alluded on Tuesday in my ministerial statement averages. So, we average across the State within certain parameters. The averaging will stay in place in the structure *ad infinitum*, and the maximum at any point through that whole period will be the 1.7 per cent. So, what we have put in place is a model that averages power prices right across South Australia. Who is paying the cross-subsidy: the consumers in the city. Who is paying it now: the consumers in the city.

Mr FOLEY: I find it a bit novel, and obviously there is political reasoning behind having this sort of special deposit account. But at the end of the day, why is it not just going into consolidated revenue and you have a clear community service obligation and policy? Is this not just a bit of creative bookkeeping?

The Hon. J.W. OLSEN: The honourable member can put it in that context. It is the same as taking the sales proceeds and putting them in a trust account. We want to demonstrate clearly that these policy intentions of the Government will be followed through, first, by legislation and, secondly, by accounts and funds in them to make sure that it occurs. It is simply a matter of reassurance to the electorate that these policies will be implemented.

Amendment carried.

Progress reported; Committee to sit again.

ADJOURNMENT

At 5.45 p.m. the House adjourned until Tuesday 7 July at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday, 30 June 1998

QUESTIONS ON NOTICE

MODBURY HOSPITAL

7. **Ms STEVENS:**

1. How was the Government's savings figure of '$16 million plus' for the Modbury Hospital contract announced by the Minister for Health on 19 August 1997 calculated?

2. How much extra will Healthscope be paid under the re-negotiated contract?

3. What benefits will taxpayers receive as a result of the renegotiated contract?

The Hon. DEAN BROWN:

1. The financial benefits to the South Australian Government from the Modbury Hospital agreement in the period February 1995 to 30 June 1997 consist of three major components; namely:

- Discount on services compared with SAHC Casemix prices for public hospitals;
- Estimated cost savings from the accelerated reduction and elimination of substantial cost overruns at Modbury Hospital measured against the estimated rate of reduction if the Hospital had remained under public sector management;
- Financial benefits from Healthscope payment of payroll tax.

A fourth area of benefit relates to the reduced subsidisation of private patients treated in public hospitals as a consequence of privately insured patients being treated in the temporary Torrens Valley Private Hospital rather than in the public hospital. However, the estimated value of this factor has not been included in the analysis of financial benefit to Government.

Discount on Services

Although the activity and pricing arrangements in the original (February 1995) Modbury Public Hospital Management Agreement differed from the Casemix funding arrangements for other public hospitals, a determination of the discount price value from the Healthscope Contract is able to be made. The estimated benefit from this factor is $6.145 million, being the difference between the indicative Casemix Model payment for Modbury Public Hospital and what was actually paid to Healthscope during the period in question.

Cost Savings from accelerated reduction in cost overruns under public administration

This component of the financial assessment methodology is based on assumptions regarding the rate of improvement that may have been achieved if the Hospital had remained under public sector management. Accordingly, the financial benefit estimation encompasses a range of assumptions from a conservative position through to a more optimistic position regarding the rate of cost overrun reduction if the Hospital had remained under public sector management. The mid point between the two extremes indicates an estimated benefit of $7.018 million which is considered to be very reasonable. It should be noted that the Casemix Payment system, which was introduced in 1994-95, made provision for transition payments for inefficient hospitals allowing them a period of grace for achieving the Casemix Model level of efficiency.

Payroll Tax

Payroll Tax to the State Government for the period was $3.104 million.

Overall Financial Benefit

In summary the overall benefit to Government of the arrangement with Healthscope for the period from contract execution in February 1995 to the end of the 1996-97 financial year is:

	$ million
· Benefit on the discount on services:	$6.145
· Benefit from the estimated cost savings from the accelerated elimination of historical cost overruns at the Hospital:	$7.018
· Payroll tax paid to the South Australian Government for the period:	$3.104

It is concluded that the total recurrent funding benefits to Government arising from outsourcing the management of Modbury Public Hospital have exceeded $16 million for the period from the commencement of the contract in February 1995 until 30 June 1997.

2. Under the new payment arrangements in the amended agreement, the annual payment to Healthscope for agreed services is based on a discount within the range of 5 per cent to 10 per cent on the Casemix payment calculated through the SAHC Public Hospitals Casemix Model. Thus, there is no single, exact figure declaring how much extra Healthscope will be paid in any given year compared with the payment they would have received under the original Agreement.

Rigorous Government analysis indicates that the overall financial benefit to Government is greater under the amended agreement than under the previous Agreement, notwithstanding that annual payment to Healthscope for a given activity level is greater under the amended agreement than its predecessor. The explanation for the increased benefit to Government lies mainly in the extension of the minimum term of the management agreement from 10 to 15 years, thereby increasing the guaranteed period during which the services discount will be achieved, together with the substantial increase in rental payments to Modbury Public Hospital Board arising from the lease of space within the existing buildings for the Torrens Valley Private Hospital.

With regard to how much extra Healthscope will be paid under the new arrangements as compared with the old, the figure is in the order of $1.5-$2.0 million. A more precise figure is difficult to determine because of factors such as changes in payments resulting from the novation of the pathology and radiology contracts, and various adjustments in the new arrangements that would have occurred over time under the former arrangements.

3. In summary, benefits to the taxpayer and Government which result from the re-negotiated contract include:

- increased accountability of Healthscope;
- increased safeguards for Government;
- Government discount on services and other financial benefits secured over a longer term;
- the new Torrens Valley Private Hospital proceeding immediately with an annual lease payment of $400 000 per annum from the date of commissioning;
- overall financial benefit to Government is greater under the Amended Agreements than under the old Agreement;
- the local community will benefit from a new private hospital, collocated with public hospital services, and from planned increases in public patient services resourced from savings to Government from the outsourcing and from additional revenue from the lease of space for the Torrens Valley Private Hospital.

8. **Ms STEVENS:**

1. How will payments to Healthscope be calculated under the casemix model as part of the renegotiated contract with Healthscope?

2. When will the new payment arrangements commence?

3. What effect will the renegotiated contract have on the recurrent cost to the Government of operating Modbury Hospital in 1997-98 estimated in the budget papers to be $44.339 million?

