LEGISLATIVE COUNCIL

Wednesday 10 April 1991

The PRESIDENT (Hon. G.L. Bruce) took the Chair at 2.15 p.m. and read prayers.

PAPER TABLED

The following paper was laid on the table:

By the Attorney-General (Hon. C.J. Sumner):

Royal Commission into Aboriginal Deaths in Custody—Reports of the Inquiries into the Deaths of a Man who died at Oodnadatta on 21 December 1988, Keith Edward Karpany and Edward Frederick Betts.

QUESTIONS

MOBILONG PRISON

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Attorney-General, as Leader of the Government in the Council, a question on the subject of Government insensitivity over Mobilong Prison escapes.

Leave granted.

The Hon. K.T. GRIFFIN: A Mr Jeff Howie, who was bashed by one of the Mobilong Prison escapees on 4 April, has made contact with the Liberal Opposition and has provided a statutory declaration as to the events surrounding the bashing. In the statutory declaration, Mr Howie states:

Together with my wife, Lorraine Kay Howie, I am the proprietor of a property at Caloote, approximately 20 kilometres from Murray Bridge. This is a small grazing property of approximately 140 hectares. As we live at Jamestown we do not frequently go to the Caloote property and have not stayed there on our own for the last five years.

My wife is terminally ill with cancer. Our daughter was due to be married at Mannum on Saturday 6 April 1991. To be close by for the wedding we stayed at the Caloote property and were there on the night of 3rd/4th April 1991. On that night I had travelled from the farm through Adelaide via Murray Bridge. I was stopped by the police on the Murray Bridge-Mannum road between the Palmer and Mypolonga turn-off. My car was searched and I was told that there had been an escape from the Mobilong Prison.

We proceeded to the house on the Caloote property and stayed there the night. We heard about the escape on the 8 o'clock morning news together with the description of the escapee, although I did not register the description. At about 10 o'clock on 4 April 1991 I went out to shift and adjust the sprinkler. My wife, because of her condition, was still in bed. I saw a man walking towards me from only a few metres away. I did not know who he was and the description of the escapee did not register with me. He said to me, 'Gidday,' I said, 'Gidday, how are you going.' He pulled an iron bar from behind his back and started belting me. I started yelling and screaming to try to attract the attention of my wife. The first words he said to me after that were, 'I will kill you, you bastard.' He kept hitting me over the head with the iron bar. I said, 'No bloody way you will.' I tried to push him over a retaining wall but he pulled my dressing gown over my head and pulled me down. I tried to pull the dressing gown from over my head and stand up and he went down.

I said, 'What do you want, you bastard. Take the car, and go and rip the phone off the wall and I will go down to the swamp out of the way.' He said, 'Are you alone?' I said, 'No, my wife is in bed dying of cancer. I have to take her to Adelaide to see a doctor.' He said, 'You are lying, you bastard.' I said, 'No I'm not.' At that stage my wife appeared at the laundry with the shotgun. He had his back to her and could not see her. I called out, 'No, no, not that. Just get the keys.' I knew she would not have the strength to fire the gun. She eventually got the keys and I told her to throw them. They landed about six feet away. I picked them up and gave them to him. He said, 'You had better start running.' I was not strong enough to run. I walked briskly around the side of the house. In the meantime, my wife called the neighbours to alert them to watch which way the car went and they made first contact with the police.

I was covered in blood and severely gashed around the head and hit around the upper part and down the left side of my body. I had between 22 and 25 sutures inserted in the four cuts in my head. I have suffered severely from pain and discomfort. I am still under medical treatment.

That was as at yesterday. The statutory declaration continues:

I am unable to sleep. I have not been contacted at all by the prison authorities either from Mobilong or from Adelaide or from the Department of Correctional Services or from the Minister. I thought someone would contact me at least to see how I was. I have no complaints in the way the police have handled the matter and they advised me that I would be able to claim compensation under the Criminal Injuries Compensation Act.

I was, in the event, able to attend my daughter's wedding but under severe difficulties. My wife has suffered severe stress because of the incident and the trauma relating to it and the injuries to me.

That statutory declaration was made yesterday. I make the observation that I would have thought that one of the first things the Correctional Services Department would want to do would be to reassure those who live in the vicinity of prisons such as Mobilong that the department is alert to their concerns and the need to give them every possible protection from escapees. The fact that, after nearly a week since the escape and bashing and significant publicity, there has been no action suggests that the Government is insensitive to the concerns of people like Mr Howie and his family. My questions are:

1. Does the Attorney-General agree that the failure of the Department of Correctional Services to make any contact with the Howie family is totally unacceptable?

2. What action will the Attorney-General take to ensure that some contact is made with and support given to the Howie family by the Government?

The Hon. C.J. SUMNER: I will refer those questions to the Minister of Correctional Services for a response. However, it is worth noting, from what the honourable member has said in his question, that the police did have contact with Mr Howie, and that they advised him as to certain rights he might have. Presumably, the instructions that are given to police in dealing with victims of crime were followed in their contact with Mr Howie following this very unfortunate and no doubt traumatic incident for him and his family.

It appears that that in fact was done by the police and that there is no complaint in relation to the police handling of the matter. So, there was contact from a Government agency with Mr Howie in relation to this matter, through the police, as one would expect, and I assume that the police carried out their instructions with respect to advising him as to his rights as a victim of, in this case, obviously, a very vicious crime. As to the other matters raised by the honourable member and the role of the Department of Correctional Services, I will refer that to the Minister for a reply.

TAXI LICENCES

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Minister for the Arts and Cultural Heritage, representing the Minister of Transport, a question about taxi licences.

Leave granted.

The Hon. DIANA LAIDLAW: On 19 June last year the Minister announced that 50 new taxi licences would be issued in two stages, with the first 25 to be issued in August 1990 and the remaining 25 in March 1991. Both deadlines

have now passed. I am not sure if this is because the Minister is still miffed by the fact that the Legislative Council, on 22 August last year, refused to accept Government regulations to issue all the new licences by a ballot system confined to existing licensees only. Or, perhaps he has heeded the representations from owners, lessees and drivers that no new licences be issued at this time because over the past three months the industry has experienced a severe cut of 15 per cent to 20 per cent in business due to the recession.

However, there is persistent speculation in the taxi industry that after 1 July this year the Minister will authorise the issue of new licences, and that the licences will be conditional upon owners meeting certain criteria or purchasing a certain type of vehicle such as, for instance, the metro cab, which is currently in operation in New South Wales. This vehicle is an Australian version of the London cab and is designed to accommodate wheelchair passengers. My questions to the Minister are:

1. Has he decided to discard his firm undertaking of last June to issue 50 new taxi licences or does he propose within the next 12 months to authorise the issue of new licences and, if so, how many and on what conditions?

2. What plans, if any, does he have to amend the Metropolitan Taxi-Cab Act to address the operation of stretch limousines, an issue of considerable contention with taxi drivers at the present time? Under the terms of the Metropolitan Taxi-Cab Act, stretch limousines are nine-seater vehicles, therefore they do not come within the ambit of the Metropolitan Taxi-Cab Act, which deals only with vehicles with a maximum capacity of eight seats, while the Road Traffic Act deals only with vehicles that can accommodate 11 or more passengers. This means that the new hire car and other licences for the operation of stretch limousines cannot be accommodated within current legislation and, essentially, are operating at will, a matter of grave concern to the taxi industry in this State.

The Hon. ANNE LEVY: I will refer those questions to my colleague in another place and bring back a reply.

HOMESTART

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Housing and Construction, a question about the HomeStart scheme.

Leave granted.

The Hon. L.H. DAVIS: The Bannon Government's HomeStart loans scheme is being used by people with annual income in excess of $100 000 to buy houses valued at $225 000 or more. In response to a question on notice, the Premier (Mr Bannon) only yesterday advised me that five individuals or families with an annual income of over $100 000 received the benefit of a HomeStart loan; 14 had incomes over $80 000, and 109 families or individuals receiving an annual income of $60 000 or more were in receipt of a HomeStart loan. Five houses with a value in excess of $225 000 were purchased using a HomeStart loan; 15 houses had a value over $175 000, and 61 houses with a value over $150 000 were purchased using a HomeStart loan.

It is worth bearing in mind that average individual incomes are a touch under $30 000 per annum and that the average price of a house in the metropolitan area of Adelaide is about $105 000. However, when the HomeStart scheme was first introduced in September 1989 the Premier (Mr Bannon) said that it was designed to provide for families who had been prevented from borrowing to buy a house.

The scheme allowed home buyers to borrow 2.8 times their annual income compared with only 1.8 times annual income from traditional sources. HomeStart repayments are low start, that is, lower than for normal housing loans, and are pegged initially so that no more than 25 per cent of income is repayable.

Importantly, there is an element of subsidy in the HomeStart scheme. For example, in the period from September to December 1990 I understand that the interest rate was only 10.4 per cent and that interest rates for HomeStart loans over the past 12 months have been below commercial rates. There is a complex system tied to the CPI, which means that the HomeStart loan rate will move from time to time. Nevertheless, the experience to date is that it is running below commercial rates. In other words, there is an element of subsidy for those people in receipt of a HomeStart loan.

My questions to the Minister are: first, does the Government accept, as a matter of equity, that persons with an income in excess of $100 000 buying houses valued at $200 000 or more should be subsidised by the South Australian taxpayers in buying those houses; secondly, will the Government consider capping the HomeStart loan scheme to limit the value of houses that can be bought or built under the scheme; thirdly, will the Government also consider limiting the maximum annual income of people seeking a loan under the HomeStart scheme?

The Hon. BARBARA WIESE: The honourable member's questions beg the question whether there are any families whom he would put into a more worthy category who have been prevented from participating in the HomeStart scheme as a result of loans that have been granted under the scheme so far. I will refer the honourable member's questions to my colleague in another place and bring back a reply.

MOUNT GAMBIER RAIL SERVICE

The Hon. I. GILFILLAN: I seek leave to make an explanation before asking the Minister for the Arts and Cultural Heritage, representing the Minister of Transport, a question about arbitration of the Mount Gambier rail service.

Leave granted.

The Hon. I. GILFILLAN: It is somewhat ironic that, at a time when rail is breaking exciting new ground in the national rail freight initiative, about which I was briefed this morning regarding a plan virtually to break through to the twenty-first century with a rapid, efficient, relatively cheap rail freight service right across Australia—capital city to capital city—I have received pathetic representation from people in the Mid North who are absolutely devastated that AN is allowing rail to be ripped up between Snowtown and Brinkworth so that there can be no hope of rail services being restored to that area.

This is happening at a time when the nation, as a whole, is realising the environmental advantages of rail over road. It is the opinion of many of those people in that Mid North area that it is quite blatant vandalism that this rail destruction is being allowed to go ahead. Unfortunately, it reflects the indifference of the State Government to the rail situation, particularly in rural South Australia.

It is in that context that I refer to the Blue Lake passenger service between Mount Gambier and Adelaide, which officially ceased to run in August last year. No regular service has been running since May 1990—very near to 12 months. Since that time, people wanting to travel from Mount Gambier were forced to use air services, at considerable expense, or the local bus service. There are obvious limitations in

both services; as I have already mentioned, there is the expense of air and the time and inconvenience of busing, which is often booked out on a Friday evening, in particular, I am advised, making it very difficult for many Mount Gambier people to leave the city on a weekend. This has led to a feeling of isolation for many people within that community and it is a feeling that has not been helped by the attitude of this Government.

When the Blue Lake service was withdrawn last year the Transport Minister announced that he would take the matter to arbitration, as allowed for in the railways transfer agreement signed between the State and Federal Governments in 1975, having wiped his hands to restore the Whyalla and Broken Hill passenger services. At least one local newspaper headline blazed 'Blevins vowes to fight for Bluelake'. The locals believe not only that has there been no fight but also that there has been no sign of even a skirmish over the issue.

Members of the local media in Mount Gambier tell me that community attitudes to the Government over this issue are hardening. There is a feeling of despair within the community and of betrayal by the Government.

I am informed that Mount Gambier Mayor, Don McDonnell, believes that the Government has washed its hands of the matter and that Transport Minister Blevins has turned his back on the people of Mount Gambier. Community opinion is such that people now believe that any such arbitration procedure, if it ever eventuates, will be nothing more than a Government, stage managed, whitewash. I ask the Minister:

1. Why has the arbitration procedure not begun?

2. Can the Government indicate when arbitration will actually get under way?

3. Who will preside over the arbitration?

4. Where will it take place?

5. What will its terms be and will the ordinary citizens of Mount Gambier and the South-East be able to make representation to arbitration?

The Hon. ANNE LEVY: I will refer those questions to my colleague in another place. I would point out that the national rail freight agreement deals with freight, not passengers. Consequently, it has no relationship whatsoever to the closing of passenger rail lines by Australian National.

RESTRICTIVE TRADE PRACTICES

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Attorney-General a question about restrictive trade practices.

Leave granted.

The Hon. J.F. STEFANI: Recently the Full Bench of the Federal Court unanimously rejected an appeal by the BWIU and the VSBTU against a 1989 decision by Justice Woodward, who found that the unions had acted unlawfully by threatening industrial action to induce builders to break contracts with self-employed subcontractors. The Full Bench found that, through their actions, the unions had breached sections 45D and 45E of the Trade Practices Act and committed the tort of wrongful interference with contractual relations.

I have been informed that some operatives in the construction industries in South Australia, including the Government's own construction division within SACON, incorporate in their contract documents restrictive clauses dealing with the employment of self-employed on-site labour which, in view of the recent Full Bench decision, are in breach of the law and, in particular, sections 45D and 45E of the Trade Practices Act. Therefore, my questions are:

1. Will the Attorney-General direct an immediate review of all Government documents to ensure they are not in breach of the laws and, more particularly, are not in conflict with the Full Bench decision of the Federal Court?

2. Will the Attorney-General also direct the review of all Government contracts to allow the employment of tradespersons whether or not they are members of the union?

The Hon. C.J. SUMNER: The Government's position has been quite clear for many years, namely, that preference will be given to unionists in employment and also in the contracts let to particular employers. There is nothing new about that policy. It has been in place for a number of years. I do not think that it is in breach of the Full Court decision to which the honourable member referred, which, as I understand it, was a decision—I am not aware of its full details—where a union was taking action to impose restrictions unless certain conditions as to union membership were complied with. Action by a union was the subject of the court's decision. Where an employer—whether it be Government or otherwise—decides to give preference to unionists, I do not see that there is any difficulty or conflict with the decision that the honourable member has outlined. Accordingly, I do not believe that any further action is needed on this matter.

The Hon. J.F. STEFANI: As a supplementary question, if clauses in the contracts do fly in the face of the Full Bench decision (which I happen to have read) will the Attorney-General investigate the matter and have it corrected?

The Hon. C.J. SUMNER: I do not think there is anything in Government practice that is in conflict with the decision to which the honourable member has referred. If he is concerned about the matter, I will have his question examined, because I have not studied the judgment. As I said, I do not think there is anything in what the honourable member is saying about the matter, but I will examine his question.

HILLCREST HOSPITAL

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Health, a question about the closure of Hillcrest Hospital.

Leave granted.

The Hon. BERNICE PFITZNER: Last week my colleague the Hon. Mr Burdett asked a question in general terms regarding the closure of Hillcrest Hospital. Further representation has been made to me by a member of the Hillcrest board. She reports that the first the board knew of the closure was reading it in the newspaper. Since then she has collected over 3 000 signatures for a petition objecting to the closure. These signatures are from the whole of the South Australian community—from Broken Hill to Port Lincoln and Whyalla and, in the metropolitan area, from Salisbury to Woodville and Klemzig.

I believe that two buildings will remain, namely, the James Nash House, which caters for high security patients and the Mason House complex, which caters for Alzheimer patients. It is reported that the hospital services approximately 250 in-patients and approximately 250 day patients, with approximately 1 000 outreach country patients. Of these, 120 will have to be accommodated in another hospital and I believe that Glenside will have difficulty in coping

and that a general hospital like Lyell McEwin is not suitable, lacking the specialised service required. My questions are:

1. Hoping that the other patients will be absorbed into the community, where will the 120 patients who need specialised hospitalisation go?

2. What will happen to the country outreach component?

3. As the two buildings that are to remain are at opposite ends of the Hillcrest site, how will this situation affect the plan of converting the Hillcrest site into a residential development?

The Hon. BARBARA WIESE: I believe that officials of the Health Commission have made statements which would answer some of the points that the honourable member has raised. However, I will refer her questions to my colleague in another place, and I am sure that he will be able to give her more detail about it.

WASTE MANAGEMENT COMMISSION

The Hon. PETER DUNN: Has the Minister for the Arts and Cultural Heritage a reply to my question of 6 March about the Waste Management Commission?

The Hon. ANNE LEVY: I have the response to the Hon. Mr Dunn's question, and I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

My colleague the Minister for Environment and Planning has advised that Waste Management Commission policy does not require the covering of waste on a daily basis unless this is required by the management plan for that particular site. All sites should be supervised or have controlled hours of access to ensure optimum control disposal practices.

The commission discourages the burning of mixed waste, as it may cause environmental, safety and bushfire risks. The clear burning of vegetation, paper and cardboard is acceptable if no other means of disposal is available. The commission encourages the recovery of materials from the waste stream for which visible markets exist. Transport subsidies for country areas are not being considered at this time.

VICTIMISATION

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Attorney-General, as Leader of the Government in this place, a question relating to the victimisation of a public servant.

Leave granted.

The Hon. M.J. ELLIOTT: I have received correspondence from a Mr Jack King, a public servant, against whom the Government has taken action under the Government Management and Employment Act because he gave information to the public. Mr King maintains that that information was very important because it illustrates pollution of the marine environment which, he says, was caused by the State Government in collusion with Broken Hill Associated Smelters in Port Pirie and also damage by the E&WS to the Gulf of St Vincent and other places. Mr King maintains that had that information not been made public the introduction of the Marine Environment Protection Act and the resultant changes would never have come about. I cannot give an opinion on that statement, but certainly that is the opinion that has been put to me, by Mr King and others.

Following the provisions of the Government Management and Employment Act being exercised and an inquiry being set up to look at his actions, Mr King was most concerned about the particular person who was put in charge of that inquiry because he felt that that person had reason to be biased against him. Mr King sought relief from that situation and the matter eventually found its way before Mr Justice Millhouse who found in Mr King's favour. There was also a second matter in relation to information which he had sought, which matter in the first instance was found in his favour by Master Kelly and which was again found in his favour on appeal before Mr Justice Mullighan.

Because of the financial pressures placed upon him, I believe that Mr King has sold his house to obtain finance to defend himself. He won both the cases before Justices of the Supreme Court. Now, I believe, he is faced with appeals taken by the Government to the High Court on both of these cases. Mr King has put to me that the Government is trying to destroy him financially so that he will have no chance of obtaining the justice that he believes is his right.

Without going into the rights or wrongs of the information that Mr King gave to the public—and the justices themselves made the point that they were not looking at that either—I would like the Attorney-General to justify why these appeals are being used and to deny clearly that the Government is not, in fact, using its advantage of financial muscle to destroy the justice of this fellow's case.

The Hon. C.J. SUMNER: I will have to seek information on that matter and bring back a reply.

DRUGS IN SCHOOLS

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Minister representing the Minister of Education a question about drugs in schools.

Leave granted.

The Hon. R.I. LUCAS: Members will be aware of the storm that has developed over the recent incident at the Campbelltown High School. Members might not be aware that certainly for the last 12 hours there has been a storm of opposition by the community to the failure by the Minister of Education and the Education Department to support publicly the intent of the actions of the Principal of the Campbelltown High School, Mr Francis Bruce.

I am aware that the Campbelltown High School has four telephone lines that have been kept perpetually busy from the opening of the school this morning right through until just before Question Time. My office has received a constant stream of protests at the failure to support the actions of the Principal. I am aware also that the offices of the Minister of Education and the Director-General of Education have received a flood of telephone calls again protesting at the actions of the department and the Minister of Education.

The Minister has made a statement in another place seeking to resolve the particular dilemma in which he finds himself in relation to the situation at the Campbelltown High School. However, I have been advised over the past 12 hours that many schools have done exactly the same thing as the Principal of the Campbelltown High School has done; that is, they have used the game of bluff, in a sort of *de facto* fashion, to expel students from schools because of various forms of inappropriate behaviour.

I suppose that the parlance that is used in many schools is that they are encouraged to go elsewhere if their behaviour is unacceptable to the principal and staff at the particular school. Many of these schools have contacted me, and expressed alarm at the Minister's and the department's han-

dling of the current situation. They believe that significant problems will flow on to all schools in relation to discipline and the handling of the question of drugs in schools if the Minister and the department continue to handle the current situation in the ham-fisted way in which they are currently doing it.

All the schools that have contacted me, including parents, principals and staff, believe that the Bannon Government must accept the need for a principal to have, within reason, the power to expel students from the school. There may well be guidelines, criteria and avenues of appeal back to the area director or to the Director-General of Education but, nevertheless, the fundamental view they all share is that there ought to be power at the school level to make these sorts of decisions rather than having, what is in their view, and I must agree, the ludicrous situation of having the Minister of Education making decisions in relation to the expulsion of students. My questions to the Minister are:

1. Will the Minister be prepared to introduce changes to the regulations under the Education Act to provide principals with the power to expel students in certain circumstances, subject to some right of appeal to, for example, the Director-General of the Education Department? If not, why not?

2. When was the Minister of Education first advised of the decision made by the Education Department to reverse the expulsion order of the 18-year-old students who were supplying drugs at Campbelltown High School? Did the Minister of Education indicate his support for the decision of the Education Department?

The Hon. ANNE LEVY: I will refer that question to my colleague in another place and bring back a reply.

OFFICE OF REGULATION REVIEW

The Hon. J.C. BURDETT: I understand that the Attorney-General has an answer to a question about regulation reviews which I asked on 22 November 1990.

The Hon. C.J. SUMNER: I seek leave to have the reply inserted in *Hansard* without my reading it.

Leave granted.

First, I apologise for the delay in responding, This time was required by the Government Adviser on Deregulation to collate returns from departments in relation to reviews undertaken in the past financial year (1989-90). The Government adviser has been able to identify recurrent savings to Government in excess of $200 000 per annum as a result of regulation reviews carried out over the past three years as follows:

Agency	Savings 1987-88 $	1988-89 $	1989-90 $
Corporate Affairs	40 000		
Highways	21 000		
Transport		28 000	
E&WS			73 000
Marine and Harbors			40 000
Aggregate recurrent savings	61 000	89 000	202 000

The above figures do not present a true picture of the impact of the Government's deregulation policy. The regulation review criteria was prepared to assist the economic development of South Australia by:

- eliminating unwarranted restrictions to competition, innovation and development;
- reducing the cost and delays which unnecessary controls and Government paperwork impose on the private sector; and
- cutting the cost of regulation to Government by the repeal of obsolete laws, rationalising areas of overlap in regulation and streamlining the administration of remaining controls.

In accordance with this policy, over 40 sets of regulations have been allowed to lapse as a result of the automatic revocation program. It should also be noted that the returns supplied by agencies do not identify cost savings to industry and the community generally as a result of the program. In addition, the review program to date has involved the older regulations with generally less cost saving potential than the more recent legislative measures. The full effect of the deregulation strategy will therefore be achieved in the next few years following these reviews.

Recognising this, in 1990 the Government reconsidered its deregulation procedures and determined that a more systematic and coordinated approach to regulation review was required. On 6 August 1990, whilst reaffirming its initial deregulation policy, Cabinet approved the following new initiatives:

- the establishment of an interdepartmental committee to monitor regulation review activity in the public sector;
- the use of intra-agency consultants to assist agencies in the review of legislation and those regulations due for expiry;
- the training and education of executive and senior public sector staff in the requirements of the regulation review procedures and associated matters; and
- Government agencies to prepare annual regulation review programs (timetables).

Finally, I must say that the Government is particularly pleased with the review program. The Government has set itself a target to review most Government regulations (Acts, regulations, rules and by-laws) during the next three years. Approximately 100 sets of regulations have been reviewed since the program came into being in September 1987. These reviews have caused changes to Government administration to be made, resulting in a more efficient and effective public sector. The Government has never expected wholesale savings in its agencies' appropriations. In fact, to provide an incentive for rigorous regulation review, the Treasurer has agreed that agencies be allowed to reallocate 100 per cent of savings achieved through regulation review to new initiatives or towards general budgetary saving requirements.

COMPULSORY UNIONISM

The Hon. J.C. BURDETT: I understand that the Attorney-General also has an answer to a question on compulsory unionism that I asked on 20 February 1991.

The Hon. C.J. SUMNER: I seek leave to have the reply inserted in *Hansard* without my reading it.

Leave granted.

The Minister of Labour has provided the following response to the honourable member's question:

The State Government does have a policy of preference for unionists in employment but not compulsory unionism. Consistent with that policy, the worksite concerned, the Strathmont Centre, does in fact have non-union labour employed.

The Industrial Conciliation and Arbitration Act 1972, in section 29 (1) and (2), provides for preference in employment to be awarded by the State Commission. Provisions in the South Australian Health Commission Industrial Circular are consistent with the IC&A Act.

The Government does not have a policy regarding the question of resignation from their unions by union members. Members of unions registered under the IC&A Act are legally required to comply with the rules of association. FMWU rules dealing with resignation require three months notice of intention to resign with payment of dues to the date on which the resignation takes effect.

Provision exists under the Industrial Conciliation and Arbitration Act for aggrieved persons to dispute a union's rules if they believe they are oppressive. Accordingly, the issue of unfinancial membership, and indeed any dispute between an association and its members, is more properly dealt with by the Industrial Commission.

STATE SUPPLY

The Hon. L.H. DAVIS: I understand that the Minister of State Services has an answer to a question on State Supply that I asked on 20 March 1991.

The Hon. ANNE LEVY: Yes, I have this response, which was referred to in the debate last night. I am glad that the honourable member has found the slip.

The Hon. L.H. Davis: It wasn't that I couldn't find the slip; there wasn't an opportunity to ask for the reply yesterday.

The Hon. ANNE LEVY: If *Hansard* is looked at, I think it will show that the Hon. Mr Davis said last night that he had not received the slip, and, unless he has amended *Hansard*, it certainly appears in yesterday's *Hansard*.

Members interjecting:

The PRESIDENT: Order! The honourable Minister.

The Hon. ANNE LEVY: However, I have this response, for which I gave the Hon. Mr Davis a slip last week, and I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

Further to the information provided to the honourable member on 20 March 1991, I advise that the Government decided that a review of the operations of State Supply warehouses be conducted. The terms of reference for the review included 'an examination of the impact of State Supply warehouses on the marketplace and in particular on local suppliers'. So that the marketplace could be examined a questionnaire was distributed in February this year be Steidl, Smith and Associates, for the review team, to major competitors and suppliers, including stationers and suppliers of medical and surgical products.

STATE GOVERNMENT FINANCIAL INSTITUTIONS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Attorney-General, representing the Treasurer, a question in relation to State Government financial institutions.

Leave granted.

The Hon. M.J. ELLIOTT: Yesterday we received the Auditor-General's Report for a number of institutions, notably, but not solely, that of the State Government Insurance Commission. It is worth noting that the statement we received yesterday was, of course, the statement for 30 June last year; in other words, the financial position of the SGIC nine months ago. There are a couple of other institutions to which that time scale is particularly important.

In the nine months since 30 June quite a number of things have changed. A number of concerns have been raised, not just about the SGIC, but about other institutions—changes which could have a significant impact on the financial position. For example, we have share portfolios. We know that late last year the SGIC held $40 million worth of Adelaide Steamship shares which, if still held, would have a value of somewhere under $1 million, and that it had shares worth about $12 million in Tooth & Co., which would now be worth $2 million or $3 million.

The point I make is that we still do not know whether or not those shares are held. In the Auditor-General's Report published last year, it was indicated that property values held had increased by $60 million and, of course, some of that was assessed by the SGIC's own property valuers. In any event, we do not know the current position of property values, but all the indications that have been made public so far are that the property values have declined markedly and, of course, the SGIC is now facing the very real probability that it may have to purchase 333 Collins Street, Melbourne.

On a number of occasions I have called on the State Government to carry out an audit as a matter of urgency. The Government Management Board has, as one of its terms of reference, a need to look at the financial position, but the terms of reference give no indication whatsoever as to whom and when those reports will be made. I suggest to the Attorney-General that, rather than having the bad news coming in dribs and drabs, it would be better for the State Government financial institutions if we carried out a full audit in the same way that the Victorian State Government did, so that we can know precisely where those institutions stand. Such a report should be put before Parliament as a matter of urgency. I ask that that be done quickly, perhaps within a few days, because, surely, the value of the share portfolios of these institutions can be assessed quickly as, indeed, can the property portfolios.