The Hon. DEAN BROWN:

1. Under the revised payment arrangements in the Amended Management Agreement, Healthscope will be funded on the basis of the SAHC Hospitals Casemix Model, except that a discount will be applied to the payment to Healthscope for providing public patient services at Modbury Public Hospital. The contract provides that the discount will not be less than 5 per cent or greater than 10 per cent. In 1997-98 the discount is 6.3 per cent. The outyears' discount will be agreed annually using guidelines designed to ensure achievement of the targeted aggregate benefit to Government which ensures that the Government will receive $6 million (indexed) per annum in aggregate benefit before Healthscope is able to retain an operating profit on the public hospital contract.

2. The revised payment regime became effective from 1 July 1997.

3. The figure of $44.339 million in the Budget Papers is a cost estimate which incorporates a range of financial responsibilities and activities of Modbury Public Hospital board additional to the contract payment to Healthscope. At the time of preparation of the budget papers for the 1997-98 financial year, negotiations with Healthscope over the amendments to the Modbury Public Hospital contract were nearing conclusion and the budget estimates were consistent with the expected final arrangements between the Government and Healthscope. Accordingly, there is not expected to be any significant change in figures provided in the 1997-98 Budget Papers.

TORRENS VALLEY PRIVATE HOSPITAL

9. **Ms STEVENS:**

1. How many beds, and what other patient facilities, will be included in the Torrens Valley Private Hospital to be developed by Healthscope within the Modbury Public Hospital at a cost of $12.7 million?

2. Why did the Government agree to allow Healthscope to reduce its investment in private facilities from $14.5 million to $12.7 million?

3. What capital works has the Government undertaken to construct at the Modbury Hospital to facilitate the development of the Torrens Valley Private Hospital, what is the estimated cost of these works and when are they scheduled for completion?

4. Is there an agreement for public patients of the Modbury Public Hospital to be treated at the Torrens Valley Private Hospital and, if so, what are the details?

5. Will the Minister table a copy of all agreements between Modbury Hospital board, the Government and Healthscope for the development of the Torrens Valley Private Hospital and, if not, why not?

The Hon. DEAN BROWN:

1. Stage 1 will provide 44 private beds. Development will also include day surgery and general theatre facilities as well as consulting rooms. Stage 2 will provide another 22 beds making a total of 66 beds.

2. The $14.5 million estimate related to the original proposal for a private hospital located on Smart Road, Modbury. It was an estimate only, not a contractual obligation. For a range of reasons, primarily relating to difficulties in gaining access to the proposed site, Healthscope and Modbury Public Hospital board have agreed to the $12.7 million private hospital development within the existing Modbury Hospital buildings.

Detailed analysis of this option has determined that it is beneficial to both parties. This option has given the Government ability to use the under-utilised area within the existing Modbury Public Hospital and at the same time to generate rental income of $490 000 per annum to Modbury Hospital board (of which $400 000 relates to the private hospital areas in the public hospital building) which can be put back into providing additional services.

In addition, the space to be leased and occupied by the Torrens Valley Private Hospital will be extensively upgraded and responsibility for its maintenance during the lease term transferred to Healthscope. A thorough examination of current and future demand for public patient services at Modbury clearly indicates that the space to be leased for the Torrens Valley Private Hospital will not be required for public patients.

3. The Government funded project at Modbury Hospital incorporates associated works for the consolidation of public obstetrics services on the first floor, the upgrading of the existing four public hospital operating theatres on the first floor and a range of works as part of a forward plan for the whole complex to meet an acceptable level of compliance with building codes and standards. The total cost to Government for the publicly funded works is $8.6 million. All of the works are works which are required for the effective provision of public patient services and maintenance of public building standards. It is proposed that works will commence in October 1998 with all works complete by December 1999. The scheme has Cabinet approval and following presentation to the Public Works Committee on 20 May 1998 the Department of Human Services is waiting for the report to be tabled in Parliament. No works have commenced as yet.

4. There are no agreements in place for public patients to be treated at the Torrens Valley Private Hospital.

5. Yes. They document the commitment by Healthscope to finance, construct and operate—entirely at their company's own risk—a private hospital on the Modbury Public Hospital campus for the benefit of north eastern Adelaide residents.

10. **Ms STEVENS:**

1. What are the terms and conditions of the lease agreement under which Healthscope will occupy space within the Modbury Public Hospital to develop the Torrens Valley Private Hospital and in particular;

(a) what are the commercial details of the lease including the rental, other payments and responsibility for maintenance;

(b) what is the term of the lease agreement, including rights of renewal, and does this coincide with the term of the contract between Healthscope and the Modbury Hospital Board for the management of the hospital; and

(c) what are the details of the area, including size and location, within Modbury Hospital to be used for this purpose?

2. Will the Minister table a copy of the lease agreement and, if not, why not?

The Hon. DEAN BROWN:

1. (a) In broad terms, the lease is a normal commercial lease for portion of the building. The rental has been determined at $400 000 p.a. with annual CPI adjustment. Healthscope will be responsible for full maintenance of the private hospital area.

It should also be noted that Healthscope will be leasing the Resident Medical Officers' building for $50 000 per annum CPI indexed and the First Floor of the Education Building for $40 000 CPI indexed, bringing total lease payments to the Public Hospital to $490 000 indexed.

(b) The lease commences on Practical Completion of the Torrens Valley Private Hospital and expires on 5 February 2010. Expiration of the lease coincides with the term of the contract between Healthscope and the Hospital Board for the management of the public hospital.

(c) The areas are 6 West, 5 East, 4 West and the Ground Floor West wing. These areas will comprise a private hospital facility of 4 800 square metres.

2. Yes.

MODBURY HOSPITAL

37. **Ms STEVENS:**

1. What amendments executed on 19 August 1997 to the initial agreements for the management of the Modbury Hospital provide for a waiver of claims for confidentiality by Healthscope, as noted on page 680, Volume II of the Auditor-General's Report for the year ended 30 June 1997?

2. What matters are released from any previous agreement on confidentiality?

3. Does the new agreement have any contractual impediment preventing it from being tabled in this House?

The Hon. DEAN BROWN:

1. Clause 10 of the Amending Agreement provides that the SA Health Commission may disclose the whole or any part of the terms and conditions of the Project Documents (as amended by the Amending Agreement).

Effectively, this means that the following executed documents are not subject to legal protection on confidentiality:

- Modbury Public Hospital Management Agreement as amended 19 August 1997;
- Private Hospital Project Agreement dated 19 August 1997;
- Agreement to Lease as amended 11 December 1997; and
- Amending Agreement dated 19 August 1997.