I ask the Attorney-General: will any report be made to Parliament and, if not, why not? If, in the event he feels that there is insufficient time to do this before the end of this session of Parliament, will a full public report be made in the very near future so that we can start working on the credibility of our institutions again?

The Hon. C.J. SUMNER: The honourable member has already referred to a review that was carried out into the SGIC. What the result of that review will be, I cannot say.

The Hon. M.J. Elliott: No public report? No time frame?

The Hon. C.J. SUMNER: No doubt, at the time that it is concluded, the Premier will make a statement about it. The honourable member's suggestion of having a review carried out within the next 24 hours is something that would probably be beyond even the most efficient Government and not likely to be effective. But, as to whether a review carried out should be carried out, I will refer the question to the Premier.

KANGAROO ISLAND ROAD

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Tourism a question about South Coast Road, Kangaroo Island.

Leave granted.

The Hon. DIANA LAIDLAW: Since the Minister announced in the middle of last month that a major development would proceed at Tandanya near the Flinders Chase National Park, I have received representations from residents of Kangaroo Island regarding the South Coast Road and what progress, if any, has been made on that project. In particular, they have asked about the fate of the Minister's representations to the Federal Government, representations which, in April of last year, she indicated she intended to make on behalf of this Government for a special one-off grant.

I note that in the Estimates Committee last year the Minister indicated that this financial year $300 000 would

be made available from the Tourism Road Grants Fund for the sealing of a portion of this Kangaroo Island south coast road, and that she had secured a further $200 000 from the Transport Minister to undertake a full feasibility study to determine the cost of sealing the entire road and whether there were other options, rather than sealing the road, because of the prohibitive cost factors and the destruction of native vegetation at the sides of the road.

In speaking to the tourism Estimates Committee last year the Minister indicated that it was her intention, following the receipt of this submission, to make representations to the Federal Government. As a result of representations made to me, I can say that Kangaroo Island residents are keen to know what is happening with respect to the south coast road because they envisage that it will be subjected to very heavy traffic once this development proceeds. Certainly, the Minister would be aware that, over the summer months, there was a marked increase in tourism on Kangaroo Island, a fact about which the member for Alexandra has continued to tell me with great pride. That, of course, has meant even more problems for local residents because of the additional wear and tear on that road. They are anxious to know when and if anything will happen in relation to sealing the road.

The Hon. BARBARA WIESE: As the honourable member indicates, money was secured during this budget period from the Department of Transport's budget to undertake a detailed feasibility study. That study is to include not only the south coast road on Kangaroo Island but also other nearby roads that may have some tourism significance. It was decided to expand the scope of the study after extensive consultation with the councils on the island, the tourism association and various tourist operators, as well as State Department of Transport officers.

For that reason the project is now much larger than was first envisaged, and there is much work to be done. There has also been initial negotiation with Federal departmental officials about the range of information we would need to provide in order to support any case that we put to the Federal Government to receive funding for upgrading the south coast road under the schemes that are operated by the Federal Government.

So, work is proceeding on the gathering of all that information. Although I have not had a recent report on the matter, I think it would still be the intention of Tourism South Australia officers who are working on this project in conjunction with Department of Transport officials to have the work completed in time for presentation to the Federal Government so that it can be fed into the budget process for the forthcoming financial year.

I refer to one point that the honourable member made regarding the proposed development at the western end of the island. That development is proposed to occur in three stages, the first of which would cater only for 160 people, and it is not anticipated that that will open, if all things go well, until the end of 1992. In fact, I think the opening of that development will ease, rather than add to, the pressure on the south coast road, because currently large numbers of tourists, whether they be international or domestic, visit the island on day trips or overnight stays. At the moment, the people who travel to the western end of the island to see the many attractions that reside there must, in the same day, return to the accommodation facilities at the eastern end of the island. Once the Tandanya project is up and running, there will not be the same need for people to use that road twice in a day. In fact, people will be able to stay in the new development, and I think it might also encourage longer stays on the island and a steadier flow of people and traffic to and from the western end of it.

However, it is still my earnest desire to pursue the upgrading of the road as quickly as possible because I believe that certain sections of it are dangerous for people who are not experienced in driving on unmade roads. Many tourists, particularly overseas tourists—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —and people from the city areas of Australia, are not experienced in driving on roads like those that exist on Kangaroo Island. I want to ensure that we do all we can to make those roads as safe as possible for tourists and local residents.

MINISTERS' REPLIES

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Attorney-General a question about replies to questions.

Leave granted.

The Hon. R.I. LUCAS: Some two years ago I directed a question to the Attorney-General on the subject of media monitoring services that are used by Ministers of the Government, and asked whether the Attorney would bring back some information to the Parliament. Two years ago the Attorney-General indicated that he would, but did not do so. Therefore, on 22 August last year I placed on the Notice Paper a series of questions directed to each Minister in the Bannon Government, including the Attorney-General, regarding their access to media monitoring services, how much they cost, what services were provided, the name of the service, whether tapes and transcripts were available, and so on.

I have been advised for the second time that those answers have been provided to the Attorney-General and to the Ministers, that they await release, but that the Attorney-General and the other Ministers in the Bannon Government have taken a conscious decision to refuse the release of the replies to the media monitoring questions. Why have the Attorney-General and the other Ministers of the Bannon Government refused the release of this information now for over two years, in particular since August last year, when the information was requested formally by way of a question on notice? Will the Attorney-General indicate when he will provide the response to the question that I directed to him about his access to media monitoring services and the cost of those services?

The Hon. C.J. SUMNER: I do not know why there has been a delay in this reply, but I would have to take up the matter. I understand that the same question was asked of all Ministers and that the matter was being looked at to get a consistent response from the Ministers to cover the issues raised by the honourable member, which I think is not an unreasonable proposition.

The Hon. R.I. Lucas: When are you going to answer yours?

The Hon. C.J. SUMNER: I assume that they have gone to the Premier's office for consideration by Cabinet.

The Hon. R.I. Lucas interjecting.

The Hon. C.J. SUMNER: The honourable member apparently does not know the procedure. The procedure which is adopted by this Government and which was also adopted by the former Government is that questions on notice are passed through Cabinet before they are answered, not necessarily to be formally considered. However, they are all directed through the Cabinet office. That is the

procedure with questions on notice. It is the procedure adopted by the Hon. Mr Griffin and the Hon. Mr Burdett, and it is still the procedure adopted by this Government. I do not know why these questions have not been answered, but I will try to find out why and let the honourable member know.

REPLIES TO QUESTIONS

The Hon. ANNE LEVY: I seek leave to have the following replies to questions without notice inserted in *Hansard.*

Leave granted.

WASTE INCINERATORS

In reply to **Hon. M.J. ELLIOTT** (5 March).

The Hon. ANNE LEVY: The Minister for Environment and Planning has informed me that all incinerators are subject to environmental assessment by the Department of Environment and Planning as part of the planning approval process. A full environmental impact statement is not regarded as necessary since the installation and operation of an incinerator is subject to licence requirements. The Waste Management Services incinerator at Cavan and the National Waste incinerator at Wingfield have operating capabilities that are sufficient to destroy any dioxins and furans that may be formed during the combustion process.

The Waste Management Services incinerator complies with its licence conditions. The National Waste incinerator is not yet in operation. Residents and workers in the Wingfield area may be assured that the two incinerators will be monitored to ensure compliance with statutory requirements.

MOUNT LOFTY RANGES DEVELOPMENT PLAN

In reply to **Hon. M.J. ELLIOTT** (13 March).

The Hon. ANNE LEVY: My colleague the Minister for Environment and Planning has advised that the Government has recently commissioned PPK Consultants to undertake a detailed study of the nature and range of incentive measures that could be implemented in support of the general policies proposed to be adopted for the future management of the Mount Lofty Ranges. The study will include an investigation of the legal and administrative means by which a transfer of titles and/or development rights scheme might operate. The identification of areas suitable for development by further division of land is a necessary component of any transfer of development rights scheme.

Areas identified will have to be appropriate in terms of the general policies proposed to be adopted for the future management of the Mount Lofty Ranges. Any areas to be designated for future development will be identified in the long-term regional supplementary development plan to be placed on public exhibition in the middle of 1991. This decision must await the outcome of the consultancy investigation by PPK Consultants which is due for completion in May 1991 and be taken in the context of the overall management strategy for the Mount Lofty Ranges. As a result of alterations to the regulations under the Waterworks Act the Bakers Gully land was excluded from the watershed area. Land in this area owned by the Engineering and Water Supply Department was therefore surplus to requirements and was sold following the introduction of planning controls over the further division of the land.

GOVERNMENT PURCHASING

In reply to **Hon. M.J. ELLIOTT** (19 March).

The Hon. ANNE LEVY: The Government is represented on the National Supply Group by Mr Peter Bridge, Director of State Supply and Chief Executive Officer, State Supply Board. This group is made up of directors and executive officers from supply in each State and the Commonwealth Government. The environmental issue was discussed at the last conference held in February. The State and Commonwealth Governments are consistently exchanging ideas and information on how to best utilise the use of recycled products. A representative from the Commonwealth Government advised the National Supply Group of the establishment of the Environmental Futures Group and will provide a status report on the progress for consideration at the next conference. State Supply is currently preparing a catalogue relating to contract items for their Governments.

The State Supply Board issued an Environmental Purchasing Policy on 27 November 1990 requiring Government agencies to ensure that recycled products are purchased when recycled products are available within 5 per cent of the non recycled products price. The policy states that purchasing preference will be extended to recycled products whose prices are up to 5 per cent higher than their new material alternative for six months after the date the user first elects to buy the product. The State Supply Board's only ready measure of the effectiveness of the Environmental Purchasing Policy is the impact it has had on sales from State Supply warehouses.

The range of recycled and environmental friendly products sold from State Supply warehouses has increased from nil to over 30 items since June 1989. Generally recycled product sales slightly increased during 1990. Sales for 1990 amounted to approximately $667 000 and for the period 1 January 1991 to 11 February 1991 sales for the same products amounted to $594 000. This large increase is confined to about 12 items. The State Supply Board will continue to monitor the effectiveness of this policy and submit a further report in June 1991 after the expiration of the first six months.

AUTISTIC CHILDREN

In reply to **Hon. R.I. LUCAS** (5 March).

The Hon. ANNE LEVY: My colleague the Minister of Education has advised that State Government funding to the Autistic Children's Association has increased in recent years, as follows:

1987—$150 000
1988—$248 598
1989—$421 896
1990—$444 663
1991—$517 638

For 1991, the amount includes an extra $103 385 to cover the reduction in Commonwealth funding. The State Government has provided a total of $1.2 million extra for special education to cover recent reductions in Commonwealth funding. Following representations from the Autistic Children's Association, further representations were made to the Federal Minister for Employment, Education and Training in an endeavour to review Commonwealth support for this program.

EDUCATION EXPORTS

In reply to **Hon. R.I. LUCAS** (19 March).

The Hon. ANNE LEVY: My colleague the Minister of Employment and Further Education has advised that he along with his Commonwealth counterparts is concerned about the issues and problems facing Australia's education export industry. There has been a significant increase in the number of overseas students studying in South Australia, and he would not like to see the industry suffer. He does, however, understand the need to maintain the integrity of Australia's immigration policy and realises therefore that some restrictions are required to avoid student visas being exploited and abused. There have, therefore, been some negative effects on the numbers of ELICOS students from all countries as a result of new regulations. These effects have also been experienced by South Australian ELICOS providers, although none have closed down. Two of these are Government based, two are private. All have had to seek wider markets to compensate for the downturn.

The Minister has made several submissions to the Federal Minister for Employment, Education and Training and the Minister for Immigration to raise concerns about policies and practices which affect the education export industry. Issues have also been raised at the Australian Education Council. Consequently, a national advisory body on export education has been established—the National Consultative Committee on Export of Education Training and Services (NACCEETS) and the Chief Executive Officer of the Office of Tertiary Education represents the South Australian Government on this. He has also established a State reference group to keep abreast of the developments in the industry. The Office of Tertiary Education has also participated on national groups dealing with the registration of institutions offering courses to overseas students and other policy matters. In February a submission to the Industry Commission inquiry was prepared by the office on behalf of the State Government. The education export industry is important to South Australia with over 3 000 overseas students studying in Adelaide. The Minister will continue to work closely with Federal colleagues to strengthen this viable and valuable South Australian industry.

RURAL WOMEN

The Hon. DIANA LAIDLAW: I move:

That this Council—

1. Recognises that the rural recession is placing an intolerable burden on women and their families who are suffering stress related ailments well above the Australian average;

2. Appreciates that this situation is aggravated by physical isolation, paucity of support services, cutbacks in educational and health facilities, diminishing job opportunities in local communities, difficulties in securing Government benefits and lack of recognition for the value of work undertaken by women on the land; and

3. Calls on the State Government immediately to undertake a major economic and social justice study in conjunction with the Country Women's Association to determine the plight of rural women and to ensure that they no longer remain among the most disadvantaged and forgotten groups in South Australia.

Life on the land has never been easy. This truism was the title of a survey of women in rural Australia conducted in 1988 by the Office of the Status of Women, the Department of the Prime Minister and Cabinet and the Country Women's Association of Australia. Today, some three years later, life is far from easy. In fact, it has become a living nightmare for so many women in rural South Australia as they struggle on a daily basis against almost impossible odds to hold together their family, their home, their farm and indeed everything that they have lived and worked for.

I have no doubt that when the Premier toured Eyre Peninsula last week with the Minister of Agriculture he identified at first hand the problem that I am now highlighting in this place. Over recent months, together with Miss Jane Litchfield, who helps me with my work on a part-time basis, have been trying to jigsaw together the impact of the rural recession on women and their families. It has been a grim task. It has also been a difficult one because, beyond *ad hoc* or random descriptions of individual circumstances plus anecdotal evidence, it is clear that no-one, certainly no Federal or State Government agency, is responsible for the central collection and dissemination of such data. Yet, without such information it is impossible for Government and non-government agencies, either separately or jointly, to direct services where and when they are most needed.

At one stage during this recent fact finding exercise, I resorted to checking both the Government's social justice strategy for 1990-91 and the Government's review of the 1990-91 budget and its impact on women. However, neither document makes any reference to any initiative to address the specific issue of compiling and maintaining a comprehensive analysis of matters relevant to the welfare and conditions of the life of women and their families in rural South Australia. In fact, I was appalled to discover that the Bannon Government's social justice strategy, its so-called social justice vision, ends at the outer limits of the Adelaide metropolitan area.

Other than scattered references to Aborigines living in remote areas—and such references are important—it would be fair to assume from the document that the Government believes that no South Australian man, woman or child lives north of Salisbury or south of Hackham. There is simply not one reference to any area other than the metropolitan area, with the exception of Aborigines in remote areas.

The Government's 1990-91 social justice strategy even omits the acknowledgment incorporated in the previous year's document to the fact that 'a higher proportion of low income families, couples with dependent children and unemployed young people live in country areas'. So, in 1989-90 the Government recognised that 'a higher proportion of lower income families, couples with dependent children and unemployed young people live in country areas', yet a year later there is not even that reference, let alone any specific reference geared to how the Government aims to address and help the people themselves solve such problems.

I am not sure why the Bannon Government omitted this basic economic and social justice fact from its 1990-91 social justice agenda. I suspect that it may be yet another example of the out of sight, out of mind syndrome, a case of Government Ministers, their minders and bureaucrats cloistered in the Adelaide central business district and unable to see beyond the horizon or, at best, beyond electorates in the metropolitan area that they must hold or win to remain in office. Having stated that background, I do acknowledge the Premier's trip last week to the West Coast. In the meantime—

The Hon. Anne Levy: And the Minister of Agriculture.

The Hon. DIANA LAIDLAW: Yes, earlier I acknowledged his attendance also. In the meantime, rural women and their families have become one of the most disadvantaged and forgotton groups in South Australia. It is against this background of neglect that I and my Liberal colleagues urge the Bannon Government to establish immediately a

major economic and social justice investigation of the plight of rural women in South Australia. Their problems must be acknowledged and highlighted if they are ever to be addressed.

The Hon. R.R. Roberts: What about all women? What about the unemployed in the industrial towns? What about their wives?

The Hon. DIANA LAIDLAW: I agree.

The Hon. R.R. Roberts interjecting:

The Hon. DIANA LAIDLAW: I would be very pleased if the Hon. Ron Roberts sought to take an interest and to draw the attention of his Government—

The Hon. R.R. Roberts interjecting:

The Hon. DIANA LAIDLAW: I understand that the honourable member is genuine in representing the people of the industrial towns in the northern Spencer Gulf region, and I would more than welcome his support in bringing these matters, relating not only to rural towns but also to farms, to the attention of this Government. Perhaps I can count on his help, in association with the Country Women's Association, in getting this major study under way. Certainly, country women would welcome his recognition of their problems. If we can combine it further, I would be happy to do that. As I indicated, the problems of rural women must be acknowledged and highlighted if they are ever to be addressed. In calling for an immediate investigation, I am pleased to have the strong endorsement of the Country Women's Association. I acknowledge that in this matter the Country Women's Association is fiercely non-political and I respect the fact that it always has been and continues to be.

The Hon. Anne Levy: You mean non-Party political?

The Hon. DIANA LAIDLAW: Well, they have not been. In fact, they have been very involved in the scones, lavender and lamington area in many of the branches around South Australia and Australia until the past 10 years. In the past decade, the association has developed a changed agenda, and I applaud it for that. I applaud the work the association is doing at the present time to draw attention to the plight of rural women. It is very anxious to be associated with the motion that I have moved today as a further endeavour to get this Government to recognise the plight of rural women and their families and to help. The CWA is willing and able to cooperate fully with the Government in implementing such an investigation. So, it does not simply want to be associated with that call; it wants to be actively involved with the Government in implementing the investigation. In fact, it was at the initiative of the CWA of Australia that the 1988 'Life has never been easy' survey of women in rural Australia was launched.

In South Australia the CWA is now keen to build on that initiative, and the work involved in the 1988 survey, to ensure that during the present rural crisis, and in the longer term, the needs of rural women and their families can be canvassed, acknowledged and addressed. The association wants to ensure that those problems are no longer swept under the carpet and forgotten. For years rural women have accepted low levels of the basic services that city people take for granted. However, the reality is that for too long we in the city have taken rural women and their families for granted and have accepted that their resourcefulness will simply see them through. Today it will not, and they need our help.

In the past the general stereotype of the farmer and life in the country has been a picture of living a comfortable, healthy lifestyle, associated with good food and good times—a relaxed, casual lifestyle with the farmer being in control. The general picture is that the farmer is a male, but I see that there are more women farmers today. People see the farmer as being in control and able to manage and dependable.

The farmer is his or her own jack or jill of all trades, and has escaped the rat race. The reality of life on the farm in 1991 is far different: it is a picture of despair and heartbreak, economically and socially. The future looks just as bleak. The current forecast of a 43 per cent reduction in South Australia's income from wheat, wool and barley in 1990-91 foreshadows a continuing crisis that will lead to further hardship, unemployment, bankruptcy and personal tragedy for all sectors of the South Australian regional and rural community. I suggest that this will lead to dire flow-on effects for the city.

There is no question that high interest rates are continuing to decimate rural and other businesses in this State. The State Government's rural aid packages have been of little real assistance to the rural sector. The Government has offered farmers the option of borrowing $150 000, instead of $100 000, from the Rural Finance and Development Division. However, this has been largely ineffective because up to 70 per cent of farmers today have a negative income and simply cannot afford to borrow any money. To add insult to injury, many farmers who have loans from the RFDD are having their interest rates increased at a time when they should be coming down. A proposition was recently put by South Australian farmers that the State Government underwrite $236 million in carryover loans in a last ditch attempt to avert a collapse in the farming sector. I note that this financial year Government taxes will be increased by a crippling $225 million. So, instead of the Government's coming to the aid of farmers, it is aggravating and exacerbating the problems.

Agriculture contributes some $2.5 billion, or nearly half of the State's economy per annum. Few members of this Government ever seem to acknowledge that fact. However, they will have to acknowledge it in the forthcoming budget because, as a result of the State Bank crisis, they have never needed it so much. Yet, the Government will find that the rural sector is just not providing the funds that it has contributed in the past. Over the past 12 months, growers' returns in the citrus industry alone have dropped from $110 per tonne to $11 per tonne. The potato industry has had its 10 per cent trade advantage against foreign imported potatoes removed and the dairy industry faces a downturn of up to 30 per cent to the Middle East market. I mention those other areas of agriculture because so often the media attention, and our attention, is drawn and is concentrated solely on the income problems of cereal growers and wool producers.

The trouble with this rural crisis is that it seems to be—with perhaps the small exception of the dairy industry—across all fields of agriculture. A recent survey of small business, conducted by the Hon. Legh Davis on behalf of the Liberal Party in 11 South Australian towns identified that most are likely to experience their worst ever trading conditions. Many businesses selling agricultural equipment or supplies have seen sales collapse by as much as 70 per cent. Many farmers have stopped spending, except on bare essentials. Certainly, many women in their domestic shopping have long been unable to afford more than the bare essentials.

There is enormous concern in country areas that the basic infrastructure supporting the farming community is being unravelled at an alarming rate. It is breaking down and many country towns are losing expertise that they believe they will never be able to regain—it will never be replaced. Certainly, I am aware that farm employment prospects for

young people and for women who need to supplement the farm income have become virtually non-existent as small businesses close their doors. Not only small businesses such as haberdashery and food stores are affected; this crisis is affecting all agricultural products and related items. Government agencies are also cutting back on services and it is obvious that this has terrible economic and social consequences for rural communities.

Women are, without doubt, bearing a great deal of the brunt of the economic woes that I have highlighted in rural areas of the State. They are in the front line and they are not only having to cope with their own stress but are also constantly faced with the need to be a tower of strength to their husband, children and other relatives. Many cases have been related to me in recent weeks—and I certainly know from the spate of phone calls that I received this morning—of how women are carrying the despair of their men. In doing so, they are sacrificing their own health and sanity. I know from my friends and also from colleagues in this place that country men have very powerful egos; they are proud people and they are not taking the rural recession well. Many of them believe that it is a reflection on them and their capacity to provide for their family.

Many of them recognise that they are the third generation on that land. Their grandfather established the land, their father improved it, but they may be responsible for losing it. This is heartbreaking stuff. Many men do not easily talk about these matters. Perhaps the fact that I am highlighting the problems of women today reinforces the strength of women in many respects. When there is such heartbreak and despair they are prepared to talk about their problems more openly than some men. Women are having to prove that they are a tower of strength within their communities while also shouldering the despair of their husbands and families.

At a number of rural seminars women have spoken about the stress behaviour of their husbands. I give but a few examples: reading the paper in infinite detail for a number of hours; men with glazed over eyes; with little or no verbal communication with the family any longer; never getting angry, yet never happy—no emotional response; and watching anything that comes on television. They are just like zombies. Women say that coping with these abnormal responses is increasing the stress on them.

Women are often isolated on the farm, far from towns and neighbours, and many simply have no-one to whom to talk, not even their husbands or other family members. They are also aware that, with increasing family income problems, they have less disposable income to make the phone calls which all members will appreciate are an indispensable part of life for most country women in terms of maintaining contact, a sense of community and their own identity.

The latest available data on rural stress come from the 1987 report commissioned by the United Farmers and Stockowners, and that was based on a phone-in. It reveals that rural people are suffering from ailments such as hypertension, ulcers, headaches and insomnia many times above the Australian average. Women cited concerns during this phone-in which were contributing to stress, such as physical isolation, isolation from support services, lack of educational opportunities and general lack of recognition for work done on the property.

Many women today are doing three or four jobs. In fact, they can be working on the farm because it can no longer afford hired help, they can be working in the home, and many can be seeking work off the farm to supplement their income. Women speak of the pressure that they feel in seeking to fulfil their roles as mother, part-time worker and farm labourer. One of the difficulties that the Liberal Party has found in compiling this survey is that there are no current statistics or hard data on stress. The Liberal Party believes that this situation must be addressed. We can gain much information from rural doctors, counsellors and women themselves if the Government seeks to take such a course.

The 1987 report undertaken by the UF&S has made the following comments, many of which have been reinforced in conversations that I have had in recent times. Women indicated that in the home family members are arguing more; that they are cutting back on phone calls to parents and children who are working or studying in the city; and that they are also cutting back on luxuries such as outings, magazines and food. All their cuts are in relation to family life rather than to family production costs. That means that any item on the farm that needs to be funded would always get preference over items for the home.

One woman in recent times said to me, 'I just wish my husband would stop drinking. He is a very intelligent man. He is showing signs of alcoholism and has withdrawn totally into himself. He is not interested in the rest of us at all.' Other women have said, 'It is putting a great strain on our marriage relationship. We tend to take our frustration out on each other.' Another woman claimed, 'My husband is on edge with everyone. He is always tired and worried.' I could continue with such comments, all of them reinforced by statements from rural doctors, counsellors and women working in women's shelters.

I want to mention domestic violence. South Australia has a number of women's shelters as havens for the victims of domestic violence, both women and children. It is quite clear from preliminary figures that I have received that there is a considerable increase in the numbers of women and children seeking the assistance of women's shelters in country towns. There are no firm statistics on domestic violence in country towns and rural communities, but evidence with which I have been provided from women's shelters has identified that the victims of domestic violence are often being forced back into violent relationships because women's shelters cannot cope with the demand for emergency housing, and country women are further disadvantaged because in rural areas there are substantially fewer women's shelters, despite the fact that rural areas are experiencing a big demand for emergency housing.

The Hon. Carolyn Pickles: They don't like to use them.

The Hon. DIANA LAIDLAW: The Hon. Ms Pickles makes an interesting point. The woman manager of a metropolitan women's shelter has said that in recent weeks her shelter has been overwhelmed with women from the country. Therefore, it is wrong in such instances to take the example of women's shelters in the country as the only point of reference to try to understand domestic violence in country areas. It is also important for many women to know that those women's shelters are available in country areas as the first point of reference. Following contact and advice women in need can often be assisted to a shelter away from the area in which they live, but they need assistance in order to move. I have been told that, because they cannot afford to put petrol in the car, they cannot even get to the local towns to do their shopping without informing their husbands first as to where they are going and why. Therefore, getting to a local shelter would be difficult for a number of women, notwithstanding their ability to use city shelters.

I want to refer now to a number of case studies that have been identified by Ms Susan Neldner, a rural counsellor in

the Murraylands. I have tried to contact some of the nine rural counsellors in South Australia, but it has been very difficult. Most of them are out on the road. I think that is a particularly good sign, because they are not sitting around in their offices waiting for calls from people like me. However, that has been frustrating in itself because it has been difficult to get the facts on many local circumstances in compiling this paper. Ms Neldner states that the current severe economic downturn is creating more strain on already untenable relationships and couples are openly admitting that there has been domestic violence. This is something that she had not experienced in the past working in rural areas. She says that in rural communities it is easy not to go into town for days or even weeks, and domestic violence can be hidden effectively in this situation. If women in the area choose to leave their husbands, the closest shelters are Murray Bridge or Berri, and many women have no access to transport facilities and do not have the money or the fuel (even if a car is available) to leave the family home.

Ms Neldner goes on to explain that many women do not even know that shelters exist and are ignorant about the alternatives they may have. She gives examples of a number of case studies that she is keen for me to highlight in addressing this motion, and I do so now. Case 1 is a woman in her thirties with three children. Her husband is alcoholic, and there have been severe financial problems in the family. Her husband has been forcing her to have sexual intercourse on a regular basis and she has always given in because of the arguments and the disturbance to the children. The children are now suffering the effects of stress in the relationship and have become foul-mouthed and aggressive at school and have been stealing. This report notes that the woman has a number of jobs on the farm and outside and I think she herself is having extreme difficulty in coping.

Case 2 is a woman in her forties with four children. Her husband denies her food money so the farm bills can be paid, and the strain on the woman to provide healthy food for her family is enormous. She is just not providing it. When she does provide food for her family, she tells me she is denying herself such food and is drinking more and more coffee.

Case 3 is a woman in her forties who needs a new washing machine but her husband needs a new tractor tyre. Because the tyre is seen to be a productive implement and the washing machine is not, the tractor tyre is where the money is spent. This does not acknowledge that the woman is working in the home, on the farm and outside and is now washing filthy workclothes by hand, but at least her husband has a tractor tyre. That woman also has three children.

Case 4 is a woman in her forties with two children. There are severe financial difficulties. The family has a car on hire purchase and many outstanding bills. What goes first—her microwave on a rent-to-buy plan? This is despite the fact that it saves her money and it works, but her husband sees it as a luxury.

Case 5 is a woman in her late forties and widowed. She is in financial difficulties and has been told by her bank manager after six months to eat humble pie and sell the farm. She had always run the farm with her husband, not only dealing with the accounts but also in every practical sense, until he died. She actually had equal if not more skill than her husband, but the bank manager is not interested in dealing with her on that basis.

Case 6 is a woman in her thirties. Her husband is a paranoid schizophrenic on medication. She has two children and when he refuses to take his medication she is faced with the emotional abuse of being accused of being unfaithful and of his taking off with a gun. Because of the isolation, she can only call the police or her local GP, who does not deal with the husband because he has a specialist in Adelaide. She wants to leave but she does not know how and she is scared of what her husband may do if he finds her.

Ms Neldner also notes a possible recent decline in marriage breakup and that was a matter of some interest to me. She said that in the past six to eight months she has not dealt with any such cases, but she noted that there are substantial problems with the couples who choose to stay together, as they claim, until times are better, because they do this without the expertise of marriage counselling and, in those circumstances, women suffer if their husbands are the stronger personality. There are also problems related to severe isolation. I will mention briefly that the cost of telephoning other people is now out of the question for many women. Some neighbours are within the local telephone district, but many are not. Women are being told by their husbands not to drive their car except for groceries and emergencies and that they must forget about the coffee and the chat with friends. They must not make calls unless they are absolutely essential and usually women ask their friends to call them, but many of their friends are in similar situations and are told the same things by their husbands.

There are other comments from rural counsellors, and I will refer to them briefly. First, families have assets but no cash flow, and this is putting women and the family unit under severe stress. Women are concerned about simply getting food on the table. Secondly, many women need and would like off-farm employment to subsidise the farm income, but this is simply not available, because most businesses are struggling and health services have been substantially reduced. Certainly, the family unit is being forced to fragment and this is very worrying to many country women, to whom the close family unit is very important. One west coast couple has seen five children leave home to seek job opportunities in Adelaide.

In the past, some children would have stayed on the farm or taken jobs in regional towns or cities, but this option is no longer available to them. If the mother has time she is left with community work in the town; the father does not have extra help on the farm. Because of financial difficulties, woman are unable to make as many telephone calls to their children as they would like. Stress is being placed on women because their children are depressed and concerned about their future employment in rural areas. Simply, women are having to rethink their family budgets and shopping lists; it is a fact that assets do not go very far in the local supermarket and delicatessen.

The final point I would make in relation to this list of comments from rural counsellors around the State is that, with women spending more time working on the farm, there is limited commitment to community and volunteer work, which has traditionally been done by country women. This is causing further hardship, especially to aged and isolated women, not only on farms but in the country towns.

Meals on Wheels, Domiciliary Care and a whole variety of services for crippled children and the like are just not finding the volunteers that they have found in the past to provide those services. There are major problems with respect to health care and education that are aggravating the life of women and their families. I have received much of this information from the Country Women's Association and I applaud the quality of the work it has been doing in this area. Considerable information on both matters is contained in this document entitled 'The Rural Crisis: the Impact on Women' that has been put together by my office on behalf of the Liberal Party, and I would commend the sections on health care and education to members. I would be pleased

to provide them with this paper if they would care to read it.

In passing, I might say that education is a critical factor at the present time. Not only would women like to have further education opportunities, but also they are desperate to see that their children have those opportunities, because they realise that farming will not be an appropriate lifestyle for many of their children. Many of these people cannot afford to send their children to boarding school. If they have three or four children, that is certainly not possible, yet we are finding that teacher numbers and courses in country areas are being cut. This is a major worry. The situation is similar with health care, where women are often loath to speak to their local doctor. If there is a local doctor, that person is generally male and is known to the woman's husband at golf, the rotary club or the like.

There is a whole range of issues that we in this Parliament should be addressing. As Parliament is to rise on Thursday, I thought it was important that this motion be moved so that during the recess the Government could seek to address the matters I have highlighted, to show that it is genuinely committed to the wellbeing of all South Australians, not only within the greater metropolitan area, as would be suggested from looking at the social justice statement released by the Government last August.

As I have said, the Country Women's Association supports this motion. It would be very pleased to work with the Government on the implementation of the investigation that I have outlined. I hope that this motion will have the support of members.

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

SMALL BUSINESS

The Hon. L.H. DAVIS: I move:

That this Council expresses grave concern at the Bannon Government's failure to recognise the plight of small business in South Australia and calls upon the Government to:

1. Review, as a matter of urgency, taxes and charges and Government administrative practices which impact adversely on small business; and

2. Review information, education and assistance programs available to small businesses in South Australia.

There is no more appropriate place to start discussion on this motion than to look at the priority that the Bannon Government accords small business in South Australia. In the 1990-91 State budget the words 'small business' barely passed Treasurer Bannon's lips. If we examine the amount of money spent on small business through the Small Business Corporation, we see that the contribution from the South Australian Government to the Small Business Corporation increased from $909 000 in 1989 to $936 000 in 1990; an increase of a niggardly 3.3 per cent. Certainly, there was a slightly larger increase in the current year, but the fact remains that the Bannon Government increased the support for the ministerial staff of the Department of the Premier and Cabinet by some 7.3 per cent, from $1.006 million to $1.079 million in this current year.

What we can say about the Bannon Government is that the Premier and Treasurer allocates more money to his staff in the office of the Premier and Cabinet than is allocated to the Small Business Corporation in South Australia. That shows the priority that small business is given in South Australia. I think it is a disgraceful state of affairs that the ministerial staff supporting the Premier has a greater budget than the Small Business Corporation, which services the needs of 55 000 small businesses in South Australia.

It is important for us to understand fully the dimensions of small business in South Australia. There are 55 000 small businesses in South Australia, including 10 000 that are involved in agricultural or pastoral pursuits. Some 30 per cent of small businesses are in the retailing sector. Small business is traditionally defined as firms with 20 or less employees or, in the case of manufacturing enterprises, 100 or less employees. Small businesses represent 95 per cent of all firms in South Australia and 55 per cent of private sector employment.

In sharp contrast to Canada or America where it is very easy to find statistics about small businesses, in South Australia and Australia generally it is very difficult to discover many useful and current facts and figures relating to small business. In fact, when I was in Canada visiting British Columbia, the Minister for Economic Development was able to advise me that 95 per cent of the employment growth in British Columbia in the preceding 12 months had come from small businesses. There is no way that data such as that is available in Australia.

Let me turn again to the support that small business is given by the Bannon Government, a Government that does not have one Cabinet Minister with any experience in small business. If we look at the annual reports of the Small Business Corporation and its equivalents around Australia—in New South Wales it forms part of the Department of Consumer Affairs—we see that South Australia spends less per head on supporting the Small Business Corporation than any other State of Australia. In Western Australia $1.76 per head is spent on the Small Business Corporation; in Queensland, it is $1.63; in New South Wales, $1.13; in Victoria, 86c; and in South Australia, a remarkably low 77c. As I have said, just over $1 million is to be spent on the Small Business Corporation in South Australia in the current financial year.

I would like to say something briefly about the Small Business Corporation in South Australia. I think it is one of the most efficient and effective statutory authorities in South Australia. Undoubtedly, it is very efficiently run with Mr Jack Tune as the Chairman and Mr Ron Flavel as General Manager, supported by a very dedicated executive team. They have done their best with the meagre resources that they have.

The last major initiative that I can recollect being undertaken by this Government is the introduction of bookkeepers under the bookkeeping scheme, which came into effect some 12 months ago. There has been no major initiative undertaken by the Bannon Government that recognises the extraordinary crisis that small business faces in South Australia in April 1991.

Indeed, when one examines the activity of the Minister of Small Business (Hon. Barbara Wiese), we see, according to the records that I have available, that there have been just three media releases in 1991. In other words, in the space of 14 or 15 weeks we have had but three releases on a subject that is of critical importance to the South Australian economy.

The Hon. Barbara Wiese: Press releases don't get things done.

The Hon. L.H. DAVIS: The Minister interjects and says that press releases do not get things done. That may be so; certainly, that is often all that an Opposition can do effectively because it does not hold the reins of Government. If media releases do not get things done, presumably positive action does. I have not seen exactly what this Minister or this Government has done about small business because, to me, small business is the driving force; it is the engine house of economic growth. In the United States of America

and in Canada small business is given extraordinary priority. An annual report is released by the President of the United States of America on the condition of small business and the implementation of programs to assist small business, given that there are very active Federal agencies working with State agencies in the area of small business.

But, in South Australia in particular, small business people are treated like lepers and second-class citizens. There is no recognition that the skills that are developed over a long period of time (often in a family business stretching back several generations) are invaluable in providing a base on which to build a solid economy. In the current economic environment we are seeing small businesses being blown away by the cruel and inappropriate economic policies of the Hawke and Bannon Labor Governments. I will return to deal with some of those policies in due course.

I refer briefly to the press releases from the Minister, and I presume that they do reflect Government policy. The first press release, dated 27 February and headed, 'Wiese urges Prime Minister to consider the plight of small business in his March economic statement', states that the Minister 'called on the Prime Minister to look at further extending the phasing in of company tax reforms as part of his March economic statement.' She is there referring to the fact that, with the rearrangement of the Federal Government's tax collection procedures, in the current year any company liable to pay $20 000 or more in tax will have to pay 85 per cent of its tax within 28 days of balance date. Small businesses who must pay those two major tax Bills in the space of six months face extraordinary difficulties.

I must say that I agree with the Minister's sentiments. Undoubtedly, there is no sympathy or understanding on the part of the Hawke Government about what this will do to small business in South Australia. But, of course, that begs the question, does it not: it presupposes that these businesses are actually making profits on which they can pay tax. I suggest to the Minister that is assuming too much in a climate of this nature. Therefore, whilst I concur with the sentiments of the Minister, for many people that, sadly, is no longer a problem, because they are not worried about profits; they are merely concerned about survival.

On 8 March the Minister launched an external small business management course, '... the most flexible and affordable of its kind in Australia'. Again, it is certainly commendable and was developed and written by the Adelaide TAFE Small Business Training Centre staff and produced by the Adelaide College Centre for Applied Learning Systems. It included subjects covering business law, taxation and various forms of business ownership. Other States expressed interest in buying the course.

Ms Wiese claims that South Australia was acknowledged as the national leader in distance education. Certainly, as someone who once lectured full-time in business, commercial law and economics, I am very easily persuaded that South Australia has many fine educational programs. Again, it begs the question. It is not much good introducing fine distance education programs when many of the small businesses are not going to last the distance.

Finally, on 11 March, a media release was published headed, 'Wiese launches external small business course—the most flexible and affordable of its kind in Australia'. In other words, two releases covered the same event. So, in effect, we had the pre-release, the release leading up to the launch, and then we had a commentary on the launch itself. So, we have had two statements from the Minister about small business in almost 3½ months. I must say that the Treasurer, Mr John Bannon, from time to time passes on some of his financial wisdom to those who wish to listen. In two weeks—

The Hon. Barbara Wiese interjecting:

The Hon. L.H. DAVIS: Just a minute; I am coming to it. In the last fortnight the Treasurer has released a remarkable statement saying that he will examine taxation measures impacting on business, both large and small; that he pledged to reduce WorkCover premiums and that he recognised that the economy in South Australia was in some difficulty and something should be done about it. But, it was pure rhetoric; it was a statement with no form of action. His Ministers in this Council, even as he spoke, were trenchantly opposing Liberal amendments to the WorkCover legislation which were designed to relieve small business in this State of some of the burden of paying the highest workers compensation premiums of all the States in Australia.

Certainly other persons make comments on small business; I do not deny that. The Minister of Industry, Trade and Technology is another person who involves himself in that important area. But, I am disappointed that this Government, and not just the Minsters who have some special interest in this area, has done nothing at all to support small business as the economy falls out of the sky. I do not resile from that comment. It is obvious, if one looks at the press releases and the action of this Government, that nothing at all has been done.

Let me review some of the problems that the Liberal Party has uncovered in recent weeks. The Liberal Party conducted a small business phone-in on Sunday 17 March. It revealed that small business in South Australia was experiencing an economic holocaust. Some 131 phone calls were received from small business throughout the State. A quarter of them were from country areas and 75 per cent were from the metropolitan area. The majority of the respondents had been in business for more than 20 years and only 25 per cent had been in business for less than five years. We were talking to experienced small business operators.

Yet, 27 per cent of the people phoning in reported sales down by more than 50 per cent, and these included not only people involved directly at the face of primary industry, for example, agricultural suppliers, but also jewellers, supermarkets, florists, earthmovers, building renovators, a transport group, a craft shop, a service station and a timber merchant. Clearly, this recession does not play favourites: everyone is vulnerable and is suffering from the icy wind of this recession. Not only was there a collapse in sales—indeed, 58 per cent of those interviewed had a decrease in sales of at least 20 per cent—but also many of them reported that their costs had soared by as much as 15 per cent in the past 12 months due to higher State taxes and charges such as WorkCover, payroll tax, financial institutions duty and land tax. In the most competitive of markets, which they now face, their profit margins are being squeezed. They are keeping their prices down, and in some cases reducing their prices.

There was no ray of sunshine at all out of this economic survey. As one respondent put it, 'They call it a recession but it's a bloody depression as far as I'm concerned.' In fact, people subsequently rang in when the results of the phone-in were given widespread publicity on television and radio and in the print media. There were some 30 or 40 phone calls in the days that followed. The stories from these small businesses were identical. The majority of people surveyed on that Sunday in March were not confident that they would still be operating at the end of 1991. The majority had cut staff in the past 12 months. Many of them were proud family businesses which had been operating for gen-

erations and which may have had nine or 10 staff members, and that staff had been cut back to just the family group, having had sadly to let go all their skilled and experienced staff because of the dreadful economic climate and outlook for their small business.

That survey revealed how badly South Australia was travelling. In fact, it gave credence to a survey of small businesses in 11 South Australian country towns that I had conducted the previous weekend. I made over 50 phone calls, involving roughly five businesses, to country towns spread around South Australia. Because farmers had stopped spending except for the bare essentials it was badly affecting small businesses in the supporting country towns.

In the Wudinna district, for example, which supports 250 farms, only four units of new agricultural machinery have been sold since 1987. What hope does an agricultural machinery sales firm have in a district undergoing such economic pain as is occurring in that part of Eyre Peninsula? The survey also showed how brave and determined country people were in facing up to this extraordinary rural crisis. Councils and business leaders were joining together to help their towns survive. In some cases towns were bringing in small business experts to talk to people and conduct a forum so that the business leaders of the town, along with the community leaders, could discuss the best way of fighting together to save the town. I am not putting that in a dramatic fashion because that is what we are talking about: fighting to save country towns.

The Hon. I. Gilfillan interjecting:

The Hon. L.H. DAVIS: I will tell you the town afterwards. I would prefer not to have it reported in *Hansard.* There is a recognition by many country people that, even though they may have to pay a premium price for their goods when they buy them in their local general store, it is better to do that than suddenly to wake up the next morning and find that there is no general store. The reality is that if shops are closed in some of these country towns they may never open again.

One of the economic facts that tends to be neglected in debate is that in the country many farmers and small businesses are still paying a premium for their money. Interest rates are quite commonly in the area of 19 per cent to 20 per cent. That compounds the problem and makes it difficult for many small businesses to survive the downturn. One of the towns I surveyed was Bordertown, where more than the usual number of small businesses were for sale, and there was a very pessimistic view about the future. It may well be appropriate for the Prime Minister, Mr Hawke, to come back to his birth place of Bordertown so that he can experience at first hand just what is happening to small business in rural South Australia.

I condemn the State Labor Government for its total failure to comprehend what its economic policies have done to small business in metropolitan Adelaide and in rural South Australia. As I said, the Premier barely mentioned small business in his 1990-91 State budget. If this is the recession we had to have, then Mr Keating is surely the Treasurer Australia did not need to have.

One matter that continues to grate with me and, I am sure, with many small businesses is the fact that Treasurer John Bannon raised State taxes and charges by 18.3 per cent in the 1990-91 budget—almost three times the level of inflation. As members know, it is very hard to achieve an 18.3 per cent increase in income in any one year, however good a business may be. That is an extraordinarily good rate of growth.

Of course, to pay additional taxes and charges you must have additional sales to maintain the profit margins on those sales. But John Bannon, increasing taxes and charges by 18.3 per cent, had no regard to what that would do to small business in South Australia. I am appalled at the hypocrisy of the Premier and Treasurer. I was sitting quietly in a room in Melbourne last Friday evening, watching the 6 o'clock news. In fact, I saw the news on two stations, on both of which was comment about Telecom increasing its price for a local call from 22 cents to 24 cents.

If I recollect correctly, this was the first time for at least two years that the price of a call had been put up; it meant a 9 per cent increase in Telecom charges for a local call. And there was the Treasurer of South Australia (who was in Sydney for some conference) actually on television expressing concern at this increase. I think that he stopped short of calling it outrageous, but that was all he did.

He had the gall to attack a 9 per cent increase in the charge for a local telephone call, the first increase in two years, when he is the unrivalled taxation king of Australia with an 18.3 per cent increase in taxation in the current State budget. If we look at the range of taxes and charges and their impact on small business in South Australia, that point becomes even more obvious.

The Bannon Government's financial institution duty is a lethal weapon for many small businesses in South Australia. Businesses with very high turnover and very low profit margins, such as service stations, travel agents and agricultural suppliers, have been hit with increases of thousands of dollars in financial institutions duty.

The Hon. R.J. Ritson: By what percentage did that duty rise?

The Hon. L.H. DAVIS: Financial institutions duty, FID—it might well rhyme with Scud—was increased by 250 per cent in the 1990 State Budget last August. South Australia now has a FID rate of .1 per cent—67 per cent higher than in any other State in Australia. Another example of the punitive nature of the financial institutions duty is the rural small business supplying agricultural goods, parts and fuels to a farming community.

In the past he had been able to invest up to $100 000 from customers for a period of four or five days, so earning very valuable interest for himself before passing on the money to his suppliers, but now, if he invests the $100 000 at the going rate of 10 per cent, he must receive a minimum of four days interest before he has earned enough to cover the FID payment of $100, that is, $100 000 at .1 per cent FID rate. In other words, he is better off not investing the money at all if he can only hold it for four days or less.

The FID is a positive discouragement to the efficient investment of surplus funds, apart from costing a proprietor thousands of dollars each year. To take the example of a service station in metropolitan Adelaide, it is not uncommon to have a turnover of, say, $4 million. One particular service station in Adelaide with a turnover of $4 million, losing $17 000 in a year, was faced with an FID bill of $4 000 annually, or $80 per week.

The FID is a lethal, discriminatory and very surreptitious tax. If that were not enough, we find that the Bannon Government is guilty of slow payment of accounts. The weekend small business phone-in of 17 March resulted in eight complaints of slow payments. Many people said that eight is not many but, of course, the corner deli, fruit shop and grocers do not generally supply Government with goods, so eight in my view was a very large number. The phone-in revealed that the Department of Education, the Department of Agriculture, the Woods and Forests Department and the Department of Housing and Construction, together with the Queen Elizabeth Hospital, had been taking up to four months to pay accounts. That is totally unacceptable.

We had the example of one proprietor facing closure who said, 'Government economic policies have forced my business to the edge of extinction and, if that is not enough, the Bannon Government pays my accounts more slowly than anyone.'

You cannot send a lawyer's letter to the Government: it does not have the same impact. The chances are that if you sent the Government a lawyer's letter it would lose it, anyway, because that was the experience of two callers who complained that the Department of Housing and Construction quite often lost invoices, and it became a time consuming nightmare to find an officer who actually had any knowledge of the outstanding account.

I am appalled to think that, even though Premier Bannon committed himself publicly to a directive that all Government agencies should pay accounts within 30 days, they still do not do so. Finally, the administrative nightmare for small businesses continues. Notwithstanding a promise made over six years ago (in his November State election policy speech) to consider the establishment of a shop front one stop shop to provide all forms and applications required for small business, to cut through the red tape and to make it easier for small businesses to know which Acts and regulations they had to comply with and which forms needed completion, the Government has failed to implement that initiative and has fallen behind other States in what is a very sensible arrangement—a one stop shop for small business.

This Government's performance in small business is pitiful, inappropriate and, in fact, cruel. No initiative has been taken during 1990-91 that reveals in any way to me that this Government has any comprehension of the importance of small business to the economy, let alone any understanding of what has to be done to turn this sinking ship around. South Australia's small business is in desperate trouble: hundreds will fail before the year is out.

Many small business proprietors are going bankrupt even as we speak. The economic conditions in South Australia are the worst that I have seen in my lifetime. Undoubtedly, they are the worst that this State has faced since the Great Depression. I urge support for this most important motion.

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

PROSTITUTION BILL

The Hon. I. GILFILLAN introduced a Bill for an Act to regulate prostitution, to make related amendments to the Criminal Law Consolidation Act 1935 and the Summary Offences Act 1953, and for other purposes. Read a first time.

The Hon. I. GILFILLAN: I move:

That this Bill be now read a second time.

In speaking to support the second reading of this Bill, I would like to outline some of the details of the Bill and its purpose. The principal aim of this Bill is the regulation of prostitution in South Australia. Members may well ask why I am introducing a Bill to change the law relating to prostitution. Primarily, because the activity of prostitution, however objectionable it may seem to be, is entered into voluntarily by two consenting adults. There is no perceived victim involved, and therefore I do not believe the law has a right to determine that involvement to be a criminal offence.

Our current law is absurdly discriminatory, in that only one of the two people involved in the act of prostitution commits an offence, and that is the provider of the service, not the consumer. To postulate that a prostitute goes out and 'criminally' induces a gullible client to pay for the services against his or her will, is to stretch credibility to breaking point. The client is a willing accessory to prostitution, before, during and after the act. Reform of such an archaic, discriminatory and impertinent law as it applies in South Australia is, in my opinion, long overdue.

The heart of the Bill lies in its licensing provisions and the establishment of a licensing board to administer the provisions within the Act and to determine the granting of licences to appropriate persons. The Bill contains a number of additional divisions, which enable the regulation of prostitution to be properly monitored, covering areas that include: offences connected with prostitution, no licences to be granted to operate in a restricted zone, approval of manager of brothel, duties of licensees, police power of entry and significant health provisions. To facilitate the implementation of the Bill it is also necessary to make consequential amendments to the Criminal Law Consolidation Act 1935 and the Summary Offences Act 1953.

In July 1990, I indicated I would seek to introduce a private member's Bill to regulate prostitution before the end of this parliamentary session. At the time, my intention to do so went largely unnoticed by many in the media, some members and the community as a whole. In the past two months, however, that has changed, with a significant degree of public attention now being attached to the introduction of this Bill.

In outlining the Bill I would like to detail the history, not only of prostitution but of my involvement and interest in law reform in this area. I became involved in the movement to reform prostitution laws in 1984, when I was contacted by some working women who asked me if I could meet them to discuss their position. At the time they told me of the constant harassment of prostitutes by police and were looking for help. They recalled Mr Robin Millhouse's attempt to reform prostitution laws five years earlier and believed the Democrats could help.

A meeting took place at the Grosvenor Hotel on North Terrace. I was told that several of the women involved in the industry who wished to attend the meeting had been scared off by Vice Squad police cars seen patrolling in front of the hotel. I told those assembled that, although I was not supportive of prostitution, I believed the law should, nevertheless, be changed. My advice to those attending the meeting at the time, was that they should form an association to stand up for their rights and to actively lobby for law reform. I chaired a meeting which saw the formation of the Prostitutes Association of South Australia, PASA as it is now commonly known.

At the time the police correctly believed that as the law stood, they had a duty to make an effort to convict prostitutes and raid known brothels. I did not, however, condone their intimidation of people who wanted to come, first, to the meeting in the Grosvenor and, secondly, to a meeting in Adelaide attended by the then President of the Legislative Council, the Hon. Anne Levy. I am sure that the honourable member will remember that meeting with the former Lord Mayor of Adelaide, the Hon. Jim Jarvis.

This second meeting was to provide an opportunity for people working in prostitution to meet with us and a representative of the police. It was an embarrassment to us, and especially to the police representative, that Vice Squad officers were patrolling the front of the premises on this occasion, keeping some people away. I mention this because it highlights a further reason why the law should be changed; that is, the diversion of police energies and resources to the relatively futile exercise of hounding prostitutes and raiding

brothels, rather than using those resources, more effectively to pursue other areas of real criminal activity, such as assault, theft, break and enter, etc.

Although South Australia has for many years enjoyed an enviable record in law reform, in the area of prostitution it has lagged behind that of other States. It is my intention to travel to Victoria next week to examine the situation there and to enter into discussions with leading reformers such as Monash University Professor Marcia Neave, and Cheryl Overs, a consultant to the World Health Organisation global program on AIDS. We have some lessons to learn from the Victorian experience and part of the reason for bringing in the Bill today and leaving it through the autumn recess is to allow discussion and the development of further amendments.

Prostitution has often been labelled one of the oldest professions known and indeed there is a wealth of historical material on prostitution and its role in societies over many centuries. At various times in history and in various countries, prostitution has been a legal practice and in some ancient societies it has been revered and actively encouraged. The *Old Testament* tells us that in ancient Babylon prostitutes were recognised as providing an essential service to the community and operated from a community's temple.

In the fourth century A.D. St Augustine compared prostitution to a palace sewer: 'foul but necessary'—a recognition, therefore, of the frailties of human nature. By the Middle Ages prostitution in Europe had become influential in society through the establishment of guilds, which controlled the profession via a code of ethics. In Naples a prostitute court sat in judgment on those in the profession who broke the codes, while in France money from prostitution was used extensively to support local universities. Across the Channel in England it was not uncommon in later centuries for local bishops to rent church-owned properties to prostitutes for brothels. It was not until the sixteenth century that attitudes to prostitution began to change and a certain stigma was then attached to those working as prostitutes.

In Australia the history of early white settlement was dominated to a large extent by English Protestantism, which regarded prostitution as a necessary evil. Although tolerated in colonial Australia, prostitution held a low position in the social order of the community and in many cases the authorities discriminated heavily against prostitutes by way of harassment and gaoling for loitering and other minor offences. A British Select Committee on Transportation in 1812 stated:

> Female convicts were in general received rather as prostitutes than as servants.

It was not until 1864 that any form of law was enacted in this country aimed at reducing the numbers of those involved in prostitution.

The Hon. Anne Levy: They were not prostitutes; they weren't paid. They were just raped.

The Hon. I. GILFILLAN: Well, they were described as prostitutes in this situation. The introduction in New South Wales of the Contagious Diseases Act in that year placed, for the first time, the onus for public health on the prostitute while allowing the client to get off free. A number of additional laws relating to prostitution were enacted throughout the rest of the country, including South Australia, so that by the 1960s the arrest rate of prostitutes in Australia was regarded as among the most notorious in the Western world. For example, in Sydney, official police estimates of women actively involved in prostitution ran to around 500, but the annual arrest rate was regularly in excess of 10 000. Constant attention by police did little to prevent the continued growth of prostitution, and South Australia was by no means immune to national trends.

More recently, in 1980, former state Democrat leader, Robin Millhouse, introduced a private member's Bill to the South Australian House of Assembly aimed at decriminalising prostitution. In a freedom of conscience vote the Bill was defeated on the casting vote of the Speaker of the House.

It was not until 1986 that a new attempt was made to regulate prostitution through the efforts of the Hon. Ms Carolyn Pickles, who introduced her private members's Bill in this Chamber. I remind the House that I was supportive of that Bill and I congratulate the Hon. Ms Pickles on her courage and energy in promoting it. Unfortunately, Ms Pickles' Bill was withdrawn before a vote could be taken, and the iniquities that have existed in laws relating to prostitution have continued in this State ever since.

According to the Australian Institute of Criminology, South Australia is the only State in the country where working in a brothel can be an offence, providing it is proved that money changed hands in exchange for services. In New South Wales brothel work is not an offence unless the premises are advertised for activities other than prostitution, such as massage or sauna, etc.

Victoria permits brothels to operate, provided a town planning permit has been granted, while in Tasmania any form of brothel work is allowed. Queensland, Western Australia and the ACT all allow 'one woman' brothels to operate, leaving South Australia as the only State where all forms of brothel work are illegal. In all States and Territories, however, escort agency work is not an offence—an aspect which makes the policing of prostitution in South Australia impractical. I would say that this attitude must be hypocritical.