2. The following executed documents have been released from previous agreement on confidentiality:

- Modbury Public Hospital Management Agreement dated 3 February 1995;
- Agreement to Lease dated 3 February 1995;
- Temporary Private Hospital Agreement dated 18 January 1996.

The Private Hospital Project Agreement dated 3 February 1995 which has been rescinded by the Amending Agreement is not covered by Clause 10 of the Amending Agreement as it no longer forms part of the Project Documents as therein defined. However, Healthscope has agreed to it also being released.

3. No.

DRY AREAS

53. **Mr ATKINSON:** In the past five years, how many people have been charged with violating 'dry areas' established under section 131 of the Liquor Licensing Act and of these how many have been Aborigines?

The Hon. M.H. ARMITAGE: The Minister for Police advises that the Police have provided statistics for people charged with violating 'dry areas' established under section 131 of the Liquor Licensing Act and the number of Aborigines involved are depicted in the following table. Statistics are not provided for the year 1992-93 as the required data was not collected at that time.

Dry Areas Offences 1993-94, 1994-95, 1995-96 and 1996-97 by Ethnic Appearance

Year	Aboriginal	Others	Total
1993-94	15	57	72
1994-95	11	49	60
1995-96	8	52	60
1996-97	14	44	58
Total	48	202	250

ELECTRICITY, CERTIFICATES OF COMPLIANCE

73. **Mr McEWEN:**

1. How many Certificates of Compliance have been issued as required by the Electricity Act 1996?

2. Who is responsible for and what is the method of the audit of Certificates of Compliance?

3. How many non-compliances have been reported to date and what action was taken in each case?

4. How many jobs have been completed by electrical contractors and maintenance personnel since the Act came into effect?

The Hon. M.H. ARMITAGE:

1. 253 000 Certificates of Compliance have been issued to Contractors since the Electricity Act was proclaimed on 1 January 1997.

2. The Technical Regulator, through the Office of Energy Policy, is responsible for auditing electrical contractors. The audit work was put out to public tender in November 1996 and ETSA Power was the successful tenderer. Auditing may be done in 2 stages. The first stage is a desk top audit where the auditor has a detailed interview with the contractor to ensure that he/she has the necessary Australian Standards, test equipment, procedures, competency and technical knowledge. Depending on the outcome of this interview, a stage two audit may be conducted which comprises of an examination of all or part of the installation work done by the contractor, to ensure that the work complies with the relevant standards and regulations. At this time contractors to be audited are selected on a random basis or may be audited as the result of a complaint received by the Office of Energy Policy. Audit results are recorded into a database and once adequate data is available it is planned to focus the audits on 'problem' contractors. All these initiatives are designed to encourage self-regulation by the industry and minimise cost to both the Government and the general community, while maintaining good technical and safety standards.

3. Since January 1997, 630 Stage 1 audits and 200 Stage 2 audits have been completed and approximately 700 non-compliance reports were received by the Office of Energy Policy. Approximately 200 of these were identified, as a result of the audit process and 500 were direct reports to the Office of Energy Policy. All non compliance reports were investigated and placed into three categories, namely:

Category 1— Urgent, the installation is unsafe.
Category 2— Has the potential to become unsafe
Category 3— The installation does not comply but is safe

There were 20 category 1 faults reported. These were addressed immediately, the installation was made safe and the contractor interviewed. There were 350 Category 2 faults reported. 29 per cent of these have been resolved, i.e., the owner notified to have the installations fixed and the electrical contractor interviewed. The Office of Energy Policy contracted an ex ETSA electrical inspector to assist in addressing the outstanding category 2 non-compliance issues on 10 March 1998. There are 330 category 3 faults on file and due to the low risk and therefore low priority, these are kept on file and corrective action is taken when the opportunity arises, eg during a follow up audit.

The Office of Energy Policy has developed a 3 stage discipline process for electrical contractors who do not comply with the Standards and Regulations, namely;

Stage 1 Interview the contractor and discuss the problem and discuss what action the contractor will take to ensure that there is no re-occurrence. This may involve remedial training, the purchase of the required Australian Standards or test equipment.

Stage 2 If the safe contractor re-offends then an expiation fee will be imposed under the Electricity Act. The fee is $315.

Stage 3 If the same contractor re-offends again then legal action will be taken under the Electricity Act.

It should be noted that these initiatives, i.e., Certificates of Compliance, audits and disciplinary processes are a marked departure from the way this industry used to operated and the Office of Energy Policy has, up to this time, taken the role of educating the industry of the changes and facilitating the change initiatives.

It is also worth noting that South Australia is leading Australia in these reform initiatives, which are generally supported by industry bodies and we have one of the best safety records in Australia.

4. Certificates of Compliance are issued to the customer, the electricity distributor, if the distributor is involved in connecting or reconnecting supply and the third copy is retained by the contractor for auditing purposes.

When this new system was developed in conjunction with industry participants, it was agreed that it was logistically very expensive for a copy of all certificates to be sent to a central source for processing.

PVC TOXICITY

80. **Mr HILL:**

1. Has the Minister examined the research undertaken by Hugh Pedersen of the University of South Australia into the toxicity of PVC tubing?

2. In light of the research, will the Minister issue a warning to those involved in using PVC tubing for the purpose of hydroponics?

The Hon. D.C. KOTZ:

1. Yes. I am aware of the research undertaken into the toxicity of PVC tubing.

As outlined in the article: 'Is PVC poisoning your plants?' published in the University of South Australia *Uninews* Number 3, in March 1998, research has been undertaken by a number of staff and an Honours student at the University of South Australia's School of Pharmacy and Medical Sciences.

PVC tubing from a Queensland supplier was cut into small pieces and added to an aquarium containing aquatic organisms such as algae, marine fleas etc. All the organisms showed toxicity effects of varying degrees.

Water was also flushed through the PVC tubing to grow lettuce seedlings in a hydroponics laboratory. After a four week exposure period, it was found the root system and the plants were reduced in size, compared to plants grown in water not exposed to the PVC.

In another experiment, the PVC tubing was connected to pumps which filtered an aquarium. Marine specimens such as sea anemones, marine algae and mussels all died after being introduced to the aquarium.

It was discovered that leaching of a substance from the PVC tubing was causing toxicity to both marine plant and animal species. However, it was difficult to determine specifically which substance was causing this toxicity. The manufacturer or supplier would also not provide information about the constituents of the PVC tubing.

PVC plastics can contain heavy metal salts such as lead, cadmium and copper salts which are used as fillers and UV protective agents. Industrial organic plasticisers known as phthalates are also found which can act as plastic softeners in PVC flexible tubing. There is some controversy as to the toxic effects of phthalates and more research is required in this area.

According to Dr Tim Smeaton from the School of Pharmacy, low concentrations of heavy metal salts and phthalates in the water can induce toxic effects in plants and animals. Some of the toxic effects shown in this research study may have been caused by the chemicals found in the PVC tubing. However, not all tubing tested produced the same results. Other flexible tubing from a different manufacturer showed little or no toxicity. The results from this research are preliminary at this stage and only one batch of PVC tubing was tested. More research is required to test different batches of PVC tubing from different manufacturers before any direct conclusions can be drawn.

2. Given the fact that these results are from a preliminary study and only one batch of PVC tubing was tested, it would be inappropriate to issue a warning at this point in time. Since the over-riding requirement for food producers is to sell safe food, the responsibility is for producers to ensure all the materials used in manufacture are safe. The Public and Environmental Health Service will seek further information and maintain a watching brief on the issue. When more data is available, the need for a statement on any public and environmental health risks involved will be considered.

EQUAL OPPORTUNITY TRIBUNAL

99. **Ms KEY:** In each of the years 1993-94 to 1996-97 how many cases were referred to the Equal Opportunity Tribunal and the Human Rights and Equal Opportunity Commission and, of those cases, how many were referred with the assistance of the Commissioner?

The Hon. M.H. ARMITAGE:

	1993-94 Cases	1994-95 Cases	1995-96 Cases	1996-97 Cases
HREOC Referrals	3	6	**30	**92
EOT Referrals	*75	6	24	25
Total Referrals	78	12	54	117

Referrals with Assistance

	1993-94 Cases	1994-95 Cases	1995-96 Cases	1996-97 Cases
HREOC				
EOT	1	3	3	6
Total Referrals with Assistance	1	3	3	6

* One complainant made 67 complaints in 93/94

** Many of the 1995-96 and 1996-97 complaints were lodged in preceding years and were the focus of a concentrated effort to clear the backlog.

NB: Please note that two criteria for counting have been used ie. cases and matters. There are different definitions for each. Further explanation can be given if required.

Cases Referred To The Human Rights And Equal Opportunity Commission (HREOC)

No cases are referred to HREOC with the assistance of the Commissioner for Equal Opportunity.

The provision of assistance does not apply as it is not part of the Federal Acts. In the Federal arena complaints are referred as unconciliated and are heard by a hearing Commissioner.

100. **Ms KEY:**

1. Has the strategy to reduce the time taken to resolve complaints proposed in the 1996-97 Report of the Commissioner for Equal Opportunity been implemented and, if so, what indicators have been used to determine its success?

2. Of the matters referred with the Commissioner's assistance, how many of these complaints were found to have substance?

3. Of the remaining matters, how many were withdrawn by the complainant or settled prior to or during consideration, or were dismissed by the tribunal for lacking in substance?

The Hon. M.H. ARMITAGE:

1. Yes, the strategy to reduce the time taken to resolve complaints proposed in the 1996-97 Annual Report of the Commissioner for Equal Opportunity has been implemented.

In the 1995-96 Annual Report the Commissioner identified an urgent need to review the complaint handling function of the Commission. In 1996 a substantial backlog of complaints needed attention. At the end of the 1995-96 financial year, there were 813 complaints on hand and unfinalised.

In response to this situation a special team was formed to undertake the review of old files and to finalise protracted cases. As a result of their efforts, 1026 cases were finalised between July 1996 and June 1997; of these cases, 45 per cent had been open for more than twelve months.

The success of the backlog clearing exercise made it possible to implement a new complaint handling system from March 1997.

As stated in the 1996-97 Annual Report 'statistical analysis of the reporting period indicates that the new complaint handling system has begun well'. The indicators used include:

- the percentage of complaints finalised in comparison to those received. In the reporting period, the Commission finalised more complaints than it received.
- a comparison of the number of cases on hand from June 1996 to June 1997. 813 complaints were on hand at June 1996; twelve months later the figure was 403. This represents a halving of cases on hand in the last financial year.
- the length of time that cases are opened in comparison to the previous reporting period. Of the cases on hand, significantly fewer had been open for more that six months—compared with the previous reporting period.
- the number of referrals and declinations in all areas. Overall, there was a greater number of referrals and declinations in all areas.

With the implementation of a new complaint handling data base it will be possible to provide more specific measures of times taken in complaint handling processes.

2. and 3. During the 1996-97 reporting year four matters were referred to the Equal Opportunity Tribunal with the Commissioner's assistance. One was settled before hearing. Three proceeded to full trial of which two were dismissed due to lack of substance and one was found to have substance.

101. **Ms KEY:** Does the relocation of the Office of the Commissioner for Equal Opportunity to accommodation shared by the Attorney-General present a conflict of interest bearing in mind the Commissioner's obligation to represent complainants against the Crown?

The Hon. M.H. ARMITAGE: No, the relocation of the Office of the Commissioner for Equal Opportunity to accommodation shared by the Attorney-General does not present a conflict of interest. It is important to clarify that the Commission and Attorney-General's office are not located on the same floor, but are on the second and eleventh floors respectively.

The operation of the Commission and the statutory powers under which the Commission acts have not changed as a result of relocation. The independence of the Commission in pursuing complaints is unchanged.

There are many tenants in 45 Pirie Street, representing both the private and public sector including the Attorney-General's Department. For reasons outlined above, this does not compromise the ability to pursue complaints against the Crown.

SEXUAL DISCRIMINATION

102. **Ms KEY:**

1. Why has there not been an investigation into the matter of sexuality discrimination, especially in respect of superannuation?

2. Is the Attorney-General aware that the Commissioner for Equal Opportunity's counterpart in Victoria will be publishing research on this matter in that jurisdiction?

The Hon. M.H. ARMITAGE:

1. The Commissioner for Equal Opportunity has focussed the resources of her office on issues that are more pressing including reform of complaint handling. Inquiring into matters of legislative reform is not a current priority.