Our law, as it currently stands, is quite ridiculous, because, if prostitution is carried on under the guise of an escort agency, there is no offence, or, if exactly the same acts were performed and no money changed hands, it, too, would not constitute an offence. For many years prostitution has been legal in a number of other countries, most notably the Netherlands, Germany and Denmark.

In May last year, Dr Paul Wilson, Susan Pinto and Anita Scandia released a paper on Prostitution Laws in Australia through the Australian Institute of Criminology. The authors stated, in part:

> . . . the confusion felt by law-makers about how best to cope with prostitution is reflected in prostitution laws themselves, which are clouded in ambiguity and contradiction.

One of the best examples of the contradictions that exist in prostitution laws is here in South Australia. To commit an offence in a brothel, evidence must be obtained showing that money has actually changed hands in exchange for prostitution services. This difficult method of establishing proof has resulted in time-consuming and expensive surveillance by police officers, resulting in raids, entrapment and often harassment of both prostitutes and clients.

However, in every case it is the prostitute who is charged and fined while the client goes free. It is a victimless crime as it currently exists on the statute book, where two consenting adults agree to engage in prostitution, but it is highly discriminatory in the people to be prosecuted. Laws that have criminalised prostitution have been relatively ineffective in reducing or controlling the industry.

Former Adelaide University Professor of Law, Marcia Neave, published a research paper in 1986 which stated:

> . . . based on estimates made for other Australian cities, approximately 40 000 men buy sex each week in South Australia.

These people are not subject to prosecution, yet the small number of prostitutes providing the services are constantly harassed, raided, fined and have their civil liberties challenged. It was this type of policing activity that led Professor Neave to the conclusion that brothel licensing would be a better way of controlling and policing the industry. This formed the major part of her recommendations to the Victorian Government in her role as head of the Victorian inquiry into prostitution in 1985.

Queensland's Fitzgerald report in 1989 claimed:

> ... restrictive laws which seek to prohibit behaviour for which there is substantial demand and which is profitable, encourage the involvement of organised crime and corruption.

The same report states:

> ... the criminalisation of prostitution has encouraged significant criminal activity for several years ... and has resulted in serious health and welfare problems ...

In South Australia a report released in February this year by the National Crime Authority, entitled 'Operation Hydra', stated in its recommendations:

> ... in the course of the investigation it became clear that, in spite of often rigorous efforts by police to enforce the law, there was no real probability that prostitution could or would ever be eradicated.

The report claimed the current laws relating to prostitution in South Australia:

> ... creates an environment where rumours of corruption of police and other public officials can flourish ...

As a result of its two-year investigation into 'Hydra', the authority recommended:

> ... the operation of the criminal law in South Australia, as it applies to prostitution, be reviewed with reference to the law and practice in other States.

Clearly, there is an overwhelming body of evidence to support prostitution law reform in this State, and I believe this Bill contains the essential ingredients needed effectively to address that issue, while at the same time providing a sense of security and control of the prostitution industry as it exists in South Australia.

There are four main reasons why I believe this Bill is necessary. First, the policing and enforcement of laws pertaining to prostitution in South Australia represent what I believe to be blatant discrimination on the basis of gender. Although there are male prostitutes working in the industry, research clearly shows that the overwhelming numbers of prostitutes are women, with some estimates as high as 98 per cent. However, in almost every case the clients wanting prostitution services are men and the laws, as they currently stand, do not prosecute clients; therefore, the only victims of prostitution are the prostitutes themselves.

Secondly, there is the health consideration. The advent of AIDS has given rise to the fear of a spreading of the disease through prostitution. There must be a controlled and properly monitored system of health checks on those workers involved in the industry, and I believe that only through regulation of prostitution can this be adequately achieved. However, I must say at this point that a very real health danger lies not so much with the prostitute, but with the client. It may be worth while having a discussion in further analysis of this Bill in Committee stage, if not before, as to whether it should be an offence for a client to seek the services of a prostitute knowingly being infected with a sexually transmitted disease.

The Hon. Diana Laidlaw: Good idea.

The Hon. I. GILFILLAN: I think it would be reasonable to pursue that as an amendment to the Bill, and I am prepared to consider it. Research shows that sexually transmitted diseases are more likely to be passed through the community in normal sexual relations than by prostitutes. Prostitutes have a good record of sexual health—an aspect that has been supported by health surveys in New South Wales. They are, in many respects, more aware of the need to guard against the spread of sexual diseases than regular members of the community.

This Bill contains provisions for careful monitoring of the health of prostitutes in relation to sexually transmitted diseases, but I believe the client must also observe health standards through the mandatory use of condoms. However, I recognise the difficulty in monitoring the health of clients and the perception within the broader community that working prostitutes must carry much of the burden for maintaining health standards.

The AIDS Council has called upon all Governments to put aside prejudices against sex workers in the interests of public health, and I believe the policing methods used in this State in dealing with brothels could result in forcing prostitutes onto the street, making it harder to control AIDS through preventative programs and information.

Thirdly, there always is the potential for organised crime to flourish in an area where an illegal activity is in strong demand. Obviously, that applies to prostitution. That potential can be limited to some extent by proper regulation of prostitution. There are many aspects to this element of crime which are detrimental to society as a whole, including bribery of officials trying to police the activity, laundering of 'black' money, and the use of a criminalised activity to bankroll a wide range of other criminal activities, such as drug supply and distribution. In addition, some women involved in prostitution can have their lives made difficult and at times intolerable by the stand-over tactics of pimps and crime bosses.

Working conditions and civil liberties can be abused and often overlooked and those women simply trying to make ends meet have little recourse to the authorities because to do so is to admit to a criminal activity and face prosecution, while the exploiters get off scot-free. A licensed system will allow individual prostitutes to apply for licenses to run a brothel, if they wish, and take control of their own lives, working conditions and finances without the threat of organised crime. Attempts by forces outside the law to intimidate and control working women would be dealt with harshly by the provisions contained within this Bill and prostitutes would have the rightful protection of the law, to which they are entitled as citizens.

The fourth and final aspect of this Bill is related directly to what I consider to be a waste of vital police resources. Considerable police working hours and resources are tied up in the futile exercise of attempting to enforce this discriminatory and difficult law. The results are totally unsatisfactory for all those involved, including the police, courts and the prostitutes. The demand continues, the clients get off scot-free and the prostitutes are harassed. I believe the police involved gain little satisfaction from the work done, and in the end fail to suppress prostitution and any organised crime involved. It is a costly, unfulfilling and useless waste of already overstretched police resources that can be far better used in other more gainful areas of crime fighting.

Let me now turn to the Bill itself for a brief overview of its contents. The Bill contains several pages of interpretation covering definitions used in the Bill for things such as the 'board', 'brothel', 'drug of dependence', 'prostitution', 'residential zone', 'sexually transmitted diseases', and 'undue influence'.

The Bill provides for the establishment of a board to receive, consider and process applications for licences. The board consists of five members, including a police officer recommended by the Commissioner of Police, a represent-

ative of the prostitution industry appointed by the Attorney-General, a representative of the Local Government Association and representatives of public and environmental health and community welfare, appointed by the appropriate Minister. The Bill deals extensively with the issue of conflict of interest by any board members and details the functions of the board, its annual report requirements, the provision of a registrar and associated staff.

I would make the comment that, although a considerable amount of the contents of the Bill deal with the board, its operations are relatively small in content. I do not perceive that the establishment or the running of this board will be a very expensive exercise, and should to a large extent, if not completely, be covered by the fees required for the licensing.

There are significant penalties for operating without a licence, which in some cases could mean up to two years gaol along with heavy fines. Licence holders can operate only in approved areas, but not in a restricted zone, which includes a residential zone as defined in the Bill. There are extensive investigatory powers for the board in determining who will hold a licence and power by regulation for an appropriate licensing fee to be set.

Licences are personal, non-transferable, do not vest by operation of law in any other person, are valid for three years and are then subject to renewal or cancellation. Licences can be suspended for a wide range of reasons, including conviction for drug offences, indictable offences, offences against the Act as a result of inadequate and improperly supervised or managed premises, or complaints laid by workers against licence holders. As is the case in all other licensing procedures contained in a number of other Acts, most notably those relating to liquor licensed premises, police officers still maintain wide-ranging powers of entry and investigation.

Part IV of the Bill deals extensively with offences connected with prostitution and provide for severe penalties for breaches of this section. Strict controls prevent child prostitution and child employment in brothels and unlawful inducements. Penalties for offences in this area are at the top of the scale and range from 7 to 15 years gaol and fines from $30 000 to $60 000. Street prostitution remains illegal.

There is provision for substantial health checks under guidelines from the Health Commission and penalty for any prostitute and licence holder who knowingly works or allows a person to work as a prostitute while carrying a sexually transmitted disease. The provison of condoms will be mandatory and it will be illegal to engage in prostitution without using them. There is provision for the first time to make a client liable to prosecution for trying to induce a prostitute to provide services without using condoms.

Controls exist on advertising and it will be against the law to advertise for workers in prostitution. There will be no careers officers arriving at schools recommending prostitution as a school leavers option, nor will there be notices placed on the boards of the CES. The Governor has the power to make regulatons that are contemplated by or are necessary or expedient for the purposes of this Act.

Schedule 1 provides for a number of consequential amendments to the Criminal Law Consolidation Act 1935 and the Summary Offences Act 1953, which are necessary to put this Bill into effect. Those previous pieces of legislation relate to the prostitution law as it currently applies. Schedule 2 provides for a transitional provision to allow current brothel operators to be granted a temporary licence. That could be described as a grandfather (or grandmother) clause, which will enable those who are currently involved to have a chance to continue, unless it is shown that, in the opinion of the board, they are unsatisfactory to continue that responsibility.

The remaining parts of the Bill contain an appendix of divisional penalties to be used as a guide for penalty provisions contained in the Bill and an index of the Bills provisions. I hope members will give this Bill their full consideration during the autumn recess of Parliament so that, when this House resumes in August and the Bill is reintroduced, debate can usefully be undertaken with a view to putting this Bill to a vote. Both the Premier, Mr Bannon and the Opposition Leader, Dale Baker, have indicated their willingness to see the Bill voted on as a conscience vote, not long Party lines. Indeed, Mr Baker has indicated support for the Bill, for which I thank him. I urge each member to use that individual conscience vote in the interests of the broader community, bearing in mind the need for what I believe is genuine law reform.

I realise that at this stage of the sitting it is virtually impossible for further debate to take place; but I do not regret that. I believe it is a matter that deserves and will benefit from wider debate and longer deliberation than would be the case were it to proceed, even if we had all the remaining time of this sitting to consider it. I know that the matter has been brought before this Parliament previously and before this Chamber in the recent past. I believe the climate is more favourable to recognising and supporting law reform in prostitution than it has been in recent years and I believe that, quite clearly, people are recognising that, by moving to reform an iniquitous, unfair and ineffective law, it does not mean that they condone or support the practice that is regulated and controlled by this legislation. It would be a very sad debate if discussions of this legislation just focused on the moral rights or wrongs of prostitution as an activity. This is important in the public context as well.

The Hon. J.C. Burdett: Don't worry, it won't.

The Hon. I. GILFILLAN: I note the interjection from the Hon. John Burdett. I do have respect for the members of this Chamber and I do not believe that this is where that sort of trivialising of the debate will occur. From the correspondence I have had already, there is clear indication that members of the public are inclined to be very persuaded by their personal attitude and opinion about prostitution in their knee-jerk reactions as to the adviseability or otherwise at law reform.

In conclusion, I hope that, for the sake of imposing the law relating to prostitution in South Australia, the debate over the recess in the media and elsewhere can focus on the broader issue of what should be the role of the law concerning relationships and negotiations between private consenting adults. The issue of the morality of prostitution, although important, should not be allowed to cloud the responsibility of drafting appropriate legislation to cover this activity. I commend the Bill to the Council.

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

SELECT COMMITTEE ON CHILD PROTECTION POLICIES, PRACTICES AND PROCEDURES IN SOUTH AUSTRALIA

The Hon. CAROLYN PICKLES: I move:

That the committee have leave to sit during the recess and to report on Thursday 8 August.

Motion carried.

SELECT COMMITTEE ON THE REDEVELOPMENT OF THE MARINELAND COMPLEX AND RELATED MATTERS

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): I move:

That the committee have leave to sit during the recess and to report on Thursday 8 August.

Motion carried.

SELECT COMMITTEE ON THE CIRCUMSTANCES RELATED TO THE STIRLING COUNCIL PERTAINING TO AND ARISING FROM THE ASH WEDNESDAY 1980 BUSHFIRES AND RELATED MATTERS

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): I move:

That the committee have leave to sit during the recess and to report on Thursday 8 August.

Motion carried.

SELECT COMMITTEE ON THE PENAL SYSTEM IN SOUTH AUSTRALIA

The Hon. I. GILFILLAN: I move:

That the committee have leave to sit during the recess and to report on Thursday 8 August.

Motion carried.

SELECT COMMITTEE ON COUNTRY RAIL SERVICES IN SOUTH AUSTRALIA

The Hon. R.R. ROBERTS: On behalf of the Hon. George Weatherill, I move:

That the committee have leave to sit during the recess and to report on Thursday 8 August.

Motion carried.

SUMMARY OFFENCES REGULATIONS

Order of the Day, Private Business, No. 7: Hon. M.S. Feleppa to move:

That regulations under the Summary Offences Act 1953, concerning expiation notice fees, made on 20 December 1990 and laid on the table of this Council on 12 February 1991, be disallowed.

The Hon. M.S. FELEPPA: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

PLANNING REGULATIONS

Order of the Day, Private Business, No. 8: Hon. M.S. Feleppa to move:

That the regulations under the Planning Act 1982, concerning coastal development, local government and commission powers, made on 14 February 1991 and laid on the table of this Council on 19 February 1991, be disallowed.

The Hon. M.S. FELEPPA: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

CARAVAN BY-LAWS

Orders of the Day, Private Business, Nos 9 and 10: Hon. M.S. Feleppa to move:

That the Corporation of West Torrens by-law No. 8 concerning caravans, made on 14 February 1991 and laid on the table of this Council on 19 February 1991, be disallowed.

That the Town of Naracoorte by-law No. 4 concerning caravans, made on 18 February 1991 and laid on the table of this Council on 19 February 1991, be disallowed.

The Hon. M.S. FELEPPA: I move:

That these Orders of the Day be discharged.

Orders of the Day discharged.

OPEN ACCESS COLLEGE

Adjourned debate on motion of Hon. R.I. LUCAS:

That this Council condemns the Bannon Government for its failure:

(i) To ensure the Open Access College was fully operational at the commencement of the school year.

(ii) To guarantee a high quality of education for all students studying with the Open Access College.

(Continued from 3 April. Page 3937.)

The Hon. R.R. ROBERTS: I rise to oppose this motion against the background of a concern that I have been developing for some months with respect to issues that affect people who live in country areas. Another motion along these lines in respect of country women was introduced in this place today by the Hon. Diana Laidlaw. It seems to be a practice in the last session of this Parliament that every initiative taken by the Government to try to provide services for people living in country areas is attacked mercilessly by the Opposition in an endeavour to create not confidence but exactly the reverse.

This practice is causing a great deal of distress. What concerns me is that when members of the Opposition rise on these occasions they do so with feigned interest in these people, when actually they are trying to undermine confidence in the Government. This transgresses across areas such as law and order and, indeed, education.

I will address the remainder of my remarks to the contribution made in this place by the Hon. Mr Lucas in respect of open access colleges. I followed with great interest the honourable member's contribution when he opened this debate, but my interest soon turned to amazement when he began talking about numbers. I am amazed that he blindly quoted numbers supplied by the teachers union from its so-called survey, without understanding the implications behind them or, if he did understand the implications, he deliberately ignored or blithely hoped that no-one else would notice the inconsistencies and contradictions contained in them.

The honourable member should have known better, because most members here are keenly interested in numbers. I regret to say that the numbers used by the Hon. Mr Lucas to try to support his contention are very shaky indeed. The more I looked at his numbers the shonkier they began to look and the shonkier they looked, the more I began to question the validity of the whole survey and its claims.

Let me remind members of what the Hon. Mr Lucas said. He quoted from the Institute of Teachers' survey of 67 schools in relation to their concerns about attitude to the service being provided by the Open Access College. First, the honourable member did not question the impartiality of the body conducting the survey. Whenever we look at the results of any survey some questions should be asked, such as, 'Who conducted the survey; were the surveyors impartial, and what is the purpose of the survey?'

I regret that the teachers union can hardly be accused of being impartial in this exercise. What was the purpose of conducting such a survey? Was it to ascertain the facts of the situation or was it to support the union's foregone conclusions? I would like to draw the attention of members to the bizarre topic of the survey. The Hon. Mr Lucas described it as 'a survey in relation to their concerns about attitudes to the services being provided'. It was not a survey about the services actually being provided, it was not even concerned about the services, but, according to the honourable member's very own words, it was about schools that were concerned about attitude to services.

In other words, according to the Hon. Mr Lucas, the survey was twice removed from the actual substance of the situation; it was concerned not about the service itself but about attitudes to the service. What does that mean? If a school says that it is very concerned about attitude to open access services, does that mean that it thinks the service is poor or does it think it is good but that it is worried that other people might not think so?

The results that the honourable member quotes are as woolly and as vague as the topic. The Hon. Mr Lucas said that this was a widespread survey of 67 schools. That statement appears to denote a new definition of the word 'widespread' which I have not come across before. There are over 700 schools in the State education system, 143 of which have students enrolled in the Open Access College. Which ones did the teachers union survey? The Hon. Mr Lucas claimed that the survey showed that 95 per cent of those schools reported delays in the first four weeks of term one. He quoted that statement from the teachers union's journal and, according to *Hansard*, he said:

> I repeat that 95 per cent of schools reported delays in the first four weeks of the term.

A moment later, however, he repeated the claim:

> Ninety-five per cent of the 67 schools contacted reported delays of up to four weeks.

The honourable member certainly locked himself into that claim by saying it three times. Then he blew it by saying a short time later:

> I did not note one point, that of the 67 schools, 21 were city schools, and in fact 12 of those 21 schools had students enrolled with the Open Access College.

These are the numbers to which I referred earlier. The Hon. Mr Lucas made a classic error: he forgot to do his numbers before he opened his mouth. He missed the glaring inconsistency in the numbers quoted by the teachers union in this survey and reaffirmed by him in this Council. If the honourable member had done his numbers he would have realised straight away that the survey results were shonky.

Let me explain. The survey covered 67 schools. The Hon. Mr Lucas said that 95 per cent of those schools reported delays—95 per cent of 67 schools is 63.65 schools. So, let us give the honourable member the benefit of the doubt and say that it was 64. So, according to the honourable member, 64 of the 67 schools reported delays. He then told us that of those 67 schools 21 were city schools and, of those 21 schools, 12 have students enrolled in the Open Access College. I cannot help but wonder why, when the Hon. Mr Lucas made that comment, he did not make the blindingly obvious deduction that if 12 of the 21 schools had students enrolled in the Open Access College simple arithmetic suggests that nine did not.

That means that, of the survey sample of 67 schools, 21 of which were city schools, at least nine did not have students enrolled in the Open Access College. Therefore, 58 schools in the survey had students enrolled in open access colleges yet, according to the Hon. Mr Lucas, 64 schools reported delays. In other words, six schools which reported delays did not even have students enrolled in the college. This simple arithmetic shows just how sloppily this survey was conducted. The figures have been taken at face value and it is shown how they contradict each other.

However, if the results are so unreliable and if the union's own numbers are so contradictory, how can we be sure of the accuracy of any of the figures quoted? Were some of the schools counted twice? Did some schools without students enrolled in the Open Access College make responses based on hearsay and get counted as experiencing delays? Did some schools answer the survey by saying, 'Yes, we are concerned about the attitude of the service,' meaning that they think the service is all right but they are worried that some people do not think so; and perhaps that was recorded as, 'Yes, we are experiencing delays.'

The whole survey upon which Mr Lucas places so much importance is full of holes and lacks any credibility whatsoever, just like some of the other misleading claims that he peddled. The Hon. Mr Lucas said that his office was contacted by a mother whose son was attending Marden High School and doing two subjects in matriculation through the Open Access College. He claimed that, by week six, the student had not received any economics books that were required for the course, and that the parents had to go out and buy the books. I have news for Mr Lucas: I am advised by the Open Access College that it has no student doing neither year 11 nor year 12 economics who is based at Marden High School. That is more sloppy thinking from the Hon. Mr Lucas.

The reference that the Hon. Mr Lucas made to Athelstone made the Open Access College think that he might have been referring to the case of an adult student from Athelstone. Indeed, that student studies economics through open access, and I understand that his parents were informed that the text book was non-essential at that stage of the course. Apparently, at the time the mother contacted the college she was not aware that the student had already completed two assignments. This is just one more example of the way in which Mr Lucas has beaten up the issue in order to score a few political points and, I might add, to undermine the confidence of people in the education system. I think that is shameful.

Let me refer to more examples of Mr Lucas's misleading claims. He alleged that individual students are 10 to 15 per cent behind other South Australian year 11 and year 12 students in their work. That is a pretty big claim—that they are behind all other year 11 and year 12 students—not only behind, but 10 to 15 per cent behind. What evidence does Mr Lucas offer to support that claim? Who are these students? How many of them are there? Where are they? What does such a claim actually mean? Mr Lucas identifies them merely as 'individual students'. He is trying to tell me that an unknown number of anonymous, unidentified students are behind all the other students. He might as well say that someone, somewhere, is behind everyone else. I suppose that could be true.

Have you ever experienced being in hospital and hearing someone offering comfort with words such as, 'At least there are people here worse off'? Imagine the poor patient who cannot say that. There is always someone who is worse off than anybody else in a hospital. It is as much a truism as saying that some students are behind all other students. It is also true that some students will be ahead of all other students. I put to members that, however many students (whether either of those groups is five, 10, 15 or 20 per cent) are ahead or behind, it is a matter of conjecture. In the same way, how many of those students, if any, are

enrolled in the Open Access College? It is mere speculation in the absence of any hard evidence.

The Hon. Mr Dunn also made a contribution, and I must say that I thought Mr Dunn, who claims to have some knowledge of country areas, would have been more careful in trying to undermine the confidence of rural people who find that they can no longer pay the high private school fees in order to send their children away to be educated. Indeed, they are now using the public school system and many of them are using the Open Access College. One would have thought that if, as was expressed today by the Hon. Diana Laidlaw, there was any real concern for rural people, the Hon. Mr Dunn would be trying to instil confidence, not trying to undermine it. But what did he say? It was interesting to see how Mr Lucas's allegations were transformed when the Hon. Mr Dunn made his contribution.

The Hon. Mr Dunn alleged that some 15 per cent of children did not have any resource material at the start of the school year, where did he get the figure of 15 per cent? He offers no evidence to back up the assertion. Did he just pull it out of the air? To the Hon. Mr Dunn's credit, the answer is 'No'. He did not just make it up; he got the figure from Mr Lucas. The Hon. Mr Lucas referred to a figure of 15 per cent. Unfortunately, the Hon. Mr Dunn got it wrong. The Hon. Mr Lucas claimed that individual students were 15 per cent behind other students in the year's work. In the Hon. Mr Dunn's speech, that became, 'Fifteen per cent of children did not have any resource material at the start of the school year.' So, the Hon. Mr Dunn quoted, as fact, figures that were based on nothing more than a distortion of Mr Lucas's allegations.

The Hon. R.J. Ritson: What was the percentage, or are you going to make a bald statement?

The Hon. R.R. ROBERTS: I have already said that no-one can tell. Is it 10, 15 or 20 per cent? It is conjecture.

The Hon. R.J. Ritson: Can you say that it was not so?

The Hon. R.R. ROBERTS: I can tell you that you do not know; Mr Lucas does not know; and Mr Dunn does not even know—he could not even get the percentage right.

The Hon. R.J. Ritson interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: You certainly do not know. There is no use in your confessing. You don't know, and we know you don't know.

The Hon. R.J. Ritson interjecting:

The PRESIDENT: Order! The Hon. Mr Roberts will address the Chair.

The Hon. R.R. ROBERTS: I am being provoked here, Mr President.

The PRESIDENT: I realise that, and that is why I am asking you to address the Chair.

The Hon. R.R. ROBERTS: Certainly, Mr President. You would think that the Whip would know better. The Hon. Mr Lucas offered no evidence whatsoever to support his claims. He just made allegations. It sounds good but, on examination, it is as empty as the teachers union survey. What are the facts? I am advised, for example, that the Open Access College teachers of accounting, economics and legal studies have commented that, in nearly all cases, students are on line with the due date for their assignments.

They are not 15 per cent behind, but they are on line. For example, in Mathematics I, Mathematics II and Mathematics IS, all assignments must be completed by the end of September. This would allow two months for revision. A student is assessed on 12 assignments for those mathematics subjects. Students are set 14 assignments, but they need complete only 12 assignments to finish the course. Some students did not enrol until weeks five, six or seven. Other students changed part way through the term from public examination subjects to school assessed subjects. They will have to work to a tighter timetable to complete the course. That is certainly achievable and, in this, they are no different from students who enrol late in any other school.

This illustrates one of the false premises which runs through the Hon. Mr Lucas's and the Hon. Mr Dunn's comments. They assume that any delay in receiving course materials is due to some problems within open access colleges. The reality is very different. The simple fact is that many students receive their materials late because they enrolled late. However, Mr Lucas and Mr Dunn continue to peddle misinformation about the allegedly late material.

It is true that, in a few cases, students have not received material for their full year's work. I emphasise the point—their full year's work. Normally, students receive at the start of the year the whole of their course material for the full year. They get the whole lot in one go. This includes all the reading matter, assignments, textbooks and kits. The college quite reasonably predicted an enrolment increase of around 150 full-time equivalent students. However, the actual increase in enrolments was beyond all reasonable expectations.

By the end of week two there was a 48 per cent increase in year 12. By the end of week six there was an increase of 90 per cent. A moment's thought would have shown Mr Dunn that his claim that 15 per cent of students did not have any resource material at the start of the year was a nonsense. The simple reason many students did not have resource material at the start of the year was that many of them had not even enrolled. I am advised that 700 year eight to year 12 enrolment forms were received in term four last year, and 1 185 forms were received in weeks one to seven at the start of the year. This clearly shows that in many cases the late enrolments were the real and justifiable reason for the late receipt of materials.

I will come back later to the issue of enrolment increases and the reason for it. The increase in enrolments meant that some course materials, textbooks and kits ran out, so some students did not get their full year's material straight away. But, that does not mean that they did not get anything. While extra printing was arranged and textbooks ordered, teachers photocopied the first lot of assignments and this material was either posted or faxed to students as soon as they had been allocated to their classes.

It must be understood that most students had materials and work with which to continue, even if they had not received the full year's material. I would like to look at some of the examples that Mr Lucas quoted regarding alleged delays in the receipt of materials. Using his usual flowery language, he said that there were 'literally dozens' of examples. How many is 'literally dozens'? Is it as many as a half a dozen dozens? Even if all of them were accurate—an assumption I will challenge in a moment—how big would the problem be?

I point out to members that, as of last week, 2 487 students, both school and non-school based, were enrolled in the Open Access College. Even if every single one of Mr Lucas's examples were correct, let us say 72 cases, that is less than 3 per cent of student enrolments. What is going on here? Why is Mr Lucas attacking the Education Department over problems with less than 3 per cent of the clientele? Where, then, are his congratulations for providing the service successfully to the other 97 per cent of the students? Mr Lucas is of course entitled to complain about the 3 per cent, if that is indeed the figure—and that is shonky. But if he is to spend 20 minutes complaining about an alleged 3

per cent failure rate will he spend a proportional amount of time congratulating the Education Department on at least a 97 per cent success rate?

If 3 per cent is worth 20 minutes' diatribe, I reckon that 97 per cent must be worth about 647 minutes. I look forward to Mr Lucas's contribution of a 10¾ hour speech in praise of the Open Access College. I make this point not to be flippant but to put Mr Lucas's allegations in their proper perspective. Even if every one of Mr Lucas's examples were exactly as he said it was, then it is still a very small proportion of the whole situation. To extrapolate from 3 per cent, or even 6 per cent, if 'literally dozens' means a dozen dozens, in order to suggest that the whole system is in chaos, is not only grossly misleading but, as I said before, is irresponsible.

It is all very well for Mr Lucas and Mr Dunn to put disclaimers in their speeches and to say that they are not criticising the teachers and other staff at the Open Access College, as is their usual style. It cuts no ice when they proceed to tip a bucket over the college. The staff are fed up with people sniping at the college. These attacks, directly or indirectly, reflect on their competence and expertise. They know that the problems are nowhere near the magnitude that is claimed by Mr Lucas and Mr Dunn. The small number of problems that always occur in an operation of this magnitude are being fixed, if they have not been fixed already.