It should also be noted that the superannuation provisions in part three of the existing Equal Opportunity Act,1984 have never been proclaimed even though the legislation was enacted in 1984 and most of it came into operation in 1986.

A delegation of persons from a union did talk to the Commissioner over a year ago about the issue of sexuality discrimination and superannuation. The Commissioner offered to provide advice responding to specific issues put to her in writing. However, she has heard nothing further from that group.

2. The Attorney-General is aware that a report on sexuality discrimination has been published by the Victorian Equal Opportunity Commission. The Victorian body was using its research power provided by s162 of the Equal Opportunity Act, 1995. The report has been submitted to the Victorian Attorney-General pursuant to s162(4) of that Act.

EQUAL OPPORTUNITY TRIBUNAL

103. **Ms KEY:**

1. Has the increase in the number of complaints to the Commissioner for Equal Opportunity deemed to be finalised been as a result of the continuing trend of cases being withdrawn?

2. Why have so many cases in proportion to those which have been resolved, been withdrawn?

3. Why has there been a rapid decline in the number of cases which are resolved with the assistance of the commission?

The Hon. M.H. ARMITAGE:

1. The increase in the number of complaints finalised was a result of an increase in all four major outcomes groups comprising cases resolved, cases withdrawn, cases declined and cases referred. It is difficult to draw strong conclusions from comparisons as data categories have altered significantly in past years.

2. The relative proportions finalised as conciliated or withdrawn remained fairly constant over 1995-96 and 1996-97. Withdrawals as a proportion of total cases finalised only increased 1 per cent from 34 per cent to 35 per cent during this period.

The Commission has endeavoured to tighten the recording of statistics and, this may in part explain the overall decreasing trend

in conciliations and increasing trend in withdrawals from 1993-94. Without surveying the complainants who withdrew their complaint it is not possible to definitively answer this question.

3. The actual number of cases resolved actually increased by 72 from 1995-96 to 1996-97. In perspective the actual number resolved in 1996-97 sits approximately half way between the high of 1994-95 and the low of 1995-96.

112. **Ms KEY:**

1. Have the legal resources in the Office of the Commissioner for Equal Opportunity been increased to ensure the continued successful referral to the Equal Opportunity Tribunal of complaints based on State or Federal legislation?

2. Why is the number of legal practitioners in the Office of the Commissioner for Equal Opportunity reported in 1996-97 half that of the number in 1995-96?

3. Has the reduction in the number of legal practitioners required the Commissioner to access additional legal counsel from the Attorney-General and if so, does the Attorney-General perceive any conflict of interest in the Commissioner accessing the same legal counsel?

The Hon. M.H. ARMITAGE:

1. There has been no recent need to increase the legal resources of the Office of the Commissioner for Equal Opportunity because the only recent increase in the number of complaints referred have been in relation to referrals to the Federal Sex or Race Discrimination Commissioners. The Commissioner for Equal Opportunity is not required to provide any assistance to complainants in relation to such referrals, and so there has been no increase in the work required to be carried out by the legal staff.

In relation to complaints lodged under State legislation, the practice is to brief the Crown Solicitor, or the private bar where the Crown is a respondent to a complaint, when complainants request the assistance of the Commissioner for Equal Opportunity in presenting their case to the Equal Opportunity Tribunal.

2. The Commissioner for Equal Opportunity has concentrated the resources of the Office of the Commissioner in the main area of its work, namely complaint handling. The legal staff at the Office of the Commissioner for Equal Opportunity continue to provide support for this function.

3. It has not been necessary for the Commissioner for Equal Opportunity to access additional legal counsel from the Attorney-General, since the Crown Solicitor has always made counsel available to represent the Commissioner in relation to the assistance she provides to complainants whose matters have been referred to the Equal Opportunity Tribunal. Where the Crown is a respondent to a complaint, then it has been the practice of the Commissioner for Equal Opportunity to brief the private bar and so no conflict of interest arises.

ABORTIONS

114. **Mr ATKINSON:**

1. Is the Minister aware of the concern of Professor l.W. Cox, expressed in the 27th Annual Report of the Committee Appointed to Examine and Report on Abortions Notified in S.A., that 29 pregnancies were terminated at more than 20 weeks gestation because of an alleged 'current psychiatric disorder'?

2. Does the Health Commission have any evidence that foetuses of about 20 to 28 weeks gestation can hear and remember what they have heard?

3. Is the procedure known as partial-birth abortion or dilation and breech extraction used in S.A. hospitals to terminate any late-term pregnancies?

4. What happens to the foetus in the method of termination described in the Cox report as 'extra-amniotic or cervical prostaglandin installation' and is there any evidence that nurses assisting during such terminations suffer emotional distress, especially when the reason for the termination is given as 'current psychiatric disorder'?

5. What presenting symptoms in pregnant women qualify for the diagnosis of 'current psychiatric disorder' and how often do doctors at the Pregnancy Advisory Centre consult a psychiatrist to confirm such a diagnosis?

6. What information is currently given to S.A. women seeking pregnancy termination about the risks, such as breast cancer later in life, and alternatives to termination, such as to continue the pregnancy so the baby may be raised by loving screened adoptive parents with characteristics of the birth mother's choice?

The Hon. DEAN BROWN:

1. I am aware of Professor Cox's statement. I am advised that all these terminations were performed at 20-22 weeks gestation.

2. Studies on foetuses in utero suggest that foetuses respond to sound starting from a restricted range in the lower frequencies and extending to higher frequencies, and hearing becomes more sensitive as the foetus matures. In one study, response to lower frequencies occurred rarely at 25 weeks but in nearly all foetuses at 27 weeks, whereas at 33-35 weeks all responded to higher frequencies as well. In another study responses were consistent from 29-32 weeks only.

Studies on memory are more difficult to interpret. A recent review states that the earliest observations of successful classical conditioning are in foetuses at 32 weeks and the ability to recognise familiar stimuli (they used the theme tune from 'Neighbours') commences between 30 and 37 weeks.

3. This procedure is not used to terminate late-term pregnancies in South Australia.

4. The method of termination described as 'extra-amniotic or cervical prostaglandin instillation' is used to induce labour in late terminations of pregnancy. This has been used particularly for 'genetic' terminations of pregnancy. The vast majority of these 'genetic' terminations are wanted pregnancies and the majority of these women request a burial for their foetus. A complete autopsy examination will allow a firm diagnosis to be made for abnormalities detected prenatally to assist appropriate counselling of the parents about the risks of the abnormality recurring in subsequent pregnancies. Emotional stress among nurses assisting in these procedures has been reported in the literature. In South Australia there is provision for nurses and other health professionals not to participate in terminations if they do not wish.