I am reminded of other times when Mr Lucas has done this sort of thing. I remind members that a few years back Mr Lucas made wild allegations about cheating in examinations. It gave him a few cheap headlines at the expense of thousands of teachers, students and the examination authorities before it was shown to be totally without foundation. Similarly, I recall Mr Lucas's hysterical claims about the 'reign of terror'—those flowery, confidence sapping words that he always uses—in some of the northern metropolitan schools. This again was shown to be completely spurious.

In the Open Access College matter Mr Lucas has shown himself to be just as irresponsible. It is sad. Once again he is taking hearsay as fact. He has mistaken the appearance for the substance. Let me look more carefully at some of Mr Lucas's much vaunted examples. Mr Lucas mentioned the Wudinna Area School. This is a school in Mr Dunn's own area, although I understand he did not pass at the Wudinna school! Mr Lucas quoted a letter that he said he received in the fifth week of the term. The letter gave a list of students and subjects and alleged that these students had not received any materials and texts. On that list were four year 9 French students. I am advised that those students were visited by a French teacher on 18 March 1991, which is the first day in week seven. By that time the students had completed four units of work, which is equivalent to eight weeks of the course, and were starting on the fifth unit. These students had completed eight weeks' work by week seven.

The list also referred to three year 11 media students who, it was alleged, had received no materials or texts by week five. In fact, they were contacted by the media studies teacher on the second day of his appointment to the Open Access College, which was on 19 February in week three. A second teleconference took place on 26 February, in week four, and a second batch of material (about 10 pages) was faxed to these students when the lessons took place. Before week five, Mr Lucas said that they had not received any material, when in fact they had already received two batches.

By 13 March, which was in week six, exercises one to seven had been returned to the teacher and the students were on par with other students in the State doing the same course.

The Hon. R.I. Lucas interjecting:

The Hon. R.R. ROBERTS: I do not think we will have any congratulatory parties. Two students were mentioned in connection with year 11 general mathematics. One enrolled on 14 February, in week two, and the other on 20 February in week three. Work was faxed to them on 1 March in week four and on 4 March, the first day in week five. Two students studying SAS biology allegedly received the textbooks in week five. What Mr Lucas failed to mention was that when the Wudinna Area School rang the Open Access College in the second week the students were faxed the number and name of their delivery teacher in that subject.

I understand that this was the same week that enrolment forms were processed. Arrangements were made for them to have a regular permanent DUCT lesson on Wednesdays, beginning on 20 February (week three). Materials were dispatched on 27 February (week four). The supervisor of last year's SAS biology at Wudinna was able to help out and supply the students with advice and materials to get them started. The students were given a flexible timeline for the first eight weeks of term, and the work requirement of these students was negotiated. By week eight the students had submitted all the required work and were on a par with other students who received their material a week earlier.

Mr Lucas's allegations all follow the same pattern—only half the story is presented. The reality is that, in the vast majority of cases, delays occurred for genuine reasons, such as late enrolment, and where materials ran out because of the unpredictable increase in enrolments, the staff of the college bent over backwards to make sure that students had adequate and appropriate work.

There are other distortions and misrepresentations in Mr Lucas's allegations. I will add just one more example to show how this issue has been wildly exaggerated.

Mr Lucas referred to a country high school in the mid-north of South Australia. He did not name it; he is the epitome of propriety. He would not name it, because he is a man of integrity. He said the school council sent a letter of protest, registering 'its absolute disgust' at the way the Open Access College was operating. For his source of information, Mr Lucas relied once again on that paragon of impartiality, the teachers' union journal. And of course, Mr Lucas merely quotes the most negative allegation he can find without any evidence whatsoever to back it up and, seemingly, without even making the effort to find out if it is true or not.

I have a copy of the letter. It does in fact, exist and it does indeed begin with the phrase that Mr Lucas quotes. It then goes on to list a number of complaints, but what Mr Lucas did not bother to find out is that a reply to that letter and to those complaints also exists. I have a copy of that letter, also. When you read both of those letters, a very different picture begins to appear.

The school council letter was written at the end of week four. Part of the letter is a list of subjects for which it claims no material at all has been recieved. The list includes the following: year 9 Indonesian, year 8 to 12 community studies, year 12 history and year 12 French. I should like to read the relevant parts of the reply dated 21 March. I have omitted the name of the school and the names of the individual teachers and students.

The Hon. T.G. Roberts: You've done your homework, unlike the Hon. Mr Lucas.

The Hon. R.R. ROBERTS: I am emulating the Hon. Mr Lucas. I should now like to read those parts of the letter.

Year 9 Indonesian—no enrolment form has arrived for any [name of school] students at the Open Access College. Year 8 to

12 community studies—there is no such course. Community studies is a year 12 registered course with no materials in the traditional sense, but relies heavily on teacher contact to negotiate a program. The Open Access College has no students enrolled in community studies from your school.

Year 12 history—The open Access College has no year 12 PES course, and no students from your school are enrolled in the year 12 SAS course.

Year 12 French—The teacher delivered the French materials in person to French students from your school in week two at the summer school at Warradale.

The school council allegations continue as follows:

Resource material arrived only in week four for year 12 maths 1S, year 11 economics, year 12 economics.

The reply states:

Year 12 maths 1S—the Open Access College has no students from your school enrolled in this subject.

Year 11 economics—the Open Access College has faxed or posted work to students since week two. Teachers photocopied the essential information while awaiting more materials to be printed.

The Hon. R.I. Lucas: Theyr'e like waterside workers: they're all phantom students!

The Hon. R.R. ROBERTS: Well, you should have checked that before you made these wild allegations. The document continues:

Year 12 economics—[student name] is the only enrolment from your school. She was given her materials by her teacher at the summer school in week two.

I will give one further example of how this situation has been grossly misrepresented. The school council letter says:

Resource material arrived in week three for year 12 maths 1 and 2—one set. One of two students is still waiting for material. The resource material delivered does not even follow the set program.

The reply from the Open Access College is as follows:

There are no year 12 maths 1 and 2 students enrolled in the Open Access College from [your school].

Those are the allegations that Mr Lucas touts—allegations of delays. And those are the replies. In one case teachers photocopied essential material as a temporary measure: In two cases teachers delivered it personally two weeks before, but in all the other cases, either no such course exists, or no students from that school are enrolled in those subjects. I have been advised that the Principal of the Open Access College attended a meeting recently with the principals of the group of mid-north schools that Mr Lucas referred to. Those schools are in fact a local delivery centre. The meeting took place in week eight. I have been given to understand that, at that meeting, the principals admitted that many of the materials for their local delivery had been in the schools with the students but they did not know.

If Mr Lucas had done even a tiny bit of research he might have become aware of the major discrepancies between the situation as he perceived it and reality, but, as usual, he took the easy path, accepted the allegations at face value and proceeded to promote them, oblivious of the possibility that they might be completely without substance.

I should like to take issue with an underlying assumption in both Mr Lucas's and Mr Dunn's comments. Both implied that the Open Access College was in some way inferior or second best. Members will recall my concerns about this diminishing of confidence of people living in country areas. Mr Dunn said:

If we want students coming out of the education system who are well prepared to go on to the tertiary institutions, we need teachers on the ground.

Referring to the Open Access College, he said:

The lesson is often conducted under the diverse use of communications technology or the DUCT system, so those students are disadvantaged right from the word go. Often the supervising teachers have no idea.

Mr Lucas said:

I have never studied mathematics by distance education technique, correspondence, over the telephone, by DUCT system or some new technology that has been developed. Whatever one might say about them, they are no substitute for quality face-to-face teaching.

He has never done it, but he knows that there is no substitute!

The Hon. R.I. Lucas: But I did do maths.

The Hon. R.R. ROBERTS: But you can't do the numbers. I've already demonstrated quite clearly that you can't do the numbers, although you did a good job when you knocked poor old Martin Cameron over—with the 'gang of six'. I challenge Mr Lucas's and Mr Dunn's negativity. And you do not have to go further than the recent results of students studying through open access methods in the former Correspondence School to support that challenge.

In last year's SAS (School Assessed Subject) results, for example, 28 students completed the Applied Maths course. Five of them scored As, two of whom got the outstanding marks of 20 out of 20. In Art, three students got As out of the five who did the course, and five out of 27 got As in English. Ten got As in Biology, out of 40 students. There were three As out of 11 students studying French. And how about Photography, a popular course completed by 40 students? Thirty-two got As, nine of whom scored full marks.

In the three PES (publicity examined subjects), eight out of 30 students in Accounting got As. They are starting to get onto the numbers. How does that compare with other schools? Well, the State mean score was 11.98. The Correspondence School mean was 12.52. That figure should not necessarily be taken as showing that Correspondence School students did significantly better than other students. In a small group of 30, one particularly good or one particularly poor performance on the day of an exam, for example, can have a disproportionate effect on averages. However, it does show that Open Access produced results that compare favourably with those of other schools.

This applies likewise to the PES Economics results, where there was one A out of 38 students. The State mean was 11.27 and the school mean was 10.03. Given the same proviso regarding the size of the sample, the Open Access results correlate quite well with the State mean. In Geography, five students scored As. The State mean was 11.78 and the school mean was 11.99. The pattern is the same. Students studying through Open Access methods are achieving results comparable with students studying in other schools. In some cases, individual students are doing exceptionally well.

Take the example of last year's Rhodes Scholar, Danielle Clode, who was a former student of the South Australian Correspondence School. I wonder if the Hon. Mr Lucas or the Hon. Mr Dunn think that her education was somehow inferior or second-best. The reality is that Open Access materials are developed and written following good learning principles; for example, student-centred, resource-based learning. This approach encourages independence and develops problem-solving skills. Students can telephone their individual teachers with questions and get help and advice in a one-to-one situation. The honourable members overlook the very positive learning relationships that develop between students and teachers through these contacts.

I now turn to the issue of the increased enrolments. The Hon. Mr Lucas and the Hon. Mr Dunn said that the enrolment increase at the Open Access College should have been anticipated and could have been predicted. Mr Lucas even went so far as to somehow try to attach some blame to the Education Department for the very large increase in enrolment. Again he looked for the most negative interpretation

he could, and ignored the fact that there might be many reasons for this increase.

The college anticipated an enrolment increase of 150 full-time equivalents. This was based on past experience of previous enrolment patterns and information from the Department of Technical and Further Education, which had delivered some of the subjects in the past. However, 140 of the new enrolments were adults. This is more than TAFE had. But TAFE had quotas. The Open Access College does not. There was also a general increase in year 12 enrolments across the State. This was reflected in the college enrolments. Some extra enrolments were the result of some schools putting no limits on subject choice for students.

The Opposition also overlooks the fact that some enrolments were the direct result of the Correspondence School's good reputation and past successes. Some students were encouraged to enrol because the Open Access College, like its predecessor, has a record of providing high quality materials and good service. Some schools automatically enrolled all their year 11 students in Open Access for some subjects for the purpose of giving them experience in distance education before they did year 12 subjects by this method. I understand that Coober Pedy Area School, for example, was one school that did this. It is churlish of the Opposition to interpret the enrolment increase in a negative way, to attack the Education Department, and to ignore the many positive reasons for the increase.

Both previous speakers also made comments on the decision to relocate the school and the logistics of the move. They both seem to be under the same misapprehension that the decision to move the college was made at the start of this year. Mr Dunn in fact said:

> Until well into January, it [meaning the Government] could not even make a decision as to where the college would go. We finished up with the decision made the week the school started or the week after.

Those are Mr Dunn's own words, as recorded in *Hansard*. He stated quite categorically his contention that the decision on the new location for the college was made in the first or second week after school started.

I have here a copy of a news release from the Director-General of Education headed, 'Change of site for new Open Access College'. The first sentence reads as follows:

> South Australia's new Open Access College, a major Education Department initiative to provide a broader and richer curriculum to all South Australian students, is to be established on the site of Marden High School.

The date of that announcement was 29 June 1990.

The Hon. T.G. Roberts: That is six months before Mr Dunn's figures.

The Hon. R.R. ROBERTS: Well, he is a long way behind. So much for Mr Dunn's feeble allegation of late decision making! The actual decision was announced publicly seven months before Mr Dunn claims it was even made.

The allegations of poor planning for the move are just as shallow. The Open Access College had been on the Education Department's planning agenda for 18 months. The Open Access Strategic Plan was launched at the beginning of April last year. The decision on when the move would occur was made on 22 October 1990. Timelines were drawn up and the move was staged down to the last detail. I have a copy of the timelines showing the careful staging of the move. The dispatch area was scheduled to move first. This was achieved and it was operational in week one.

Opposition members constantly underestimate the tremendous achievement in completing this mammoth task. Materials were packed for students attending the summer school. Over 600 students attended that and they all got their materials. It must be understood that at another time, such as during a two-week holiday break, the quantity and volume of materials and resources to be moved could not have been done in the time. And if the move had been done at another time, no doubt the Hon. Mr Lucas and the Hon. Mr Dunn would have jumped up and down complaining that students were being disrupted in the middle of their studies. The reality is that the move was accomplished effectively and efficiently. The college was operational in week one and the vast majority of students had sufficient materials to begin their courses promptly after enrolling. The vast majority are in fact quite happy with the service provided by the college.

I would point out that the Education Department provides an extra 60 salaries to 64 area and high schools to provide supervision support for students enrolled in the Open Access College. I have also been advised that for those students who may have had a late start, largely caused, as I pointed out before, by late enrolment, the staff of the college have taken action to give them some additional help. Extra DUCT or individual telephone lessons are available, and some teachers have already given extra telephone lessons. In some subjects, mini-schools will be run during the year. Many teachers have already visited their students and this will be an ongoing support service during the year. This whole situation has been a beat-up by an alarmist Opposition who, as usual, emulate Henny Penny: one acorn falls on their head and they cry, 'The sky is falling, the sky is falling.' I urge members to oppose this motion.

The Hon. M.J. ELLIOTT: I will speak briefly to this motion. I have noticed the Government's capacity to bluster in education and to produce selective facts. It must have a particularly good speech writer in this area, but the selective quoting of facts is misrepresentation.

I have had occasion to speak to a number of people who have been involved in the Open Access College. There is no doubt that, whilst the idea of the Open Access College was good, its implementation has been done extremely badly. There has been a great deal of disruption of staff, and there was extremely bad planning in the setting up of the centre. There were serious delays in materials going to a number of students and there was a great deal of disruption among the staff. Many weeks into the school term most of the materials are still in boxes yet to be unpacked. There is no doubt that the thing has been done extremely badly. With that short contribution, I indicate that the Democrats support the motion because it is factually correct.

The Hon. R.J. RITSON secured the adjournment of the debate.

PRAWN COLOURING

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

> That the regulations under the Food Act 1985, concerning prawn colouring, made on 20 September 1990, and laid on the table of this Council on 10 October 1990, be disallowed.

I have decided to proceed with this motion after considering information and arguments provided by several consumer groups and the fishing industry. I have had to balance arguments about the acceptability of colouring foodstuffs for cosmetic purposes with claims that there are significant health effects against threats to the economic viability of prawn fishers who claim that there are no health risks.

The South Australian Fishing Industry Council argues that there is a need to colour prawns to allow them to be sold in interstate markets. Prawns from Gulf St. Vincent and the west coast are naturally light in colour. The boat owners argue that there will be resistance from consumers

who in the eastern States are used to more naturally coloured prawns. The difficulty is that colouring of prawns is not legal in the eastern States.

Although the colouring of prawns in South Australia and their sale interstate has gone on for many years illegally, the prawn fishers wish to make their actions legal. They are trying to influence the NH&MRC indirectly to change its stance on colouring by getting South Australia to join Western Australia in legalising it. They have also argued that South Australian consumers are in fact better served because colouring has been occurring without the knowledge of consumers. Now, they argue, consumers will know whether colouring has occurred because of a requirement for displays of prawns for sale to indicate this. They also argue that there will be better quality controls on the colouring process itself, with a specific formula for the colouring mix.

I have had longstanding concerns about the policing of food standards in South Australia. If policing is inadequate, then no matter what stance is taken on the fishing industry argument in theory it would fail in practice.

Following a meeting with SAFIC representatives a week ago, I visited four seafood retailers in central Adelaide. There of them were selling king prawns, but none of the displays was labelled to indicate their status in relation to colouring. At one of these I asked if the prawns had been coloured, the shop assistant did not know, and asked a second person, who said 'No', but not to my mind convincingly. Looking at the prawns they appeared to have been coloured artificially. At a second store the assistant said that the prawns had been coloured, but no notice to that effect was displayed.

I have also received, as I am sure many other members have, considerable lobbying from consumer groups about the health implications of this process. The two major dyes being used are tartrazine and Ponceau 4R. The concerns can be illustrated by this submission from the Hyperactivity Association:

With regard to the actions of tartrazine there are several points to make. First, as I indicated when we spoke, although it was the Hyperactivity Association which first raised the matter and their main brief was for children, reactions are by no means confined to them. In fact the majority of reactions would come from the adult population, people who are allergic, hypersensitive and asthmatic. There are also people who are no doubt affected and who are unaware of the cause of their problem and I'll explain that further later. There are two distinct types of reactions, as I'm sure you would be aware, a true immunological response, which is IgE mediated and a non-immunological one which occurs mainly when people are 'intolerant' of a substance. Hyperactives are capable of suffering both, and in the latest studies (Egger *et al*) it has been found that, while hyperactive children are intolerant or sensitive to tartrazine (and other artificial colourings), they are also usually allergic in the true sense to some other foods, including the salicylates which are perfectly natural compounds. In the reality of the situation it makes no difference whether the reaction is brought about by an allergic reaction or a chemical reaction 'akin to the response elicited by some people taking aspirin'. The point is a reaction occurs and it occurs to tartrazine in children and adults.

As far as a dose relation is concerned, my first report quoted the Report of Food Additives, submitted to the Minister for Agriculture in response to the Ministry of Agriculture, Food and Fisheries, where as little as 1 per cent of the acceptable daily intake can provoke a reaction amongst people sensitive to a food additive. With others it may take more, but the point is we should be protecting the vulnerable section of the community. The fact that tartrazine notoriously provokes reactions is evidenced by that fact that in November 1984 drug companies such as Ciba-Geigy announced the withdrawal of tartrazine to their medications. These changes do not occur unless there is evidence to suggest they are well and truly needed.

To return to the point that people are often unaware of the fact that a particular problem may be caused by the ingestion of tartrazine, I refer to the action of this colouring on the prostaglandins. This group of hormones is so vital to every system within the body. Tartrazine, Ponceau 4R and some other substances such as the salicylates and opioids are capable of acting as blocking agents in the synthesis of the prostaglandins. Whilst this has been known with hyperactives for some time, it also occurs in non-hyperactives, but it would take a medical person very familiar with this reaction to recognise it in other disease states.

The problem is that we seem to be considering only a 'toxic' response in the sense of poisoning, either acute or chronic. Other systems can and often are affected, such as the central nervous system (behaviour), the respiratory system (as in asthma) and the immune system, to mention just a few.

At a time when public opinion is generally away from artificial foods, it is ironic that this is just being legalised. Tartrazine is found in many foods, including bakery goods, confectionery, toppings and flavourings, jams, pickles and soft drinks. What is important about this is that these are all resultant foods, not basic foods. They are manufactured.

The move to put a colouring on a primary food is retrograde. The fishermen claim the colouring is only on the shells of the prawns and not on the flesh, but anyone who has shelled prawns knows this can be a messy business and it would be virtually impossible for something on the shell not to be transferred onto the flesh in some quantity.

At a meeting organised by me today, the Hyperactivity Association and Prawn Boat Owners disagreed about many things, but they agreed on two:

1. That there needs to be more stringent policing of food standards, especially where they involve labelling requirements, and

2. That alternatives to the tartrazine, Ponceau 4R combination must be sought.

If the Government determines that in the short term prawn colouring is to continue, and this motion is that it should not, the least that it can do is examine alternative colourings.

Beta carotinoids have been suggested to me as possible alternatives. This is the last day on which a decision can be made by this Parliament on these regulations. I must say that I have found this subject personally difficult as I have put a great amount of time and effort into helping those in the Gulf St Vincent prawn fishery, having achieved amendments to the Gulf St Vincent Prawn Fishery Bill which significantly modified onerous conditions proposed to pay for the buy-back scheme.

I also supported moves to bring back Professor Copes to re-examine the fishery. I am very aware of their present financial position and of their concerns. But any doubt about proceeding with this motion was dispelled by what has been clearly negligent policing of the new regulations in relation to labelling coloured prawns. Whether or not this motion succeeds, this issue will continue to be hotly debated. The Government must get the clear message that its current policing of food standards is totally unacceptable. It must also understand that there is growing consumer concern about the unnecessary use of food additives and the health implications of them. I urge members to support the motion.

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

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

EDUCATION DEPARTMENT APPOINTMENTS

The Hon. R.I. LUCAS (Leader of the Opposition): I move:

That this Council expresses its concern at some recent appointments within the Education Department and the mechanisms being used for selecting people for promotion to positions within

the Education Department, and calls on the Bannon Government to initiate an urgent review of the whole system.

For some years now there has been widespread discontent about abuses of the processes in the Education Department for selecting or nominating people for promotion positions. I have been shadow Minister of Education for over five years now, and all through that period I have received numerous serious allegations of abuses within the system. However, in virtually all those cases, while some of the people affected have in fact been most distressed, they have been terrified to have their case identified publicly for fear of repercussions. Invariably, they have stated that it is not worth their while to jeopardise their future career prospects in the department. They know they must survive within the system and they believe that the system is unlikely to be changed by the Bannon Government.

For this reason and other related reasons this issue has bubbled along beneath the surface without ever attracting the public attention that might force a reluctant Government to tackle the problem. There have been isolated complaints from individuals within the system and also an occasional story or statement citing general complaints about the system, but never any detailed and specific examples of how the abuse is being achieved.

For example, on a couple of occasions in the period 1986-88 the South Australian Primary Principals Association was extremely critical of the abuse within the system. In fact, Mr Alec Talbot, as President of that association, made a number of general allegations about corruption within the system which largely went unreported. In January 1988, Brendon Lasch wrote an entertaining article for the *Adelaide Review* under the heading 'Jobs for the Girls and Boys' which again highlighted a number of complaints about the selection panel process.

On a number of occasions I have spoken of the general problems and in particular I have indicated that many of our best teachers and educators were leaving the department because of their despair and frustration with the system. In speaking to this motion today I intend to take this matter further by citing a number of specific cases of abuse and, in particular, I intend to provide detailed evidence of two individuals whose frustration with the system led to their leaving the department and their expertise being lost to our schools and students.

I believe this evidence will demonstrate that the department's promotion process is being manipulated by a number of people and groups to their own purposes. This abuse, manipulation and corruption is widespread, with evidence including:

1. A radical women's mafia taking virtual control of the promotion process within significant sections of the department so that in many cases 'non-favoured' candidates no longer even bother to apply.

2. Stacking of selection panels and leaking of details of interview questions to favoured applicants.

The Hon. T.G. Roberts: Are these your opinions as well?

The Hon. R.I. LUCAS: No, these are for the Hon. Ron Roberts. The evidence also includes:

3. Alteration of job and person specifications to favour particular candidates.

4. Political patronage by the Minister of Education in a senior appointment for a ministerial staffer.

5. Nepotism and cronyism such as one Education Department officer appointing his *de facto* without advertisement to a position within his section.

6. The need to be 'in' with Dr Ken Boston's barbecue set of advisers to be eligible for an increasing number of 'tap on the shoulder' appointments without advertisement or formal selection process.

7. Destruction of morale in the department and the loss of able, dedicated and honest people from the department.

As soon as serious allegations of this nature are made the defence and denial processes of those involved and interested are automatically brought into action. Those making the allegations are denigrated as conservative, reactionary and, worst of all, 'anti-women', and wanting a return to the processes of 20 and 30 years ago. Of course this is incorrect, but in dismissing these responses I want to quote from a recent article on this issue under the heading of 'Selection and corruption'. The article states:

> Is it true that some candidates for important leadership positions are being fed questions by panellists? Is it true that job and person specifications for such postitions are being drawn up with particular people in mind?
>
> More generally, is it true that corruption in the selection process is taking on an organised basis?
>
> These are questions that are being increasingly asked by members. The number of complaints I've received suggests there are widespread doubts about the probity of the selection process.
>
> It is certainly very difficult to prove any affirmative answer to the questions posed. Anyone admitting complicity in such a process would leave themselves open to charges of a criminal nature, so the hard evidence will inevitably be hard to get.
>
> Nevertheless, the complaints are not only numerous and plausible but are frequently from people detached from the outcome, indeed, I can give an instance from my own experience to illustrate both the problem and the difficulty of doing anything about it.
>
> I was once on a selection panel which had developed questions from the job and person specification and interviewed several applicants. During one interview I developed the strong impression that the candidate had prior knowledge of the questions.
>
> The person involved did not answer the questions particularly well, and indeed did not receive serious consideration as a consequence of this. My impression was akin to that of the teacher marking a test in which a student performs badly, but in the process gives distinct signs of having cheated.
>
> It was not something I could prove, and the laws of slander being what they are I was not willing to test the protection of qualified privilege that being a panellist might offer me. In any case, the applicant was unsuccessful for other reasons—reasons which suggested that this person had reached the limit of his/her competence.
>
> Subsequently, I became more than a little perturbed to find that this person had gone on to a rather grander position—even more so because the person has been the subject of more than a few of the compaints received from members.

The same article states further:

> As one who has spent some time and energy trying to make the selection process work properly, I have to say that the level of scepticism abroad is more than a few expressions of sour grapes. And while we have not yet reached the stage where there is an absolute crisis of confidence in leadership positions, action needs to be taken now to avoid such a crisis.

I repeat: 'action needs to be taken now to avoid such a crisis'. The article continues:

> Corruption in selection processes is destructive, not merely in terms of morale, but it actively encourages the most able, dedicated and honest people to leave the system. And recession or not, the most able people are highly employable and have little trouble finding non-teaching work which is considerably more remunerative from teaching. Beyond this, we can't afford the mismanagement that bad selection processes produce.

The article states further:

> Being alert and pre-emptive over shonky job and person specifications, and having the knowledge and confidence as a panellist to hold things up over suspected foul play will reduce abuse of the system but it won't eliminate it. For that there needs to be some major surgery.
>
> Suitable alternative processes do not readily spring to mind. The previous system of lists was both impractical and unfair, and the increasingly fashionable shoulder tapping is even more corrupt and debilitating for schools.

I repeat: 'increasingly fashionable shoulder tapping is even more corrupt and debilitating for schools', because I wish to return to that matter later in my contribution. The article goes on:

The institute did try to convince Education Department negotiators at the time of the curriculum guarantee, that their system of leadership positions would lead to a plethora of panels for key teachers, coordinators and assistant principals. The sheer number of panels means that the process is weakened by the increased incidence of abuse and the exhaustion of panellists.

The concluding paragraph states:

In the meantime, the Director-General needs to be aware that if we ever transcend the staffing crisis, the restoration of a significant degree of trust in which folk in management can exercise some moral/professional authority will require him to demonstrate a willingness to act against the more infamous areas of cronyism.

The Hon. Anne Levy: Who is referred to by 'him'?

The Hon. R.I. LUCAS: The Director-General of Education. That is a very stark and damning contribution under the heading of 'Selection and corruption'. I repeat that last exhortation, namely, that it will require the Director-General 'to demonstrate a willingness to act against the more infamous areas of cronyism' occurring within the Education Department.

That article was written by a person who, I would guess, has never been described as conservative, reactionary or anti-women; in fact, it was written by Mr Phil Endersby, Vice-President of the South Australian Institute of Teachers and published in the *Teachers' Journal* in March of this year. While Mr Endersby might not agree with all my criticisms that I will offer in my contribution this evening there is no doubt from that extensive article that he is extraordinarily critical of the current system that exists within our Education Department. It is therefore clear that these criticisms are being made not just by Liberal politicians but by a wide cross-section of people, including teachers, principals, educators and union leaders.