5. The term 'current psychiatric disorder' refers to terminations for mental health reasons relating to the unplanned pregnancy (i.e., 'the continuance of the pregnancy would have involved greater risk of injury to the physical or mental health of the pregnant woman than if the pregnancy were terminated'). The presenting symptoms are those of acute stress, anxiety or reactive depression as notified by the doctor. These are classified in the International Classification of Diseases as Mental Disorders. A psychiatrist is not usually consulted to confirm such a diagnosis at the Pregnancy Advisory Centre.

6. The information given to women is on an individual basis, by different health professionals. The risks of the pregnancy termination are discussed as for any medical procedure. The increase in risk for abortion of breast cancer later in life is still being debated. Counselling in relation to the termination would involve discussion of options available including the continuation of the pregnancy and adoption. Any woman who seriously considers adoption would be given detailed information by a social worker or referred to Family and Community Services.

MOTOR VEHICLES, PENSIONER REBATES

115. **Mr SNELLING:** Why does the Motor Vehicles Registration and Licensing Branch of the Department of Transport not extend concessional rebates to pensioners who are jointly registered owners with non-pensioner spouses on no income and is this policy consistent with concessions by other State agencies?

The Hon. DEAN BROWN: Entitlement to the pensioner concession on the registration of a motor vehicle is dependent upon the owner being the holder of a pensioner entitlement card (Pensioner Concession Card) issued under the law of the Commonwealth, or a State Concession Card issued by the Department of Human Services (Family and Community Services), that entitles the holder to reduced fares on public transport. The concession provides vehicle owners with a 50 per cent reduction in the registration charge and an exemption from the payment of stamp duty on compulsory third party insurance.

In terms of the Motor Vehicles Act, 'the owner' is interpreted as 'owner' or 'owners'. The interpretation of the Act was confirmed in an opinion provided by the Crown Solicitor. This means that all parties to a joint registered ownership must be the holder of an appropriate concession card in order to claim the reduction in the registration fee.

This approach is followed to ensure that only the holder of the concession card benefits from the reduction in registration fees. If the reduction was afforded to a jointly registered vehicle and one party was not the holder of a concession card, it may allow for a large number of vehicles that are not used wholly or mainly for the transport of the concession card holder, to be registered at the reduced fee.

Where a vehicle is jointly registered and one of the parties involved is not the holder of a concession card, it is necessary for the vehicle to be transferred into the single name of the pensioner in order to claim the benefit. Although the other party may no longer be recorded as the joint registered owner, it would not diminish a claim to joint legal ownership of the vehicle, as this is determined by means such as a Bill of Sale, rather than the name appearing on the certificate of registration.

The applicant is eligible to claim an exemption from the payment of stamp duty on the application for transfer. However, an administration fee of $20.00 is payable to recover the actual cost of providing the service.

Inquiries with other agencies, including SA Water, Gas Company of South Australia and ETSA Corporation indicate that, where an account is in joint names, a pensioner concession is available on the account provided one of the persons named on the account is the holder of a Pensioner Concession Card.

The revenue forgone from the Highways Fund as a result of pension related concessions is in the region of $8 million per year. The concession provided ranges from $49 for a 4 cylinder vehicle to $115 for an 8 cylinder vehicle per year. The benefit provided to pensioners will be further increased with the proposed increase in stamp duty on compulsory third party insurance, revenue from which is made available to the Hospitals Fund. As pensioners are afforded an exemption from this payment, the loss of revenue to the Hospitals Fund will be in the area of $4.5 million. It is therefore not proposed to extend the availability of this concession at the cost of further revenue forgone from the Highways Fund or the Hospitals Fund.

VIETNAMESE PROGRAM

116. **Mr ATKINSON:**

1. Why has the faculty of Arts at the University of Adelaide decided to reduce the Vietnamese component of the Centre for Asian Studies from two full-time equivalents to one and a half and why is the staffing now being reviewed further with a view to reducing it to one?

2. Why does the staffing strategy of the faculty of Arts in its August 1997 edition (as updated in March 1998) pre-empt the review by saying 'The main feature of the planning period for the profile of the department will be the phased reduction of the Vietnamese program and the transfer of resources to the Japanese program'?

3. Will any Federal Government funds earmarked for Vietnamese in 1992 be diverted to Japanese or Chinese?

The Hon. M.R. BUCKBY:

1. The staffing of the various programs in the Centre for Asian Studies has been rebalanced in line with student demand. The staffing of the Vietnamese Program is not being reviewed with a view to reduction but to determine what can be done to ensure the continuing development of Vietnamese as an academic discipline of the Faculty.

2. The Staffing Strategy document is an internal planning document distributed to Heads of Department for comment and response. The reference to a phased reduction of the Vietnamese program refers to the rebalancing mentioned previously. This does not pre-empt the Review because it is not a review of staffing.

3. No. There are no longer any earmarked Federal funds. In fact, the University and the Faculty have experienced a reduction in Commonwealth-funded student load in the last two years.

Recommendation 14 of the strategic review of the Humanities in Australia, Knowing Ourselves and Others: The Humanities in Australia into the 21st Century, calls for the re-establishment of such earmarked funds for 'programs in languages other than English, bearing in mind their distribution by State', but the Commonwealth government has yet to respond to this review. Similarly, Recommendation 23 of the West review Learning for Life: Final Report: Review of Higher Education Financing and Policy (April 1998) recommends that the Commonwealth Government 'should provide special-purpose support for significant but low demand disciplines on a case-by-case basis, using competitive tendering as the vehicle for distributing any funding, and with funding being provided only when it is in the public interest and when all other options for preserving the discipline without special-purpose funding have been exhausted.'

These matters have been brought to the attention of the Review of the Vietnamese Program.

EDSAS AND IT SERVICES

119. **Ms WHITE:**

1. In relation to the implementation of the 1996 Department for Education and Children's Services Enterprise Agreement, what changes have been made to provide additional support for the implementation of EDSAS and IT services as agreed in section 9.2.3 of that agreement?

2. Will ongoing funding of the additional $0.6 million be available in the 1999 school year to continue these programs?

The Hon. M.R. BUCKBY:

1. The following steps have been taken to provide additional support for the implementation of EDSAS and IT Services as agreed in Section 9.2.3 of the Department for Education and Children's Services Enterprise Agreement, 1996.

- An IT Help Desk was established in January 1997 with expenditure of $0.48 million in the last six months of the 1996-97 financial year and $0.58 million in the first ten months of the 1997-98 financial year.
- Amounts of $0.5 million have been allocated in both the 1997-98 and 1998-99 financial years for training and development associated with the implementation of EDSAS. A review of training, development and documentation is about to commence. Ongoing formal discussions are being held with the unions to agree on action and initiatives.

2. The funding of $0.6 million relates to the IT Help Desk and is ongoing.

EARLY ASSISTANCE PROGRAMS

120. **Ms WHITE:** Will the $4 million allocated for cash grants to schools for early assistance programs in the 1998 school year as agreed in section 9.2.12 of the 1996 Department for Education and Children's Services Enterprise Bargaining Agreement, be available for these programs to continue in the 1999 school year?

The Hon. M.R. BUCKBY: The Department for Education and Children's Services Enterprise Agreement 1996 is an agreement between the former DECS (now the Department of Education Training and Employment), employees, Australian Education Union, Public Service Union, Miscellaneous Workers Union and the Employee Ombudsman. It is approved by the Industrial Relations Commission of South Australia.

The life of the Agreement is from 1 December 1996 to 1 December 1998. Negotiations for a new Agreement cannot commence before 1 July 1998.

This Agreement represents the outcome of an industrial process in which all issues were laid on the negotiating table and where funding allocations for specific matters could be placed in the context of the totality of claims and their cost.

All parties agreed that most funding allocations were only for the life of the Agreement.

The question as to whether funding for a specific item is to continue into the next Enterprise Agreement or Agreements cannot be answered without knowing in full detail what the claims of the unions are. The unions agreed not to make these claims before 1 July 1998.

When the totality of the claims from all employees and unions is known, the department will be able to negotiate on which items should attract continued funding and to what degree.

EDUCATION, SPECIAL

122. **Ms WHITE:** Will the $9.25 million allocated for special education teachers in 1998, as agreed in section 9.2.12 of the 1996 Department of Education and Children's Services Enterprise Bargaining Agreement, be available to continue this program for the school year 1999?

The Hon. M.R. BUCKBY: The Department for Education and Children's Services Enterprise Agreement 1996 is an agreement between the former DECS (now the Department of Education Training and Employment), employees, Australian Education Union, Public Service Union, Miscellaneous Workers Union and the Employee Ombudsman. It is approved by the Industrial Relations Commission of South Australia.

The life of the Agreement is from 1 December 1996 to 1 December 1998. Negotiations for a new Agreement cannot commence before 1 July 1998.

This Agreement represents the outcome of an industrial process in which all issues were laid on the negotiating table and where

funding allocations for specific matters could be placed in the context of the totality of claims and their cost.

All parties agreed that most funding allocations were only for the life of the Agreement.

The question as to whether funding for a specific item is to continue into the next Enterprise Agreement or Agreements cannot be answered without knowing in full detail what the claims of the unions are. The unions agreed not to make these claims before 1 July 1998.

When the totality of the claims from all employees and unions is known, the department will be able to negotiate on which items should attract continued funding and to what degree.

ABORIGINAL EDUCATION WORKERS

124. **Ms WHITE:** In relation to the implementation of the 1996 Department for Education and Children's Service enterprise bargaining agreement, what are the details of the expenditure of the additional Aboriginal education workers in 1998, which schools were given additional resources under this program and will this program continue in school year 1999?

The Hon. M.R. BUCKBY: As part of the Department for Education and Children's Services Enterprise Agreement 1996, $0.25 million was allocated to particularly target the learning needs of Aboriginal students and provide employment for additional Aboriginal Education Workers (AEWs) or other support staff.

A working party comprised of representatives from the Department of Education, Training and Employment and the Australian Education Union had discussed and recommended the employment of 7.4 Full Time Equivalent (FTE) AEWs in 1997 and 1998 to address early detection and intervention programs.

Due to the delay in the 1997 allocation of $0.25 million, $0.5 million was allocated in 1998 and will employ 14.8 FTE AEWs.

Job and Person Specifications were developed and the positions advertised.

Positions available are — 7.4 FTE in Schools with a Junior Primary enrolment
— 7.4 FTE in Secondary Schools

totalling $0.5 million.

See Attachment 1 for a list of schools attracting these resources.

At this stage not all positions have been filled. As a result of this delay, appointments will be extended to end of Term 2, 1999. Any further extension is dependent on the outcome of the future negotiations under the Enterprise Agreement.

Attachment 1

AEW Allocations to Schools with a Junior Primary Enrolment

	Schools	Students	Allocations
1.	Augusta Park PS Carlton PS Flinders View PS Stirling North PS Willsden PS	157	1.0
2.	Lincoln South PS Kirton Point PS Port Lincoln JPS	69	1.0
3.	Mansfield Park PS Gepps Cross PS Ridley Grove PS Kilburn Primary School	59	1.0
4.	Fraser Park PS Murray Bridge JPS Murray Bridge South PS	54	1.0
5.	Coober Pedy AS	46	1.0
6.	Alberton Primary School Pennington JPS Port Adelaide PS	44	1.0
7.	Salisbury North PS Paralowie School Karrendi Primary School	42	0.5
8.	Berri Primary School Renmark JPS	31	0.5
9.	Elizabeth Downs JPS Elizabeth South JPS	29	0.4

AEW Allocations to Secondary Schools

	Schools	Students	Allocations
1.	Port Augusta Secondary School	104.5	1.0
2.	Port Lincoln HS	78	1.0
3.	Murray Bridge HS Meningie AS	52	1.0
4.	Ross Smith/Windsor Gardens HS	481.0	
5.	Valley View/Gepps Cross Girls HS	440.7	
6.	Stuart/Whyalla HS	42	0.7
7.	Fremont/Elizabeth City HS	47.9	0.5
8.	LeFevre/Henley HS	38	0.5
9.	Christies Beach HS	30.8	0.5
10.	Glossop/Renmark/Loxton HS	26	0.5

EDUCATION, ENTERPRISE BARGAINING

125. **Ms WHITE:** In relation to the implementation of the 1996 Department for Education and Children's Services Enterprise Bargaining Agreement, what are the details of the expenditure of the $0.5 million additional funding for pre-school early intervention programs in 1998, which pre-schools received additional resources, and will this program continue in school year 1999?