I now want to consider a number of specific examples, the first being the appointment last year of the Principal of the new Open Access College. At the time of the appointment one of the leading experts in distance education in Australia was Mrs Pam Birkett, who was actually a senior officer within the South Australian Correspondence School. Mrs Birkett had a masters degree in education, specialising in distance education, with her master's thesis being entitled 'Organisational support structures affecting students studying in the distance mode'. She had worked for six years at the Correspondence School and had won a State Bank scholarship and Education Department investigation scholarship in 1986 to study distance education in North America. Her professional involvement included: Distance Education Adviser, South Australian Chapter of The Australian College of Education; Executive Officer, Distance Education Advisory Committee; Executive Officer, Education Department, TAFE Distance Education Working Party; Ministerial Working Party on Satellite Communication; Languages other than English—Alternative Modes Committee; Educational Administrators—Technology Task Force, and Accreditation Panel, Master of Education and Graduate Diploma in Distance Education Programs of the South Australian College of Advanced Education.

She is a member of a number of SSABSA committees, various other departmental committees and associations, including the Australasian Association of Distance Education Principals; the International Council for Distance Education; the Australasian and South Pacific External Studies Association; the Western Area Distance Education Working Group; the South Australian Correspondence School, Port Augusta School of the Air Management Committee and the Isolated Children's Parents' Association.

Some of Mrs Birkett's relevant professional papers and reports in the area of distance education include: Open access project—Interim Report—Open Access Pilot Project December 1983; Open Access Project—Summary Report and Recommendations, September 1984; Australasian Directory of Distance Education 1986-1990; A Case Study of School, Community Relations, September 1986; Distance Education in South Australia, a report from the Distance Education Advisory Committee, July 1986; Bringing Teaching Methodologies into line with Technological Developments in South Australia, Paper presented at University of Alaska, Alberta and the Pacific Instructional Media Conference, Victoria, British Columbia, 1986; Observations of Distance Education in Alaska, Alberta and British Columbia, November 1986; Critical Elements in Effective Teleconferencing, April 1987; Distance Education in South Australia, A summary review, 1987; A Comparative Analysis of Three Models of Mixed Mode Teaching, November 1987; Organisational Support Structures for Rural School Students Studying in the Distance Mode, November 1988; and Instructional Design and Student Support Systems for TAFE Administrators, March 1990.

I am sure that that is just part of the *curriculum vitae* for Mrs Pam Birkett, and that all members would acknowledge her undoubted expertise and professional experience in the area of distance education, not only in South Australia but nationally and, indeed, she enjoyed an international reputation in the area of distance education.

When the person specification for the new position of principal of the Open Access College was advertised it soon became apparent that something unusual was happening. The essential skills, abilities, knowledge and experience sections of the advertisement made virtually no reference to distance education. There was much talk about having to have essential skills in managing change, public relations and social justice policies, but only token reference to distance education. In particular, there was no reference at all under 'essential experience' for distance education, surely an extraordinary situation. The new head of the Open Access College did not have to have any experience in distance education. These requirements were relegated to the status of 'desirable experience'.

When the appointment was announced, Mrs Birkett with, as I said, her undoubted reputation in this area, was unsuccessful. The successful applicant was Ms Margaret Beagley, who had been the principal of the Port Adelaide Girls High School and who had virtually no experience in the area of distance education. It was widely known that Ms Beagley had very close contacts within the senior levels of the Education Department, and was favourably considered by Dr Boston's influential barbeque group. I want to make clear that I make no personal criticism of Ms Beagley's record or capacity as a principal of schools such as the Port Adelaide Girls High School. However, in relation to a specialist position, such as the principal of the Open Access College, it was clear, not only to me but also to many others in distance education, that Mrs Birkett was clearly the superior applicant for the position of principal of the college.

As evidence of this I quote one extract from the feedback provided to Mrs Birkett about her interview performance from one senior member of the selection panel, as follows:

Evidence from the application, from performance at interview and statements from referees, confirmed that Pam Birkett was an up-front, inspirational leader who had a good presence under pressure; she would be a good, clear spokesperson for open access education. Her public relations are excellent and she would sell well and positively. She has an immense knowledge, experience and academics in the area of distance education, and has an international reputation in the field. She demonstrated with referee confirmation that she is particularly strong on social justice requirements of isolated evidents and has been instrumental in improving outcomes for them.

The undoubted ability of Mrs Birkett was quickly recognised soon after this rejection by the Education Department. Mrs Birkett was head-hunted in an Australia-wide search and appointed to the University of New South Wales as the Executive Director, Educational Development with the Australian Graduate School of Management with responsibility for all open learning programs. It is a tragedy that the expertise of Mrs Birkett has been lost to South Australian schools and students as a result of the operations of the selection panel system in the Education Department.

The second case concerns the appointment of the Superintendent of Studies (Languages Other Than English) in the Education Department in late 1987 and early 1988. In May 1987 the Superintendent position became vacant when the incumbent departed. For the next five months Mr Jim Wilson (project officer LOTE) acted as the *de facto* superintendent in addition to his own tasks.

In October and November 1987 a Ms Soulla Stefanou-Haag was appointed to the position of Superintendent. On 13 November 1987 Mr Wilson lodged a complaint about the appointment with Mr John Steinle the then Director-General of Education. The grounds of the appeal include the following:

That the equal opportunity officer's requirement that the formal qualification for a major in a language other than English be removed from the person specification was incorrect both in terms of the Equal Opportunities Act and in terms of social and professional precedent and expectations.

This is a further example where the job and person specification appear to be specifically tailored for specific job applicants to assist their candidacy and to act against the candidacy of other job applicants. It seems extraordinary that if one is appointing a Superintendent of Studies (Languages Other Than English) the requirement that the formal qualification for a major in a language other than English should be removed from the person specification. The grounds for appeal continue:

That the activities of certain equal opportunities representatives on panels concerned particularly with multicultural education, English as a second language and languages other than English may be open to question and that there have been overt conflicts of interest and perhaps improprieties.

That the successful applicant and the equal opportunities representative and both belong to an informal group comprising women of non-English speaking background. The name of this group is MARIA. Its aim is to promote the professional advancement of its members. Many and perhaps all of the members of MARIA are equal opportunities representatives on selection panels. I might add that women of both English and non-English speaking background have expressed their fear of this group to me. Some of these are willing to speak when official inquiries take place.

That given my detailed knowledge of the qualifications, experience, involvement, achievement and representation in the field of multicultural education, English as a second language and languages other than English of the shortlisted candidates, I cannot understand how the successful candidate was even shortlisted and suggest that the panel chairman did not apply the merit principle or was misled by the application.

That complaint, lodged with Mr Steinle, was signed by Mr Jim Wilson, Project Officer, within the LOTE program. At this stage I note that the acronym MARIA stands for Multiculturally Assertive Resourceful Women in Action group. I make no criticism of all the members of MARIA as some members use the group as a genuine collaborative network. However, again there is a radical feminist mafia fringe within MARIA which is using the group for its own purposes. Copies of minutes and seminars provided to me, for example, show:

. . . [as Ms X] is researching the intersection, conflicts and issues concerning the above broad categories particularly the lack of a non-English speaking background lesbian voice in Anglo feminism and Anglo lesbianism in Australia. Anyone knowing of any literature or resources available on the above may contact MARIA . . . strictest confidentiality assured.

In a further letter on 21 November 1987 Mr Wilson wrote to the Commissioner for Equal Opportunity and provided considerable detail about the membership and operations of MARIA. In particular he provided specific examples where members of MARIA were sitting on selection panels which appointed other members of MARIA to positions. Other aspects of the *modus operandi* were to help prepare applications, provide referees, rehearse members for interviews, assistance with questions, altering person specifications as well as ensuring that members sat on the panels. I have consciously not quoted all the information provided by Mr Wilson in relation to the naming of a range of other people; that is not required for the purposes of this motion. Nevertheless, that detail has been provided to Ms Josephine Tiddy and to a number of other Government agencies, and it has been within their possession for at least two years. Mr Wilson concluded:

Since beginning this investigation I have been amazed at the extent of the problem. It is insidious and widespread. Equal opportunities and multiculturalism in the Education Department have now become almost exclusively the private preserves of groups of women such as JANE and MARIA whose ideologies and practices are the antithesis of the social justice embodied in these two concepts. In fact, equal opportunity within the department is regarded by many I have talked to as 'jobs for the girls', and it is feared and/or hated by those men and women who do not belong and whose careers are likely to be adversely affected if they fall foul of the EO Unit personnel. Few are willing to do anything about the situation. Even senior officers appear to be afraid of the repercussions if they do not comply with EO Unit rulings. There is also the feeling that the department will take no action or will delay action for so long that complainants eventually give up.

My own career I believe has now been seriously affected by the existence of this situation, and I know of others who consider that they, too, have been unjustly treated. I am convinced that unless these matters are fully investigated, not only will I and the others not be able to gain redress, but equal opportunities and multiculturalism will become discredited in society at large, and many of the gains made over the last few years will be lost.

Mr Wilson also wrote a number of letters to the Commissioner for Public Employment about his complaint. Because raising this complaint can sometimes be seen as a disgruntled male having been rolled by a woman or by a group of women, and not being happy about having lost out in that circumstance, I indicate that the letter of 23 February 1988 which was sent to Mr Steinle was signed not only by Mr Wilson but also by Ms Jill Heylen and Ms Angela Scarino. The letter states in part:

Dear Mr Steinle,

Appointment of Ms Soulla Stefanou-Haag to position of acting SOS (LOTE)

We write in relation to the above and specifically to the information given at the meeting between the Director of Personnel, the Director of Studies, Ms Stefanou-Haag, the unsuccessful applicants and the LOTE advisers. In view of the obviously unsatisfactory selection procedures and legal anomalies, we do not consider that Ms Stefanou-Haag should continue to act in the position. Her retention is tantamount to an admission that she was the best candidate—a view which we do not hold. We wish to make the following observations:

- in a job in which, in the words of the Director of Studies, 'there was no time for learning' we find that Ms Stefanou-Haag is not sufficiently aware of the practices either at school or system level to lead, manage or make informed decisions in the LOTE field. As she has, to our knowledge, no qualifications and little or no experience, this is not surprising. In such circumstances we cannot give her our confidence or respect:
- through your decision to allow Ms Stefanou-Haag to act as SOS (LOTE) she is now in a position in which she is responsible for the preparation of work reports on subordinates. We find this an invidious and intolerable situation, expecially in view of our likely candidature for that or any other position either within or external to the system.

In simple terms, Ms Stefanou-Haag should never have been appointed to the position and, now that the deficiencies in the selection process have been revealed, should be removed forth-

with. Not to do so is to allow her to gain salary, status and experience, thus to victimise others and perpetuate a wrong.

(Signed) Jill Heylen, Angela Scarino and Jim Wilson.

This letter makes it clear that Mr Wilson cannot be portrayed as one disgruntled male who was rolled by the system. On 19 February 1988 Mr Steinle wrote to Mr Wilson and said in part:

Following receipt of your letter of complaint, an investigation of the selection process etc. was undertaken jointly by two officers, one from the Department of Personnel and Industrial Relations appointed by the Commissioner for Public Employment and the other from the Education Department, appointed by me. Subsequently, the Crown Solicitor was also requested by me to provide advice with respect to certain aspects of the case.

The upshot is that the selection process has been found not to accord with normally accepted sound selection practices and, in addition, certain legal issues have been identified. In the circumstances, I have decided that the only appropriate course of action for me to take is to recall the position and direct that a new selection process be instigated.

I have copies of many other letters on this issue, but the upshot was there was never any response to the request for an investigation of the activities of some members of the MARIA group. As a result of all this turmoil and ill-will, the Education Department lost the services of another fine educator, as Mr Wilson left the department and took a senior position with the Asian Studies Council.

The third example I wish to cite is a clear case of political patronage, with the appointment of a ministerial adviser to the Minister of Education to an acting principal position at Nairne Primary School. Ms Kathleen Cotter was appointed to this position without advertisement or open competition. I am also advised that the Minister of Education or one of his officers made direct representations to ensure that the appointment was made. When asked about this question in Parliament yesterday, it is interesting to note that the Minister of Education refused to answer the question. Needless to say, this method of appointment has caused a storm, particularly as Ms Cotter has no previous experience as a principal or deputy principal.

The fourth example I cite relates to an appointment made by the coordinator of the Priority Education Program, Mr John Dabinett, in either late 1989 or early 1990. Mr Dabinett appointed without advertisement Ms Jenny Emery to the position of acting field officer within the program. At that time Ms Emery was living in a *de facto* relationship with Mr Dabinett. The fifth example is also in the area of the Priority Education Program. When Mr Dabinett was appointed to the position of Coordinator, Priority Education Program, two other persons—Mr John Amadio and Mr Mark Brindal—were interviewed and recommended as suitable for appointment, although Mr Dabinett was the first choice.

When Mr Dabinett left the program in 1990, Ms Susan Sweetman was given a 'tap on the shoulder' appointment, with no advertisement, even though Mr Amadio was still working as assistant coordinator. When Ms Sweetman was given another 'tap on the shoulder' appointment, again with no advertisement, as Superintendent, Social Justice, Mr Amadio was again overlooked when Ms Lyn Symons was appointed by a 'tap on the shoulder' to the position.

These examples I have just outlined are only a few of the literally dozens of cases that could be given, highlighting the increasing regularity of these 'tap on the shoulder' appointments. These appointments, which have no advertisement, open competition and selection based on merit, are increasing at an alarming rate. As Mr Endersby noted, there is growing concern among teachers about the inequity of the whole process. I repeat the words of Mr Endersby:

The previous system of lists was both impractical and unfair, and the increasingly fashionable 'shoulder tapping' is even more corrupt and debilitating for schools.

Even the Hon. Terry Roberts would concede that that is extraordinarily strong language from a senior union leader of the Left persuasion, as Mr Endersby is, potentially a future President of the Institute of Teachers, talking about a corrupt and debilitating process of 'shoulder tapping' appointments by the Director-General of Education and other senior officers within the Education Department.

I repeat that it is not the rantings and ravings of Liberal politicians but the considered judgment of teachers, educators, Liberal politicians and senior union leaders. As Mr Endersby noted, there is growing concern among teachers about the inequity of the whole process. This is especially so when the GME Act allows temporary assignments in acting positions for up to three years without a formal selection process.

It makes a mockery of the Minister of Education's claim on 19 February 1991 that the 'Education Department is committed to appointing staff on the basis of merit'. There is certainly a view that the Minister and the Director-General have decided on a conscious change of policy in relation to these appointments. There is also a very strong view that, unless one is 'in' with Dr Boston's barbecue set, an individual's prospects of promotion within the department are not high. This is especially so when one views this policy in the light of the document that Dr Boston circulated to his senior executives, outlining his preferred approach to achieving changes in the Education Department. That was a document written by Mr John Patterson, entitled 'Bureaucratic reform by cultural revolution'. It states:

It may have become apparent that revolutionary transformation of bureaucracy calls for an outlook and mode of operations more akin to revolutionary war than to group therapy . . . There will be casualties but production of enemy casualties has never been the objective of sound military operations . . . A demoralised army in flight is easily rounded up, and material captured . . . In organisational revolution, there are only two objectives.

The Hon. J.C. Burdett: Sounds like Saddam Hussein.

The Hon. R.I. LUCAS: My colleague suggests that it sounds like Saddam Hussein. No; it is a document circulated by the Director-General of Education to his senior executive. It continues:

On your part, the objective is to avoid those results, to take prisoners and to capture territory. Peace becomes possible when you have captured all the territory, re-educated all the prisoners who are willing to become loyal citizens and put to the sword those who remain unreconstructed.

When one reads that complete guide to achieving change within the Education Department by re-educating all of the prisoners who are willing to become loyal and putting to the sword those who remain unreconstructed—and I have quoted just one section of it—and bearing in mind that the sorts of criticisms that I have made of the 'tap on the shoulder' appointments, we can see that within the Education Department at the moment. If you are of the right political persuasion, the right philosophical leaning, and prepared to swear due loyalty to the leadership of the department and the Minister, you will achieve promotion within the Education Department, you will be favoured by taps on the shoulder within that department. If not, you will be put to the sword and remain 'unreconstructed', in the terms of Mr John Paterson, as circulated by the Director-General of Education.

Certainly, that is not a view that I share and it will not be a view that a Liberal Government will share in achieving change within the Education Department. That can be interpreted by Dr Boston and other senior officers as a flat statement of the Liberal Party's policy direction within

education. The inference from this document is consistent with what is currently occurring within the department; that is, loyalty is to be rewarded by rapid promotion through the department. The danger in this, of course, is that the leadership of the Education Department then comprises 'Yes men' and 'Yes women', all locked into the Director-General's mind set and incapable of independent thought. The extent of the manipulation and abuse in the system is like a cancerous growth within the department. Those good individuals in the system are having either to play the game or leave the department. The cancerous growth must be cut out before it destroys the essential fabric of the Education Department.

I acknowledge that the problems that I have identified are not necessarily limited to the Education Department, as my colleague the Hon. Diana Laidlaw has already identified similar abuses in the local government arena. There is no doubt that the processes that existed 20 to 30 years ago in the Education Department were deficient and that perhaps old boys' networks dominated the Public Service. I certainly do not argue for the return of those days. However, we are now heading almost to the other extreme and now is the time to reverse the momentum. That minority of radical extremists abusing the current processes are doing harm to their cause. As a result the Education Department, our schools and our students are losing too many good people.

There is an urgent need for a review of the whole promotion process within the Education Department. First, there has to be public acknowledgment or acceptance that there is a problem, because denial prevents resolution. It is sad to say that on the past record, the Minister of Education and the Director-General of Education are not prepared to accept not the words of Liberal politicians, but the words of teachers, educators and senior union leaders such as Phil Endersby, that the system is corrupt, being corrupted and abused, and that there needs to be a review and an urgent change. This manipulation and abuse within the department has to be stopped and all groups within the Education Department community need to be given a fair go. I urge members to support the motion.

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

PRAWN COLOURING

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

(Continued from page 4243.)

The Hon. J.C. BURDETT: I oppose the motion. Evidence was given before the Subordinate Legislation Committee basically by three people—Mrs B. Attwood, on behalf of the Hyperactivity Association, a representative of the fishing industry, and Dr Kirke from the Health Commission. Mrs Attwood gave her evidence extremely well and, at page 62 of the record, I said:

> I congratulate you on the way in which you presented your submission; it was very clear and apparently well researched.

Mrs Attwood was very sincere and obviously felt that any kind of colouring of this nature, such as tartrazine or the other major colouring agent used, was likely to be harmful to children. She has been very active since the decision of the committee was made, namely, to take no action. Mrs Attwood has probably been to all members of this Council. She has been to me again. She is very persistent and she puts her case very well. However, in my view, the facts of the matter indicate that the regulation was well founded.

I quote from a briefing note, which came in the first place from Dr Kirke of the Health Commission, and he used much the same language himself when he gave evidence before the committee. He said:

> BACKGROUND
>
> Food colouring has been practised for hundreds of years. The Romans used saffron and the British fancied rose-coloured sugar in the 12th century. Butter has been coloured yellow since the 1300s.
>
> Technology of food colouring has been refined and improved over the years and both the food industry and health authorities have gone to great lengths to ensure food colours are safe and properly used.
>
> All legitimate colour additives, natural and man-made, are subject to rigorous standards prior to approval.
>
> DISCUSSION
>
> Tartrazine—

that is, the major colouring agent, but not the only one—

> has been used (in the USA at least) since 1916 in food, drugs and cosmetics. It has a high 'tinctorial' strength so only very small quantities are used. In 1960 the United States authorities retested all previously approved colours using up-to-date safety testing. The safety of tartrazine was re-confirmed in 1969.
>
> The acceptable daily intake (ADI) is set at 7.5 mg/kg/day. Consumption studies suggest that intake is only a fraction of the ADI at around .62mg/kg, and on that basis there should be no concerns for public safety.
>
> As recently as 1986 a special committee on hypersensitivity to food constituents found no evidence that tartrazine is a hazard to the general public at current levels of use and no evidence that it provokes asthma, although it may cause hives in less than .01 per cent of the population. Other studies using challenge tests have found that it can provoke asthma in sensitive individuals.
>
> Controlled scientific studies have not supported claims that food additives, colourings or preservatives cause hyperactivity. Recent laboratory tests in South Australia indicate that prawns, coloured during the cooking process with a mixture of Ponceau 4R [the other colouring agent] and tartrazine are very unlikely to contain more than a fraction of a milligram per kilogram of dye. Western Australian legislation permits colouring of prawns.
>
> SUMMARY
>
> Although there are undoubtedly rare individuals who exhibit hypersensitivity reactions to various substances including food additives such as tartrazine, there is no evidence to suggest that the levels of dye now permitted in South Australian prawns represent a public health risk.

In addition, I would state that the major risk, if any, with agents such as this is with children. If it were chips, the matter may be different. But how many children consume large quantities of prawns? It must be remembered that the colouring is only in the shells, not in the meat itself. The content of the colouring agent of tartrazine and Ponceau in the meat of the prawns is very small indeed.

Although I am sensitive to the motion and very much admire the tenacity of Mrs Atwood—obviously she eventually persuaded the Hon. Mr Elliott to go on with his motion, and I must admit that when she came to see me afterwards she almost persuaded me again—when I looked back at the file I was satisfied that there really is no risk. I might add that tartrazine, the main colouring agent, is used quite legally in many other food products in South Australia and with nobody complaining about it. These are bakery goods, including icings and decorations; sweets and confectionery products; cordials and syrups; toppings, custard mix, custard powder and dessert mix; flavoured milks; fruit flavoured spreads and fillings; gelatine dessert powders; ice cream and ice confection; imitation fruit, jams and jellies; pastrycook's fillings, sauces and pickles; and soft drinks and soft drink products. So, tartazine, the main colouring agent, is already used in all these things in South Australia without anyone complaining. The amount used to colour the prawns on the outside is quite minimal. For these reasons, the Joint Committee on Subordinate Legislation was satisfied that there was no danger, although it was sympathetic to the

concerns expressed by Mrs Atwood and the Hypersensitivity Association. For these reasons, I oppose the motion to disallow the regulations.

The Hon. M.S. FELEPPA: I also wish to speak briefly against the motion. Like the Hon. Mr Burdett and my colleague the Hon. Mr Weatherill, as members of the committee we had the opportunity to hear a number of witnesses, the majority of whom did not support the abolition of the artificial colouring of prawns. As has been said by the Hon. Mr Burdett, these people who appeared before the committee represented a wide spectrum of our community, and they could not agree with the proposal in the Hon. Mr Elliott's motion.

As a supportive argument against this motion, I wish to read a letter from Robert H. Loblay, Senior Lecturer in Immunology at the University of Sydney, to Dr K. Kirke, Executive Director, Public and Environmental Health Division, South Australian Health Commission. This letter, which was faxed to me yesterday, reads as follows:

Dear Dr Kirke,

Re: Artificial colouring of prawns

Thank you for your fax of 22 March. As Dr Heddle mentioned, I'm on sabbatical to the USA until September, and do not have all the references on tartrazine at my fingertips. However, even if I did, this would probably not help in commenting on your questions.

First, let me comment on the relationship between asthma and tartrazine. Its occurrence is certainly documented in the literature, but its significance is in some dispute. There is a good review by Stevenson *et al* in J. *Allergy, Clinical Immunology* which I'm sure Bob Heddle could get you a copy of if need be. Our experience is similar to that of Stevenson. Under careful double blind conditions, it is uncommon to be able to demonstrate bronchoconstriction with tartrazine, even at the high dose we use of 40 mg. Nevertheless, we tend to err on the side of caution in food-sensitive asthmatics if the challenge results are equivocal.

The question about threshold is a difficult one. I am unaware of any literature documenting this in asthma. Kathy Rowe at the Royal Children's Hospital, Melbourne, has done dose/effect studies in hyperactive children, but I don't think she's published the data yet.

The real problem is that there is a wide range of individual variability, even amongst food-sensitive individuals. In patients with chronic urticaria and angioedema, we initially used 10 mg as the tartrazine challenge dose, and had a reaction rate of 28 per cent. Later, we changed to 40 mg, and the rate increased to 47 per cent. Thus, there is probably no definable 'safe' threshold level which can be applied to the entire population. All one can say is that the lower the level, the lower the incidence of adverse reactions is likely to be. It is worth bearing in mind also that the severity of reactions is also dose-dependent. Thus, a lower dose is likely to provoke a lesser reaction. My guess is that 10 mg/kg would be unlikely to provoke severe asthma, provided the individual ate only a few prawns.

However, one has to take into account a number of additional factors. The first is that average food intake from dietary surveys often does not accurately reflect the wide variation that can occasionally occur. (I don't know how often people 'pig out' on prawns.) Secondly, our experience is that, legal limits notwithstanding, additives sometimes find their way into foods at much higher than permitted levels, sulphites in prawns being an example. Bill Porter at the New South Wales Health Department can tell you more about his experience with this problem.

Thirdly, food-sensitive people are almost always sensitive to more than one substance and the effects are cumulative. In asthmatics, sulphite preservatives are the biggest worry as a cause of acute attacks, and since these are often used to keep prawns fresh (legally or otherwise), colourings could be seen as adding to an existing problem. MSG sensitivity is much less common in our experience, but can be severe.

About 10 per cent of all asthmatics, and some 50 per cent of patients with recurrent urticaria and angioedema, are aspirin sensitive. Most tartrazine-sensitive individuals fall into this subgroup. Some of these individuals can react to the cumulative effects of natural salicylates present in many fruits, vegetables, herbs, spices, etc. (Anne Swain at RPAH has done extensive analysis of dietary salicylates if you need to know more.) The important point here is that prawns are usually eaten together with other foods, condiments and drinks which can contain a combination of substances to which individuals may be sensitive. Acute food-related reactions, be they asthma, urticaria, angioedema or anaphylactoid attacks, usually occur in settings such as cocktail parties, dinner parties and restaurant meals. Adverse reactions are rarely attributable to a single ingredient, but rather to the total amount of irritant chemicals (natural as well as added) ingested in a meal.

This makes life very difficult for regulators. On the one hand, to look at the hazards posed by a single additive in isolation is simplistic and misleading to the public, since any additional substance ingested by a susceptible person could increase the severity of any reaction they might experience from a given meal. On the other hand, at the low levels proposed, given the average amount of prawns that people eat, the additional risk entailed would seem to be very small (though unquantifiable at present).

My personal attitude is that sulphites pose a much greater hazard for asthmatics and other food-sensitive individuals, and this is a more important reason for avoidance of prawns. I would not be too concerned about the colouring levels you propose to allow, provided the regulatory guidelines can be adequately enforced. In general, I favour the sensible use of additives which are of real benefit to the consumer even though a minority of the population can develop adverse reactions. I believe the role of clinicians like myself is to identify sensitive individuals and teach them how to avoid exposure to these substances. Government agencies can play a useful part here by promoting public education.

However, I am less inclined to support the use of additives such as colourings whose sole purpose is to alter the appearance of foods to provide a marketing advantage. Here, I think regulators are obliged to be much more circumspect when weighing benefits against potential hazards.

I conclude by saying that a senior lecturer in immunology such as Robert Loblay here again endorses the view that artificial colouring of prawns does not present a health risk at this time. I am sure that the Government will continue to pay attention to these matters and that, should there be a reason to review the current regulations in the future, the Government will accordingly take the necessary steps. For that reason I urge members to reject the motion before the Council.

The Hon. I. GILFILLAN secured the adjournment of the debate.

COASTAL DEVELOPMENT

Adjourned debate on motion of Hon. J.C. Irwin:

That the regulations under the Planning Act 1982, concerning coastal development and commission powers made on 14 February 1991 and laid on the table of this Council on 19 February 1991, be disallowed.

(Continued from 6 March. Page 3271).

The Hon. J.C. BURDETT: I support the motion moved by the Hon. Jamie Irwin to disallow these regulations relating to planning, and I do so primarily for the reason that they were major changes to planning legislation, and they should have been made by statute—by an Act of Parliament—and not by regulation. I moved this morning in the meeting of the Subordinate Legislation Committee—and the minutes have been tabled, so it is a public document—that a report be submitted to both Houses recommending disallowance of the regulations on the grounds that the regulations should be more properly in an Act of Parliament. Under the Joint Standing Orders relating to subordinate legislation, No. 26, provides:

The committee shall with respect to any regulations consider . . . whether the regulations contain matters which, in the opinion of the committee, should properly be dealt with in an Act of Parliament.

I therefore moved accordingly. The vote was two in favour and two against the motion, so it passed in the negative. In my view, not only was it wrong that a major change such as this was made by regulation by the executive Govern-

ment and not by an Act of Parliament, but it was unworthy that the announcement was made at holiday time—I think on Proclamation Day—when it was hoped that it would go unnoticed. Moreover, the action of introducing and announcing the regulations at this time was during a period when a review of the Planning Act was already in place.