The Hon. M.R. BUCKBY: This funding was provided to preschools to provide support for the identification of children with learning difficulties, including those with significant learning difficulties, and the development of early intervention strategies. The funds are being used flexibly to implement strategies which:

- support the needs of children at risk of not being successful learners by developing and implementing appropriate learning programs
- improve assessment and reporting strategies to ensure continuity of learning for identified children between preschool and school, and
- provide support and early intervention programs for children with learning difficulties.

The allocation of $500 000 was distributed to all preschools. The funding was distributed under a formula arrangement which provided different amounts for category 1, 2 and 3 centres. These amounts were based on a per child amount of $50 per child in category 1; $39 per child in category 2 and $25 per child in category 3.

The funding under the Enterprise Agreement was for the calendar years 1997 and 1998. No commitment has been given to continue the program in 1999 and such continuation is dependent on the outcome of the future negotiations under the Enterprise Agreement.

127. **Ms WHITE:** Will the Flexible Resourcing Initiative funding of $18 million, agreed in section 9.1.12 of the 1996 Department for Education and Children's Services Enterprise Bargaining Agreement, be available to allow schools to continue these programs in school year 1999?

The Hon. M.R. BUCKBY: The Department for Education and Children's Services Enterprise Agreement 1996 is an agreement between the former DECS (now the Department of Education Training and Employment), employees, Australian Education Union, Public Service Union, Miscellaneous Workers Union and the Employee Ombudsman. It is approved by the Industrial Relations Commission of South Australia.

The life of the Agreement is from 1 December 1996 to 1 December 1998. Negotiations for a new Agreement cannot commence before 1 July 1998.

This Agreement represents the outcome of an industrial process in which all issues were laid on the negotiating table and where funding allocations for specific matters could be placed in the context of the totality of claims and their cost.

All parties agreed that most funding allocations were only for the life of the Agreement.

The question as to whether funding for a specific item is to continue into the next Enterprise Agreement or Agreements cannot be answered without knowing in full detail what the claims of the unions are. The unions agreed not to make these claims before 1 July 1998.

When the totality of the claims from all employees and unions is known, the department will be able to negotiate on which items should attract continued funding and to what degree.

128. **Ms WHITE:** Has the Government met all commitments to the implementation of the country incentives (referred to in the 1996 Department for Education and Children's Services Enterprise Bargaining Agreement), and, if not, which commitments have not been met and why not?

The Hon. M.R. BUCKBY: The Government has met those commitments to country incentives which have been agreed to through the allocation of funds and the establishment of appropriate implementation processes.

A total review has not yet been undertaken as there remains disagreement between the parties with regard to country incentives for principals and deputy principals. Negotiation is continuing to resolve this matter.

129. **Ms WHITE:** What are the details of the expenditure of the additional $2 million allocated for country incentives in 1998, as agreed in the 1996 Department for Education and Children's Services Enterprise Bargaining Agreement, and will this funding continue to be available in 1999?

The Hon. M.R. BUCKBY: Clause 9.2.13 of the Department for Education and Children's Services Enterprise Agreement 1996 specifies the continued implementation for the life of the Agreement (i.e., until 1 December 1998) and commits the parties to a total review of these incentives.

As a result of negotiations, agreement has been reached on the provision of payment of removal costs for contract teachers appointed to country schools. $0.6 million has been allocated for this incentive.

Support for graduates appointed to country schools has also been agreed upon. This involves the additional allocation of 0.1 FTE per graduate to the relevant school, in order to support the graduate appointment. $0.5 million has been allocated for this.

The total cost allocated, therefore, is $1.1 million to date.

Negotiations are continuing with regard to country incentives for principals and deputy principals, and in relation to an agreed total review of country incentives.

130. **Ms WHITE:** What are the details of the changes that have occurred under section 9.2.14 of the 1996 Department for Education and Children's Services Enterprise Bargaining Agreement to review the total leadership structure and what are the costs of those changes in 1998?

The Hon. M.R. BUCKBY: A reclassification of all principals and deputy principals has been implemented. The new classification structure is based on positions rather than persons and is determined by the size and complexity of the school. $1.7 million per annum has been allocated for this.

A new three level (PSD1, PSD2, PSD3) classification structure for preschool leadership positions was introduced on, and from, 1 July 1997. This new classification structure for all centres takes into account a complexity factor and additional services criteria to create a three level structure.

The complexity factor takes into account preschool enrolments, the average attendance of children, the numbers of Aboriginal and non-English speaking children enrolled at the centre, occasional care and long day care programs and School Card holders.

In addition to this classification, leadership and administrative time was increased for preschool directors working 0.35 FTE to 0.4 FTE, and preschool directors currently working in rural part time centres with a rural care worker program and/or two or more sessions of occasional care increased their time fraction to 0.5 FTE. Preschool directors currently working in integrated services centres, where the director is part of the teacher:child staffing ratio, increased their time fraction to 1.0 FTE.

$0.5 million has been allocated for the 1998 calendar year to implement these changes.

Changes to the classification structure have been approved by the Industrial Relations Commission of South Australia.

HEALTH COMMISSION

134. **Ms STEVENS:** What was the total of cash at bank and on hand held by the South Australian Health Commission as at 30 April 1998?

The Hon. DEAN BROWN: The South Australian Health Commission had $81 437 308.13 in its bank accounts which includes $66 178 520.45 of cash on hand, as at 30 April 1998. The difference between the two amounts arises due to unprocessed electronic funds transfers, unpresented cheques and amounts representing working accounts for petty cash and other accountable advances.

AIRPORT CURFEW BILL

139. **Mr KOUTSANTONIS:** Has the Minister been given a copy or draft of the Airport Curfew Bill prepared by Ms Chris Gallus (the Federal member for Hindmarsh) and, if so, when did the Minister first see the Bill?

The Hon. DEAN BROWN: The Minister for Transport and Urban Planning, Hon Diana Laidlaw MLC, has advised that Ms Chris Gallus forwarded a copy of her draft Adelaide Airport Curfew Bill in March 1997.