I find it astonishing that this summary and arbitrary action was taken by way of regulation while that review was in progress. The department, led by its Director (Dr Ian McPhail), gave evidence before the Subordinate Legislation Committee this morning. Dr McPhail explained that it had been decided and announced that the review would not preclude decisions being taken on particular issues in the meantime. Particularly because of the sneaky way in which this decision was announced, I find that explanation unacceptable.

In his evidence this morning, which has been tabled, Dr McPhail disputed my suggestion that the changes were important. He said that they were administrative only and did not relate to policy matters. This may be fair comment in some areas but not in relation to planning where administration is part and parcel of the process. These regulations deal with the question of who will comprise the planning authority and that is absolutely vital to the planning process.

The other witnesses comprised members of the Conservation Council and the East Torrens Conservation Association Inc., represented by Dr John Pfitzner. Both these groups opposed the regulations and supported disallowance. I asked both groups what effect they thought the regulations would have on small councils that do not have planning departments. Both groups said that the regulations would impose a burden on small metropolitan and country councils.

Dr McPhail disputed this evidence, but I am advised by country members of Parliament and country councils that small councils would be disadvantaged from a resource point of view and that an extra burden is being imposed without resources being provided. I suspect that part of the reason for these regulations is to save money for a bankrupt Government. I might add that I believe there is a major role for local government in the planning process. I hope that these regulations will be disallowed and that the review will consider in detail exactly what the role of local government should be.

In his evidence, Dr Pfitzner opposed the amendments to the seventh schedule. Under our procedures in regard to subordinate legislation, and because the Government has seen fit to proceed by way of regulations rather than by way of a Bill, Dr Pfitzner had no option but to oppose the regulations, and neither do I. I believe that if these matters had been introduced by way of a Bill so that they could be subject to the amendment procedures open to Parliament the matter would have been much more satisfactory. However, as all we can do is to approve or to oppose the regulations, I believe that the better option is to oppose them. The role of local government ought to be addressed by way of a Bill.

Both groups of witnesses—the Conservation Council and the East Torrens Conservation Association—agreed that the implementation of these regulations was likely to give greater scope for vested interest to influence planning decisions. This suggestion was refuted by Dr McPhail, but he did not convince me that this would not be the case. For these reasons I support this motion for disallowance moved by the Hon. Jamie Irwin.

The Hon. J.C. IRWIN: I thank members for their contributions to this debate. This matter was raised in the Council by both the Liberal Party and the Democrats in identical motions. It is a serious matter when this Council has to consider the disallowance of any regulations and, in particular, regulations under the Planning Act concerning coastal development, local government and commission powers, that were made on 14 February 1991.

I have already spoken on this matter, and I do not wish to go over the same ground. Suffice to say that putting the matter in the public arena for debate has brought forward a number of issues raised by members of the public. Members are aware of some lobbying that has accompanied the concern of some groups. The Conservation Council has been in the forefront with its opposition to this motion, and it has made the points recently to me and to most members that it consistently makes regarding matters of State importance in particular.

I will not go through the latest points made by the Conservation Council; rather, I will briefly balance them with some remarks from the Woolworths Property Group, a division of Woolworths Limited, by reading a letter of 27 March 1991 addressed to my colleague the Hon. David Wotton as follows:

> I noticed recently you expressed concern at the transfer of planning powers in areas of State significance to councils.
>
> Woolworths Limited is also concerned at the added responsibility to be given to councils although in fairness our views may not be parallel with your concerns. There has been a tendency in recent times for councils (and, in particular, in country areas) to support retail development on emotive grounds rather than sound reasoning. Retail development is an area unlike any other and unfortunately is understood by few in Australia, let alone South Australia.
>
> I have taken the liberty to attach for your information correspondence recently forwarded to the Minister and the Planning Review.

Although that letter is heading in the same direction as this motion, it does not emanate from the Conservation Council but from people who are involved in a private enterprise fashion with development in South Australia. The letter indicates that those people have put their views to the Minister and the planning review, which is a major review of planning in this State with which members are familiar and which is ongoing and heading towards finality.

I refer to a letter I received from the President of the Local Government Association, Mr David Plumridge, in order to make some points. In his letter to me dated 2 April 1991, Mr Plumridge said:

> The question of the planning regulations may warrant further consideration. Much of what was contained in the changes has been sought by local government for some time, although there was no consultation with us when the regulation changes were being prepared.

I make two comments in relation to that and I reiterate what I said when I originally spoke to this motion: I support local government eventually having as many powers as it possibly can, particularly in the area of planning, as long as it is working within a framework which is very seriously and definitely laid down within the whole area of planning review.

There are some problems in that and I would probably turn to the Minister for Local Government Relations and add to this the conflict of interest provisions of the Local Government Act which I know are under review. One concern expressed to me about local government's having increased ability in the area of planning is that the public perceive that there may be a conflict of interest, not only between a councillor and the matter of debate, but, collectively, between the council and the decisions that the councillors make on behalf of their area. I believe that the whole area of conflict of interest must be tidied up so that the public can be absolutely confident about the decisions made

by the council in relation to planning matters where, in the future, hopefully, the council has been given powers to make decisions which will speed up the whole process. However, it is hoped that those decisions will be made within a framework that has been agreed to throughout the State.

Further in his letter, Mr Plumridge goes on to say:

Some councils will not readily accept the increased responsibility and workload that will be incurred by the alterations to schedules 5 and 7 but I believe that local government has a major part to play in the planning process and cannot leave these areas of development control to the State. Of course, it is essential that the State directs resources to the development of overall State planning objectives and policies so that councils have a clear framework in which to work.

That is putting it better than I have said it. He continues:

It would also be appropriate for councils to be able to charge realistic fees for processing development applications to enable employment of properly trained staff to support the increased workload.

Finally, Mr Plumridge says:

These matters will no doubt be part of the planning review and may also be dealt with in the current State/local review negotiating process.

I do not believe that the cause for local government is lost. If this motion is passed—and I believe it will be—it will, in a sense, hold up the planning regulation process, the Government will have to make another decision about what it will do, after tonight, and in fact may well just put the regulations back. I hope that does not happen; I hope the process under the planning review is used to work out how local government can fit better into the planning process and play a major part. I am sure it can play a major part in the future, but I do not think it is quite ready to do that yet.

I repeat what I said earlier when opening this debate: that the current State-local government review negotiating process is now in train. If costs are to be passed on to local government, I think it behoves the negotiating team to decide whether local government want to accept those costs. It is all very well for the body of the Local Government Association to make a decision but, as the President of the association said in the quotes I read from his letter, there are some councils (I do not know how many) who do not want to have that power. It has not been explained to us how that will be overcome by simply providing regulations which give local government the opportunity to make those decisions.

I believe that there has been and there is public debate which has arisen from this motion. Over the past few weeks we have had ongoing public debate about the process of the planning review and we have had the ongoing negotiations between local government and the State Government about the relationship between the State and local government areas. Therefore, I do not believe that the cause for local government is lost. There is plenty of scope for local government to argue for the part it will play. There may well be areas of State development which should not be touched at all by local government but, if the guidelines are very strict; it may be able to make decisions within those guidelines.

I am sure that there are many other local areas (whether Kangaroo Island, the West Coast, the Mid-North, the South-East, or the city) where a council can make planning decisions based on not only the ground rules but also on what the population wants. The most important thing about local government is that, as a body, it can react to the needs of the population within the real community. I urge members to support the motion.

Motion carried.

SOUTH AUSTRALIAN TOURISM PLAN

Adjourned debate on motion of Hon. Diana Laidlaw:

That the Legislative Council notes the South Australian Tourism Plan 1991-93.

(Continued from 3 April. Page 3940.)

The Hon. BARBARA WIESE (Minister of Tourism): I welcome the opportunity to draw further attention to this important document, the South Australian Tourism Plan 1991-93. I also welcome the Opposition's support for the plan, even though that support is qualified. I further welcome the priority that now seems to be accorded to tourism by the Opposition, which contrasts with the doubt and confusion that must exist in the minds of the public in view of its stance on such tourism developments as Wilpena Station and other notable examples.

However, from her comments and criticism, it is clear that the Hon. Ms Laidlaw has not yet grasped an adequate understanding of the industry, and has either not read the plan in full or does not understand it. Indeed, in listening to her contribution, I felt that she was struggling for something negative to say in order to make a point, and, in the process, was politicising what has been a universally, well-accepted document.

The South Australian Tourism Plan provides direction and a framework for sustainable tourism growth into the 1990s. It is the third phase of our ongoing State tourism plan, the first formulated in 1982. The plan is reviewed on a three year basis by the South Australian Tourism Board. As a joint Government industry plan it is reviewed in consultation with representatives from a broad cross-section of those directly or indirectly involved in the industry.

The plan has been developed as previously through a staged process involving input from national experts, consultation with the industry, unions and Government departments which have impact on or which are affected by the tourism industry, and from research and analysis conducted by Tourism South Australia.

The directions this plan sets for the industry follow on from and refine those initiated in the previous plan, as both research and consultation have confirmed that the directions set in the last plan remains appropriate and relevant. The vision of the Government and the industry for tourism in the 1990s is that the tourism sector will be recognised as a key economic force in this State through the emergence of South Australia as a leading Australian specialty, rather than mass market, tourism destination.

The honourable member made a number of comments about the plan, some of which I believe require some comment. First, she asserted that the plan contains hype, jargon and bureaucratic verbiage. Certainly the tourism industry has its own jargon. However, the plan has deliberately avoided excessive use of this jargon. When use has been unavoidable the terminology has been explained. For example, on page 13 in the mission statement the terms 'sustainable growth' and 'net value' are explained. On page 17, Objective 1 'Positioning', the meaning of 'positioning' is also spelt out for all to understand. It would seem that only the honourable member and a certain *Adelaide Review* columnist seem unable to understand the terminology. They are in a minority.

To indicate the extent of support that was received following the launch of this plan—and a very large number of representatives of the tourism industry and other people attended its launch—I will quote from some of the numerous letters I received from people congratulating the Government and the industry representatives who had worked

on its development. The first letter I will quote from was received from the General Manager of one of Adelaide's large hotels. In part, his letter stated:

I would like to table my vote of confidence in the project, and can assure you that this hotel will certainly take an active part in supporting the objectives and initiatives of the plan.

I also received a letter from the Managing Director of one of Adelaide's largest property development companies. In part, he said:

As usual the [launch] presentation was concise and to the point and the booklet sets out the plan in clear, understandable and, above all, credible terms. At a time when governments are receiving few bouquets I find it easy to hand you one for the definite and valuable contribution you and your officers are making to the growth of tourism in South Australia.

Members interjecting:

The Hon. BARBARA WIESE: The Managing Director of a prominent property development company who shall remain nameless.

Members interjecting:

The PRESIDENT: Order! The Council will come to order. The honourable Minister.

The Hon. BARBARA WIESE: The third letter came from a representative of the retailing sector, and he said:

Congratulations on the launch of the South Australian Tourism Plan 1991-93 at Ayers House. The theme 'Making South Australia Special' has tremendous appeal.

I also received a letter from the Conservation Council of South Australia which said:

On behalf of the Conservation Council I would like to congratulate you on the SA Tourism Plan released on 13 February. I believe it is an impressive document setting some important aims and directions for the industry and compliment all involved in its presentation.

Finally, there was a letter from the Local Government Association which stated:

Congratulations on the very high standard and broad scope of the plan. I look forward to working with you and your team, particularly in those areas in which local government has direct involvement.

That small number of letters, which were received from a cross-section of the organisations and companies that are directly or indirectly involved with the tourism industry, demonstrates the extent to which this document has been well received in the South Australian community. In her contribution, the Hon. Ms Laidlaw said:

It was difficult to see what relevance the plan has for survival in the short term, let alone relevance to longer term prosperity.

In saying this, I believe that she has misunderstood the functions of the tourism plan. It is a document that sets a framework within which detailed strategies can be developed. Within its framework one would expect to see, for example, specific marketing campaigns developed, detailed guidelines for development produced, local marketing strategy plans created for the various regions of the State, and various other actions arising out of the suggested framework that the plan provides.

But, it should not be expected that a document of this kind could provide detailed plans for all sectors of the industry or indeed for Tourism South Australia. That is not the job of a plan of this type; it is a document that provides a framework and it is now the responsibility of the various branches of the industry and also of Government to flesh out that document and to develop the detailed plans that will bring into effect the sort of changes that we want to see in the interests of the tourism industry of our State.

All the time we must bear in mind that, whilst this plan provides the framework, it is also a document that is sufficiently flexible to provide for short-term survival measures in response to the unexpected. In its background statement the plan acknowledges, for example, the global and national trends and issues, and in fact some of the detailed strategies deal with the very issues that the honourable member raised when she criticised the document in suggesting that it did not deal with specific survival questions for members of the industry in this State.

If members look at, for example, strategy 3.1 on page 22 of the plan they will find that it refers to marketing short-break holidays. What it does not say, because it is not appropriate for it to appear in a plan of this kind, is that this year, in response directly to the current economic conditions, the thrust of Tourism South Australia's marketing effort is geared more to encouraging travel immediately than to the image-building marketing that encourages people to think about South Australia as a holiday destination at some time in the future.

So we have developed, for example, a cooperative marketing scheme that will encourage operators to package their product and to offer an attractive price which will motivate people to make a decision this year to travel to South Australia, rather than putting South Australia to the back of their mind as a holiday destination for some future time. This has been done in an effort to support operators in this State who, in the current economic circumstances, might otherwise find this year to be a very difficult one.

The Hon. Ms Laidlaw acknowledged that this tourism plan has been the result of comprehensive consultation, but she then proceeded to insult the scores of industry representatives who had been involved in its preparation, by criticising the content of the plan and the language that has been used. I point out that it is not true, as the honourable member asserted, that consultation did not occur on the earlier plans that were produced. For example, the 1982 plan was prepared by a task force that comprised 21 people of whom 19 were from the industry, and it followed a three day conference attended by more than 300 people.

In her criticisms of the plan the honourable member places great emphasis here, as she has in other forums, on the idea that the plan should be industry driven; that the industry should control its own destiny; that it should not be shackled by bureaucratic protocol, and so forth. This is dogma that is very popular in Liberal Party circles, and is often applied to analysis of industries of various kinds without giving very much thought to the conditions that apply in the industry that may be under consideration at the time.

But I would ask the Hon. Ms Laidlaw to speak to members of the tourism industry in this State and to listen to what they have to say on the relationship between Government and the tourism industry here. If she is genuinely concerned about the future of the industry, she will find out from talking to people about these issues that, first, there is an acknowledgment that there will always be a role for Government in promoting the State as a destination as distinct from the operators marketing their own product; that there will be a role for Government in providing infrastructure, in ensuring environmental protection and order in development; and that there will always be a role for Government in providing training opportunities for the work force, and various other roles that a Government can play to assist in the coordination of any industry but, in this case, of the tourism industry.

It is also acknowledged that the industry is fragmented; that there is not yet one industry body that can confidently speak on its behalf. In fact, the plan makes reference to this in strategy 10.1, where it talks of investigating the experience elsewhere to examine ways of establishing a single, strong, private sector body with professional support, capable of addressing complex industry needs. In the absence of such

a body, the industry by and large supports the role played by Government in providing a focus and leadership for the industry.

Of course, not everyone is happy with everything that Tourism South Australia does all the time, and there is always room for improvement. However, there is also acknowledgment that the relationship between the industry and TSA has improved over the years; that TSA is now more responsive to industry needs and is gradually handing over responsibility to the industry for various functions as and when industry groups indicate a willingness to take up the challenge.

Recent examples of this include the organisation of the State Tourism Conference, and also individual regional Tourist Associations swapping staff support for financial support, but the fact remains that the tourism industry in this State at this stage of its development could not on its own have achieved the results that we have achieved together. They simply do not have the money or the resources to organise it, and I think that many industry leaders would be rather anxious about the implications—not the least of which would be financial—in what the Hon. Ms Laidlaw is advocating when suggesting that the industry should run its own affairs.

I also believe that there would be considerable concern about her implied suggestion that the tourism plan lacks credibility because it was overseen by the, to use her words, 'hand picked' tourism board. First, she insults the independence and sincerity of the individuals on the board in the role that they play in providing advice to Government, and she also dismisses the service that they give voluntarily to the industry in overseeing the plan's development and implementation.

The fact is that it has been an industry preference that the board be charged with this responsibility, since the industry, by its own admission, was unable itself to fulfil the obligations to the plan when it had responsibility for them at the time of the 1982 plan. The honourable member also attempted to expose shortcomings in the South Australian plan by comparing it to the Australian Tourism Industry Association's 'Strategy for the 1990s'.

ATIA is a national body, which naturally takes a more national perspective than members of the industry working here in South Australia have done during their deliberations on our own State plan. Nevertheless, all the issues covered by the ATIA document are also covered in the plan in one way or another. For example, the role of Government and economic and taxation policy in ATIA's document is covered by management and implementation in the South Australian plan. Transport in the ATIA document is covered by access in our document. Employment conditions and training in ATIA's document is covered by service in the South Australian plan, and so on.

In addition, the issues she raises concerning industrial relations, award restructuring and taxation are under active consideration in other appropriate forums. For example, the Beddall report, which was produced by a committee of Federal parliamentarians and established by the Federal Government, has made a large number of recommendations concerning the needs of small businesses which, of course, are relevant to tourism businesses.

It has made numerous recommendations about taxation reforms. These issues are all actively under consideration by the Federal Government as well as by State Governments. State Ministers are working with the respective Federal Ministers on some of these issues and, indeed, the Premier's response to the Prime Minister's Industry Statement recently dealt with a number of those questions as well. I would expect that the Premiers Conference and other Ministers' meetings will take up some of those matters that were raised by the Hon. Ms Laidlaw as being of significance to the businesses of people in the tourism industry at appropriate times.

In addition, award restructuring negotiations are taking place in this State and in other parts of Australia between the appropriate industry representatives and trade unions, and some very positive outcomes are taking place with respect to those discussions, which will be in the long-term interests of the tourism industry and which will, in time, assist in reducing the costs that tourism operators incur as a result of the very constant nature of the business in which they are engaged; that is, the fact that the tourism industry is very much a seven day a week industry and staff must be employed, in many cases, around the clock.

The honourable member implies that South Australia is concentrating on larger scale ventures and higher class accommodation and is ignoring the needs of families and children in lower priced accommodation options. This is simply not true. For example, if you look at the tourism plan itself you will see that strategies 2.1 and 2.3 under Objective 2 'Product development' identify market gaps and encourage a greater variety in accommodation supply. For example, the strategy talks about the need for the development of small scale retreats, good budget accommodation, hostels, farm accommodation, hikers huts, etc.

The Government's efforts to attract some larger scale developments in South Australia have been a response to the need to diversify our tourism product in this State to fill gaps in the product that we have identified and, therefore, to encourage people to stay longer when they visit South Australia, thus spending more money and increasing the value of tourism to our State.

However, we are not encouraging developments of this kind at the expense of our traditional markets, which have, of course, been young families with children who have generally sought less expensive accommodation perhaps in caravan parks or other forms of budget establishment. However, many parts of South Australia are already well-endowed with facilities for people in these categories, and the policies that we have been pursuing have been designed to try to expand the market and to provide facilities for people in other categories of the tourism sector.

The honourable member also suggested that we must create greater community pride in South Australia and in tourism in this State. That is a sentiment with which I completely agree. Like the Hon. Ms Laidlaw, I never cease to be surprised by the number of people I meet in this State who do not appreciate the things that it has to offer tourists and who, indeed, are not informed about the tourism developments that have taken place here over the past few years.

The honourable member goes on to suggest that the tourism plan itself does not pay sufficient attention to encouraging that pride in the State and its tourist attractions. I draw the honourable member's attention to objective No. 8—Community Relations—within the plan, which is wholly devoted to this matter and which makes some suggestions about ways in which the people of this State can be made better aware of the things that it has to offer, thereby engendering greater support for and pride in our industry.

However, what the plan does not say is that our participation annually in events such as Tourism Week and our Short Breaks campaign, as well as the involvement of Tourism SA and industry representatives in various travel fairs, and so on, are all designed, in part, to raise the awareness of the community about South Australia's tourism industry and about the attractions that exist here in our own back-

yard. Those issues are not included in the plan because again, they are matters of detail; they are matters of policy that must be pursued by individual agencies which have a role to play in making this policy come to life and in determining measures that will lead to the achievement of the objectives of the plan. Those three areas of involvement are examples of the way in which the Government and industry are working to achieve the objective to which the honourable member has drawn attention.

The Hon. Ms Laidlaw also asserts that TSA's pivotal role in coordinating and contributing to tourism development has been underplayed. I believe that is true historically. However, it is also important to acknowledge that this matter is now being corrected. Current successful liaison between Tourism SA, other Government agencies, local government bodies and other organisations that have some interest in the matter includes, for example, Estcourt House, the Glenelg foreshore development proposal, the discussions that are taking place on the development of the Adelaide Gaol for other purposes, the work done on developing a scheme for the Wilpena airport and power supply, the work done in conjunction with councils and other Government agencies on what we should do to improve the south coast road on Kangaroo Island, the Mount Lofty Ranges and Barossa Valley land use strategy plans and also the role that is being played with respect to the MFP. These are all examples of Tourism South Australia's recent work which has, in many cases, been pivotal in drawing together various Government bodies, council organisations and industry representatives to achieve successes or, at least, to take various development proposals a step forward.

In fact, the plan itself also acknowledges the need for this effort to continue. I refer to strategies 10.3 and 10.10, under objective 10—Management—which refers specifically to some of the work that must be done in this area. I agree that Tourism SA can play a pivotal role and, as I said, those things are already happening, and resources have recently been upgraded so that members of the organisation can play a more effective role. Other derogatory comments were made concerning such things as the title of the plan. The Hon. Ms Laidlaw asked what happened to 1990, and so on. That was a cheap shot and is not worthy of reply.

In conclusion, I note that although the Hon. Ms Laidlaw has been free with her criticism of the lack of excitement and vision in the plan—to use her words—apart from reference to the need for discussion on penalty rates, taxation issues and one or two other matters, all of which are either alluded to in the plan or are being pursued in other appropriate forums, her contribution has been remarkable for its lack of constructive, new and exciting alternatives. No doubt the industry participants will take note of that. That aside, I welcome the honourable member's support for the plan, which I believe will provide a framework for the development, promotion, profitability and success of our State's tourism industry. I wholeheartedly support the motion.

The Hon. R.I. LUCAS secured the adjournment of the debate.

OPEN ACCESS COLLEGE

Adjourned debate on motion of Hon. R.I. Lucas (resumed on motion).

(Continued from page 4242.)

The Hon. R.I. LUCAS (Leader of the Opposition): I am delighted to see the Hon. Ron Roberts in the Chamber for this closing contribution. I would like to congratulate him on his courage in standing up and reading the speech prepared by the Minister of Education's officers. It took a lot of courage. It is the task of all new members in this Chamber to read the speeches prepared for the Minister of Education. We have seen the Hon. Carolyn Pickles and the Hon. Trevor Crothers in their time having to—

An honourable member: Only once.

The Hon. R.I. LUCAS: Only once. It never happens again.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: It never happens again. I should like to congratulate the Hon. Ron Roberts on his courage in that respect. Without going into the hour-long contribution that the Hon. Ron Roberts read into *Hansard*, it is fair to say that he and the Minister of Education did not agree with much of what I had said. I think that is a fair way to summarise it. They did not agree with much of what my colleague the Hon. Mr Dunn said, either. There seemed to be some confusion as to who had misled whom—whether I was misleading him or he was misleading me.

An honourable member: The blind leading the blind.

The Hon. R.I. LUCAS: The blind leading the blind, I think, is a fair statement. Certainly we were both misled as to who was doing the misleading; there seemed to be some confusion. Perhaps the speech had been written by two officers and put together late one night. At least the Hon. Ron Roberts knows that there is a part of South Australia north of Gepps Cross. However, I want to know what he is doing on Saturday, because on Saturday there is the—

The Hon. R.R. Roberts: I shall be at Whyalla.

The Hon. R.I. LUCAS: He will be at Whyalla. On Saturday there is the perfect opportunity for the differing viewpoints between the Government or the Minister and the Hon. Mr Dunn and myself to be put to the test. There will be an independent group to make a judgment on who is right or wrong in relation to the Open Access College. I invite the Hon. Ron Roberts to come with the Hon. Mr Dunn and me to Quorn—

The Hon. Peter Dunn: It's not far.

The Hon. R.I. LUCAS: It is not far from Whyalla, Port Augusta or wherever the Hon. Ron Roberts is going to be.

The Hon. Peter Dunn: There are not many bitumen roads.

The Hon. R.I. LUCAS: There are not as many bitumen roads, but there will be some real people at Quorn on Saturday who will be able to give a first-hand judgment on how the Open Access College has performed in the early part of the 1991 school year. It will not be the assiduous little ministerial officers in the Education Department or the office writing the speech, and it will not be the Hon. Mr Lucas and the Hon. Mr Dunn writing a speech on behalf of the Liberal Party; they will be real people. They will be the people who receive the services provided by the Government through the Open Access College.

I must admit to having a bit of inside information. I suppose I must be honest with the Hon. Ron Roberts and say that I have had a sneak preview of the agenda. A couple of the items seem to indicate some concern about the operation of the Open Access College and about promises being broken by the Minister of Education and the Education Department in relation to the college being up and going and operational at the start of the 1991 school year, which is the first part of the motion that we are addressing. This is an open invitation. If the Hon. Ron Roberts can wheedle his way out of Whyalla and would like quietly to come to Quorn with the Hon. Mr Dunn and myself we would be delighted—

The Hon. Peter Dunn: And the member for Eyre.

The Hon. R.I. LUCAS: And the member for Eyre, Mr Gunn, that assiduous worker for his constituents on the coast and in the Far North. I invite the Hon. Ron Roberts to join us all to listen to the independent umpires—

An honourable member: Independent umpires?

The Hon. R.I. LUCAS: Yes, the independent umpires, those who consume the services. Let us hear what they have to say about the sort of drivel that the Hon. Ron Roberts read out in this Chamber. I know that he was courageous in doing it, but he had to read that sort of drivel and try to argue that for doing mathematics sitting at the end of a telephone with a white board is as good as or better than having face-to-face teaching with a teacher in a school classroom.

An honourable member: You have never done it.

The Hon. R.I. LUCAS: I have said that I have never done it and would never want to do it; but at least I have done mathematics. I do not know whether the Hon. Ron Roberts is able to say that, but at least I have done mathematics.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I do not have to sit at the end of a telephone and struggle with quadratic equations or whatever to know that I would not like the prospect of competing with the rest of our students in South Australia who have a teacher sitting at the front of a classroom, who can come to them at the start of a lesson, at the end of a lesson, during a morning recess break, during an afternoon recess break or during lunch break and provide that bit of extra assistance when I cannot understand what to do with my quadratic equation.

Members interjecting:

The Hon. R.I. LUCAS: I am sure you could suggest what I could do with it. But these are the consumers of the services of the Open Access College. Mr President, I do not wish to be deflected by those who are interjecting on the other side. These are the consumers of the services provided by the Open Access College, not the press secretary to the Minister of Education or the shadow Minister of Education. I am quite happy to be dismissed, as long as you will come and listen to the people who know and have to absorb and consume the services of the Open Access College. I shall not go over the detail again. All I can say is that, because the Hon. Ron Roberts took about an hour—

Members interjecting:

The PRESIDENT: Order! There is too much conversation across the Chamber.

The Hon. R.I. LUCAS: The Hon. Ron Roberts took about an hour on this subject. What the Hon. Ron Roberts or (let me be generous) what the Minister of Education and his officers are saying is that the teachers of the Wudinna Area School, for example, do not know what they are talking about. That is what the Minister of Education is saying: either that the teachers at the Wudinna Area School do not know what they are talking about or they are deliberately lying to the Parliament. That is what the Minister of Education is saying and that is what the Hon. Ron Roberts is saying. He is quite happy to regurgitate the words prepared by the Minister of Education's press secretary and officers in the Open Access—

An honourable member: Research officer.

The Hon. R.I. LUCAS: Yes, the research officer or the Open Access College people in preference to what the teachers at the Wudinna Area School say is occurring in relation to their students. He cannot have it both ways. He is saying either that they do not know what they are talking about, that they are hopeless teachers, that they do not know whether they have received the textbooks or resource material, or that they are deliberately lying to the parent community, to the shadow Minister of Education, to the Minister of Education and eventually to the Parliament. Those are the options. If he is to believe the Open Access College officers, he is saying that the teachers at Wudinna are either liars or they do not know what they are talking about. I know these people, the Hon. Mr Dunn knows these people, and I know that they are not liars and they are not incompetent. They know what is going on in their school and they know when their students have received textbooks, materials, or whatever it may be. They know the fifth and sixth weeks of the school year and whether or not they have done maths on the end of a telephone. They can tell what the fifth or sixth week of the school year is, and they know whether or not their students have received material by the fifth or sixth week of the school year.

The other thing that the Hon. Ron Roberts and the ministerial people are wanting to say is that people like Mr Sinclair, who spoke to me on behalf of his daughter in the Ceduna/Streaky Bay area complaining that at the fourth or fifth week of the school year his daughter still had not received material for three of five subjects, either does not know what he is talking about or is deliberately lying to me as well, because they and the Open Access College know better than the parent of a student somewhere on the West Coast around the Streaky Bay and Ceduna area. I again say to the Hon. Ron Roberts that I know whom I prefer to believe. I will believe Mr Sinclair and his daughter before I will accept the words of the people who crafted the speech for the Hon. Ron Roberts—

The Hon. L.H. Davis: Craftered!

The Hon. R.I. LUCAS: Craftered or shafted. The people who wrote that speech wrote the other speeches for the Minister of Education, including the statements that we have cut 800 teachers from our schools and maintained the quality of education in South Australia. If one believes the fairytale that it is possible to cut 800 teachers and maintain the quality of education in our schools, one will believe the fairyland stuff that was included in this speech in relation to the Open Access College. I urge members to support the motion.

Motion carried.

BENNETT AND FISHER LIMITED

Adjourned debate on motion of L.H. Davis:

That this Council views with concern the decision of the State Government Insurance Commission to vote at the recent annual meeting of Bennett and Fisher Limited in support of a motion seeking ratification of the purchase by the company of a building at 31 Gilbert Place, Adelaide, in view of the circumstances surrounding this purchase and the strong opposition of many major shareholders.

(Continued from 6 March. Page 3280.)

The Hon. L.H. DAVIS: Although it is four months since I first moved this motion, I should report that there continues to be considerable disquiet in Adelaide's corporate community and among the institutional and individual shareholders in Bennett and Fisher about SGIC's decision to vote in support of the purchase of 31 Gilbert Place. In fact, there have been several significant developments since I raised the issue in mid December. Mr Denis Gerschwitz, General Manager of SGIC, has resigned from the board of Bennett and Fisher after serving as a Director since 1983. Mr John Ayers of Kidman Holdings Pty Ltd has also resigned

from the board of Bennett and Fisher. I understand that a number of shareholders have investigated the possibility of recommitting the motion that ratified the $4.5 million purchase of Bennett and Fisher of the building at 31 Gilbert Place from Mrs Summers, wife of the Chairman of Bennett and Fisher, Mr Summers.

That is not for me to debate. The shareholders of Bennett and Fisher will make their own judgment and take their own actions but it does serve to highlight the concern, anger and distaste that has been generated by this tacky affair. If SGIC and the Chairman of Bennett and Fisher, Mr Summers, had been as diligent in observing the basic rules of the stock exchange, acting with the propriety that is expected in commercial affairs in protecting the interests of their shareholders, we would not be debating this matter today.

The SGIC is established by an Act of Parliament. The SGIC should always set an example in its corporate behaviour, never more so than at a time when the stench of financial impropriety and, indeed, corruption, is dominating the national media. SGIC's decision to vote at the meeting was, in my view, indefensible. SGIC's action was at odds with virtually all the non-associated corporate and individual shareholders. Certainly, SGIC's action could not be said to be in the best interests of shareholders.

While I accept Mr Gerschwitz's claim that he was acting as an individual person rather than as a representative of SGIC when he was a Director of Bennett and Fisher, I find it curious that he has publicly claimed that he was on the board of another high profile company—SAMIC—as a representative of SGIC.

In any event, the fact that Mr Gerschwitz as General Manager of SGIC was on the board of Bennett and Fisher as a Director at a time when SGIC was the major shareholder of Bennett and Fisher, left SGIC in a difficult conflict situation. That fact cannot be denied, and is precisely why so many leading institutions involved in insurance and superannuation, such as SGIC, simply do not allow their executives to serve on the boards of companies in which they have interests. They do not allow a conflict situation to arise.

SGIC chose not only to vote but also to support the proposition to purchase 31 Gilbert Place for $4.5 million. If it had abstained or voted against it, the motion would have been lost and, arguably, some would say, the shareholders would have won. Sadly, but not surprisingly, SGIC's credibility and reputation has been badly tarnished by its role in the purchase of 31 Gilbert Place. SCIC's behaviour has been a talking point in corporate circles, not only in Adelaide but also in Melbourne and Sydney. While I have talked to dozens of people critical of SGIC's action, I have not heard one person who has attempted to defend its position in any way whatsoever.

Perhaps it is ironic that the controversial property at 31 Gilbert Place houses the Arthur Murray School of Dancing. Certainly in years to come this affair may come to be known as the soft shoe shuffle scandal. It is a scandal because the transaction should have been placed before the shareholders of Bennett and Fisher in March or April of 1989 before the property was purchased. It should have been placed before the shareholders at a meeting simply to comply with Australian Stock Exchange listing rules. It was brought before shareholders only on the insistence of the Australian Stock Exchange in November 1990, some 18 months later and well after the property transaction had been consummated.

I find it incredible, indeed inexcusable, that experienced directors such as Mr Denis Gerschwitz and Mr Tony Summers did not know such a basic and obvious rule, namely, that where the consideration payable for an asset, in this case 31 Gilbert Place, is in excess of 5 per cent of the issued capital and reserves of the company and the vendor of the asset is a person or company associated with the company, it requires the prior approval of shareholders at a general meeting. In fact, in this case, the $4.5 million consideration payable for 31 Gilbert Place represented 10.7 per cent of the issued capital and reserves of Bennett and Fisher—double the minimum limit set down by the Australian Stock Exchange rules. I knew that rule and I have never been a director of a public company.

Other issues are cause for concern. I refer to the inadequacy of reporting, for example, the purchase of the property from Mrs Summers was not properly documented in the annual report of Bennett and Fisher and the failure of Bennett and Fisher to advise of that fact was undoubtedly an indiscretion.

Whilst the next matter that I wish to raise does not bear directly on the motion, it is relevant in view of the slack standards of reporting adopted by Bennett and Fisher over time. I have been advised that Strategic Business Services Pty Limited, a company of which Mr Tony Summers is a director, is in only the second year of a five year contract of service with Bennett and Fisher. When moving this motion, I made the point:

> Following a general inquiry from the Adelaide Stock Exchange, the 1989-90 annual report provided a note advising that total fees rendered by Strategic Business Services Pty Limited, of which Mr Summers is a director, were $540 000 compared with 1988-89, when the fees paid were $510 610.

As I said, I have been advised that Strategic Business Services is in the second year of a five year contract, which will create a contingent liability which, if the fee is at the same level as in previous years, will run into a figure well in excess of $1 million. However, in the 1989-90 annual report, there is no reference to that fact in the annual accounts. I would have thought that such disclosure was appropriate, if not mandatory. Another indiscretion was committed by Bennett and Fisher which, in my view, did not reflect well on the company and its directors. In March 1990 the Australian Stock Exchange suspended Bennett and Fisher from trading for three days because it failed to inform the market about a legal action being taken by CSR Ltd as a result of its acquisition of the Bennett and Fisher Anchor Foods business. As a disciplinary measure, the Australian Stock Exchange suspended Bennett and Fisher for three days because it should have informed the market that, on 29 December 1989, CSR had made application to sue Bennett and Fisher for over $20 million following the 1987 acquisition of Bennett and Fisher. I should point out that, in my speech of 12 December (page 2636), *Hansard* inadvertently reports that CSR made application on 29 December 1989 to sue Bennett and Fisher for $40 million. As I have just mentioned, that figure was in fact just over $20 million. The point I am making does not take away from the strength of the argument, that is, that Bennett and Fisher's track record in reporting and in standards of corporate propriety was lacking.

The second point I want to make is that the weight of opinion from the valuers and, indeed, the Valuer-General was very much against the proposition that the property at 31 Gilbert Place was worth $4.5 million. In moving the motion, I made the point quite strongly that in January 1988 Bennett and Fisher had purchased from the Law Society of South Australia a building at 33 Gilbert Place for a consideration of $2.026 million. For 1988-89, that property had a site value placed on it by the Valuer-General of $415 000 and a capital value of $1.36 million. Yet, little more than a year later, 31 Gilbert Place, owned by Mrs

Summers and adjacent to 33 Gilbert Place, was purchased for $4.5 million.

That figure was more than double the consideration paid for 33 Gilbert Place; yet, the site and capital values placed on 31 Gilbert Place by the Valuer-General were far less than those for 33 Gilbert Place. In 1988-89, 31 Gilbert Place had a site value of $225 000 and a capital value of just $400 000. In other words, the Valuer-General, who values properties in the central business district on an annual basis and who is guided by property transactions in the area, made the judgment that 31 Gilbert Place had a site value of little more than half that of 33 Gilbert Place and a capital value of less than one-third the value of 33 Gilbert Place.

The Valuer-General effectively was suggesting that 31 Gilbert Place was a knock-down job, and yet it was purchased for double the amount paid for 33 Gilbert Place just one year earlier. Even allowing for the fact that there had been a 10 to 15 per cent firming of property values in that time, there can be no doubt that the weight of opinion not only from the Valuer-General but of independent valuers in Adelaide was against that property valuation being so high.

In fact, using the basic measuring stick for the sale of land—namely, a rate per square metre basic plot ratio—if one takes the values in that area, that is, the value of the reputed offer of $11 million for the whole site—that is, the three properties of 31 and 33 Gilbert Place and 12 Currie Street (the Bennett and Fisher building) which was from an unknown developer and which is shrouded in secrecy, that often represents the highest value for any office site anywhere in the commercial heart of Adelaide. There is no doubt that the opinions of property valuers in Adelaide and of the Valuer-General are mirrored by the valuers associated with major institutions who were shareholders in Bennett and Fisher.

The Bannon Government's response to this motion has been laughable, pitiful and inadequate. The critical question that concerned the AMP, the Government Insurance Office of New South Wales and the NRMA at Bennett and Fisher's annual general meeting last November, which led them to vehemently oppose ratifying the transfer of 31 Gilbert Place from Mrs Summers to Bennett and Fisher, was the price of $4.5 million. This contrasted sharply with a value of $1.5 million to $2 million placed on the property by respected Adelaide valuers, the institutions' own valuers and, indeed, supported as I have mentioned, by the Valuer-General's site and capital values.

What did the Bannon Government say to justify the SGIC's remarkable, extraordinary and totally indefensible decision to support the transfers at the price of $4.5 million? The Hon. Carolyn Pickles said (page 3280 of *Hansard*):

> On this point an opinion was sought from Price Waterhouse by Bennett and Fisher to determine whether the transaction was fair and reasonable from the point of view of the non-associated shareholders.

She further stated:

> While Price Waterhouse were unable to determine whether the price paid was the market value, they state that they were satisfied that the transaction does not have a detrimental effect on the interests of non-associated shareholders.

That is a remarkable proposition. It is clearly an illogical proposition. It suggests that the price paid for 31 Gilbert Place is not really relevant, when quite clearly it is. That the board of Bennett and Fisher did not seek an independent valuation of the property is an abrogation of its responsibility to shareholders, particularly in view of the fact that it involved buying property adjacent to the head office of Bennett and Fisher from the wife of the Chairman and Managing Director of Bennett and Fisher. That SGIC did not insist on a separate written valuation, in its own interests, given that it was a major shareholder, is also quite beyond belief. As the major shareholder of Bennett and Fisher, it was in its interests and, ultimately, in the interests of the South Australian community, that the price paid for that building was a fair one.

Let me spell it out in clear, unambiguous language. If we assume that 31 Gilbert Place should have been bought by Bennett and Fisher for $1.5 million and not $4.5 million, that represents a saving of $3 million. It represents, in turn, a saving of nearly 20c per Bennett and Fisher share, given that there are about 16 million Bennett and Fisher shares quoted on the Australian Stock Exchange. Does not the fact that Bennett and Fisher shareholders were required to pay out 20c a share more cash than was necessary represent a detrimental effect on shareholders? Of course it does. The Hon. Ms Pickles went on to claim:

> Whether or not SGIC was correct in casting that vote is not the issue at stake for those members opposite. Their agenda is purely political . . .

That statement reveals how morally bankrupt the Bannon Government has become. Confronted with irrefutable facts, yet armed with none themselves, they seek to make a vituperative response. Not once did the Hon. Ms Pickles address the many issues and concerns raised—not only by me but by many individual and corporate shareholders here and interstate, not to mention the media.

In conclusion, I believe this motion should pass. SGIC simply should not be allowed to escape public opprobrium for its indefensible action in relation to the purchase of property at 31 Gilbert Place. I commend the motion to the Council.

Motion carried.

LOCAL GOVERNMENT ELECTIONS

Adjourned debate on motion of Hon. J.C. Irwin:

That this Council calls on the Minister for Local Government Relations to allow council elections in the cities of Woodville, Hindmarsh and Port Adelaide to be held in May 1991.

(Continued from 6 March. Page 3278.)

The Hon. J.C. IRWIN: This motion was moved some time ago. It is a sincere effort reflecting my concern that the proper processes will not be allowed to take place in those three council areas. I do not refer to the processes that suspended the elections but to the—

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

The Hon. J.C. IRWIN: —democratic processes of allowing local electors to elect their councils on a two-yearly basis. I am sorry that the Democrats have not contributed at all to this motion, as small as it might seem to some people. I would have thought that the very name 'Australian Democrats' stems from the word 'democracy', and I believe that the two Democrats in this place would hold the democratic process reasonably dear to their heart.

The Hon. Anne Levy interjecting:

The Hon. J.C. IRWIN: I do not know whether or not the Minister has been listening, but to this moment I have been directing my remarks to the Democrats who have not taken part in the debate. I have not said anything about the substance of the debate at all, and I do not intend to go back over that because that was covered by me in moving the motion and by the Minister in replying to the motion. I am just saying that I am sorry that the Democrats have not contributed some words to the debate as to whether or not they support the democratic process in respect of local

government elections. I understand they have made up their mind not to support the motion—and I accept that—but I am sorry that they have not said something about it.

I am also happy to correct part of my contribution when, referring to section 26 of the Act concerning the reference of a proposal to the Advisory Commission, I said something to the effect that the Minister did have some options about what she could do, and probably made reference to the 20 per cent of electors who could call on the Minister to take a proposal to the commission. What misled me was the use of the 20 per cent basis of support for a proposal as being an indication from the local people that at least that number of electors were prepared to have a proposal go to the commission. Section 26 of the Act provides:

(1) The Minister may, on his or her own initiative, and must on an application under subsection (2)...

(2) An application for referral of a proposal to the commission under subsection (1) may be made to the Minister—

(a) where the proposal relates to an area or portion of an area (whether or not it affects any other area or portion)—

(i) by the council for the area;

I am happy to correct my statement that the Minister did not have an option but to put that proposal, once made to her, to the commission.

What I do question is how the three councils arrived at their decision. Subsection (1) talks about 'the council for the area'. I understand that a steering committee was established for the three council areas—Woodville, Port Adelaide and Hindmarsh. The steering committee made recommendations to the councils and collectively or individually—and I am not sure how the proposal came forward, but I would accept a proposal by the three councils being represented by the steering committee—they put the proposal to the Minister which then went on to the commission.

With my little knowledge of how the councils in those three areas work, I question how the councils made their decision to advise or support the steering committee in seeking to have an amalgamation proposal. What facts were put before the councils so that they individually made their decision which would then comply with the Act? On what information did they make their decisions, as councils, to go forward to the next stage, which was an application to the Minister which then went to the commission? Another matter I raised was section 94, which deals with the date of elections. Subsection (1) provides:

(b) the proposal was referred to the commission at least three months before the first Thursday of March in a year in which periodical elections are to be held under subsection (1);

(c) the commission has advised the Minister that it will not be able to report to the Minister on the proposal before the first Thursday of March in a year in which periodical elections are to be held under subsection (1),

the Governor may, by proclamation, suspend the holding of periodical elections for the councils to which the proposal relates...

That has happened, and I understand that the Minister has taken advice from the commission and that following that advice those councils cannot report by the dates that are mentioned in the Act and, therefore, if they cannot report, even though local council elections would be only a couple of months away, the Minister has determined that the Governor may make the proclamation suspending those elections.

I believe the Minister has a discretion whether or not to take that further action to proclamation. This whole process started only late last year, and council elections are due in May. I indicated when I moved the motion in respect of the boundary proposal for one council and the amalgamation and disappearance of a council, as far as Henley and Grange is concerned, that both those matters took two years. I will not reiterate what that process was, but it was a lengthy process that took two years.

I have argued that local government elections should be held in those three council areas—Woodville, Hindmarsh and Port Adelaide—at the beginning of the process to give the local people a chance not only to judge and elect their councillors and mayors on the two years they have already served concerning non-amalgamation and all matters that have been before council but also to elect the councillors they want to serve for the next two years. I still argue that this proposal, which is quite big, may well take a number of years or months to come to fruition.

We are often told that there is no interest in local government elections, that no-one turns out for them and that there ought to be compulsory voting because it would at least get people out on to the hustings to be judged as potential mayors or candidates, and that it would provide an opportunity for electors to demonstrate some interest in their local community. This is one issue that I would have thought was quite obvious. Prior to an election the candidates would, in the very early stages, say whether they are for or against amalgamating their council, losing the identity of Port Adelaide or Woodville, or amalgamating. This opportunity has now been denied. It is interesting to note that the District Council of Hallett, for example, which has had an amalgamation boundary change proposal for some three years, has been told to hold its election.

That means that it might have another two years, which means five years to go through the process, in the area of Hallett. There seems to be a different standard in the country where amalgamation proposals have succeeded. However, I want to make the point that the people of Hallett have had enough of waiting for the Local Government Advisory Commission to make its decision, and Hallett has been told to have its elections, which might take it for another couple of years. Much of this hinges on the Local Government Advisory Commission, although I do not want to go into that at any great length.

It is interesting to note what the Secretary-General of the Local Government Association said about the commission at Seppetsfield on 22 March. I cannot quote him directly, but, *inter alia* he said that most people told the Local Government Association that it should be abolished. The LGA outlined a number of areas, which I will go through briefly, where it thought the process might be improved. If two or more councils should jointly resolve to amalgamate, they should work that up themselves. They should leave time to develop the plan, should display the plan in their area and should have public comment. If the plan is seen by the population as being acceptable—and whether that includes a poll process I am not sure—they can resolve to proceed.

They can approach the Government for a proclamation or, interestingly enough, use a select committee process, which I have not been through in this place whilst I have been a member. I have, however, been involved with the select committee process in local government amalgamations previously, from the other side, and have floated the idea in passing in other debates that the select committee process has been accepted by a number of people who have spoken to me as a better process than that which is taking place at the moment.

As I said, there may well be a polling process somewhere in that whole business of deciding whether or not to proceed with an amalgamation. I understand that the bureau will cease to receive full funding from the Government at the end of June this year, and only half its funding will be provided by the Government. It is then up to local govern-

ment to decide whether it wants to keep the full funding going by putting in equal dollars to bring it up to the level that it will enjoy until the end of June this year.

That brings into question what will happen to the Local Government Advisory Commission after the end of June, and whether this ties in with the public statements that the amalgamation process for Woodville, Port Adelaide and Hindmarsh will be cut and dried by the end of June this year. I understand that during the negotiating process some recommendation will be made within the next four weeks as to the future of the Local Government Advisory Commission. That may be hearsay; it may be a dream that the negotiating process will be that far advanced in four weeks; I do not know.

Obviously, not only with this major amalgamation proposal but also with a number of others, including that of Hallett, and a number of boundary reviews still before the commission, it has a lot of work to do. From the feedback I am getting from the council areas in the amalgamation proposal for Woodville, Hindmarsh and Port Adelaide, there is a deal of public interest in what is being proposed. There is quite a bit for and quite a bit against and, of course, those who are against the proposal at this stage do not exactly know what they are arguing against, because I do not think there has yet been in the public arena a cut and dried argument in economic or community terms as to exactly what the proposal will mean. We have had two letters put out by the steering committee at a cost of approximately $40 000 for householders, including a tear-off slip asking whether or not people want a poll. The second letter, particularly, was the subject of a question to the Minister before Easter, I think, and I do not believe that I have yet received an answer to it.

The Hon. Anne Levy: I gave it there and then.

The Hon. J.C. IRWIN: No, I think you were going to ask the commission whether the process to which I referred in my explanation of the question had been followed, whether the commission was fully behind the letters that had been put out and whether it concurred with the statement. The statement to which I objected was contained in question No. 7, as follows:

> Your annual rates bill is calculated by multiplying the Valuer-General's value on your property by a rate in the dollar at present this rate in the dollar is different in each of the three council areas . . . For the first two years after the merger there will be no increases to any rate in the dollar. Over a three or four year period, they will progressively reduce to a uniform rate throughout the new council.

I cannot imagine that any commission would give a steering committee—unelected by the new council area—the approval to put out any sort of statement like that, promising not to have rate increases in the dollar. I am still waiting for that answer.

The Hon. Anne Levy: They have given approval for differential rates where there have been boundary changes—

The Hon. J.C. IRWIN: Right.

The Hon. Anne Levy: —for a period.

The Hon. J.C. IRWIN: Yes. The statement goes on to say that there will be—

The Hon. Anne Levy: There are precedents for that.

The Hon. J.C. IRWIN: Yes, I am not questioning that. I am questioning only the written promise that there will be no rate in the dollar increase. That is fairly difficult to do in today's climate, especially with reducing property values. I do not know whether that will continue. It may be a quite interesting device in future for council-driven proposals for amalgamation. Councils may go through this process that has been followed by the steering committees for Woodville, Port Adelaide and Hindmarsh, through to not having their elections. Many other councils may decide to do the same thing. The precedent has been set and councils will conveniently have their elections withheld for up to 12 months. I think that is wrong. I am disappointed that we do not have support for this, just on the basis of a decent process of allowing people to elect their representatives, similar to the system that we follow here at regular intervals. I urge honourable members to support the motion.

The Council divided on the motion:

Ayes (9)—The Hons J.C. Burdett, L.H. Davis, Peter Dunn, K.T. Griffin, J.C. Irwin (teller), R.I. Lucas, Bernice Pfitzner, R.J. Ritson and J.F. Stefani.

Noes (10)—The Hons T. Crothers, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Anne Levy (teller), Carolyn Pickles, R.R. Roberts, T.G. Roberts, C.J. Sumner and G. Weatherill.

Pair—Aye—The Hon. Diana Laidlaw. No—The Hon. Barbara Wiese.

Majority of 1 for the Noes.

Motion thus negatived.

EDUCATION ACT REGULATIONS

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

That the regulations under the Education Act 1972, concerning senior positions, made on 25 October 1990 and laid on the table of this Council on 25 October 1990, be disallowed.

(Continued from 3 April. Page 3944.)

The Hon. R.I. LUCAS: The old regulation 58 under the Education Act was used to allow the Minister of Education to determine the number of positions for seniors within our schools. The current regulation 58 that we are debating seeks to allow the Minister to place a limit on the number of new promotion positions that can be created. In particular, it means that the Minister of Education could set a quota for the number of advanced skills teacher positions for levels one, two and three.

As members are aware, a case is currently before the Teachers Salaries Board on the question of the advanced skills teacher levels one, two and three. The argument between the unions and the Education Department before the Teachers Salaries Board is partly a question of whether advanced skill teaching positions are part of the management structure along with key teachers, coordinators, etc., or whether it is just an extension of the teaching range, that is, additional increments in what is the automatic increment increase up to level 12, with a few additional increments now to be thrown in with the advanced skill teaching range, but they would not be automatic. If both sides agree, there would have to be criteria-based advancement through the various levels, although there is a difference of opinion as to how stringent the requirement will be to move from the automatic increments through to the advanced skill teaching levels.

The position of the Institute of Teachers on this matter is summarised in a document which it sent to me and which states:

> The institute does not object to the Minister determining the number of key teachers, coordinators and assistant principals. These positions are administrative or management positions which carry out specific functions and it is appropriate for the number to be limited.

Further on it states:

> Advanced skill teachers are not administrative or management positions.

It also states:

From the institute's point of view, if higher standards of teaching excellence are required to obtain advanced skill classifications and this results in a significant number of teachers satisfying or improving their teaching then the education system will be the better for it.

That is a fair statement of the Institute of Teachers' position in relation to advanced skill teaching positions.

The Government's position is best summed up in the speech made by the Hon. Ron Roberts on behalf of the Government (I guess, with the approval of the Government), when he said:

The Government's position, on the other hand, was that only the most outstanding teachers should become advanced skills teachers, and among the criteria for moving into those levels was that teachers should be doing something extra, something more than just being a good classroom teacher—for example, developing curricula for the school or taking leadership responsibilities.

It is an essential prerogative of responsible management to be able to decide how many people it needs at the various levels of its operational structure. To allow open slather on promotion positions would result in a situation of too many chiefs. In the extreme case, everybody would end up a chief. Promotion above step 12 should be based on merit; advanced skills levels ought not to be allowed to become just additional steps in the incremental range.

It would appear that there is a difference of opinion between the institute and the Government which they were seeking to argue out in the Teachers Salaries Board. There was a different philosophy as to what the advanced skills teaching positions were meant to encompass. There was also a different approach in that the Government believed at that time that there should be a quota for the advanced skills teaching classification, whereas the Institute of Teachers did not believe that there should be a quota for progression to AST level 1, for example. It believes that, if X percentage of teachers pass the hurdle to move to AST level 1, that is the percentage that the Education Department ought to accept. It became a bit of a pedantic argument.

The Institute of Teachers said it accepted that the Government or the unions could set the hurdles high enough to ensure that there was, in effect, a *de facto* quota. The Government was obviously arguing again for more stringent criteria so that fewer teachers would move to AST level 1 and the institute, in general terms, was arguing for slightly less stringent criteria so that a greater number of teachers could move to AST level 1. Nevertheless, at that time, and according to the Hon. Ron Roberts—I presume reading material prepared on behalf of the Minister—the Government wanted a quota and the Institute of Teachers did not. Therefore, this regulation would allow the legislative framework for the Minister of Education, if he or she chose, to set a quota for the advanced skills teaching positions.

The Hon. Ron Roberts, on behalf of the Government, went on to note some comments that I had made in the past 12 months on behalf of the Liberal Party, again seeking to make the point that the Government wanted to ensure that there was a quota.

What I then find extraordinarily curious is the final three or four paragraphs of the Government's contribution in the debate. As I said, as with all other contributions in education matters, these speeches are not prepared by individual members but produced on behalf of the Minister of Education for production in this Chamber. I want to read the last three or four paragraphs of that contribution, as follows:

However, this debate has been rendered somewhat moderate by subsequent events in the Teachers Salaries Board, which now makes regulation 58 a non-issue.

I am advised that in the Teachers Salaries Board on 6 November 1990 certain agreements were reached between the Education Department and the Institute of Teachers relating to advanced skills teachers, and then the parties were sent away until 1 May of this year to negotiate the remaining matters. The parties agreed on a two or three level salary structure, and that access to the advanced skills levels would be according to rigorous criteria relating to teaching performance and professional development. The institute's proposed criteria were taken as a basis for future negotiations.

It was agreed that the advanced levels will not be subject to a quota, but successful applicants will be subject to a stringent and periodic review of their advanced skills status.

I find it extraordinarily curious that during the early part of the debate the Minister of Education, the department and the Hon. Ron Roberts were arguing strenuously that there needed to be this provision and quota, yet the Government in this debate is saying at the end that regulation 58 is a non-issue.

The Hon. Ron Roberts is unable to be with us in the Council this evening but, if he were present, I would like to know what is meant by the statement that regulation 58 is now a non-issue. If it was a non-issue, why is the Government proceeding with it? In this contribution the Government goes on to state:

[it] agreed that the advanced skills level positions will not be subject to a quota.

The Government's position has always been that there should be a quota for these positions, yet it indicates that there has been an agreement that there is no need for a quota. In trying to understand exactly what is the Government's position—I must admit that that is a struggle in many areas, and particularly this one—I got a copy of the Teachers' Salaries Board hearing of 6 November 1990, and I want to read into *Hansard* directly what the representatives of the institute, the department and the tribunal had to say. Representing the Institute of Teachers, Mr Angas Story stated:

What the parties have agreed to put to the board this morning is that there's agreement that: two or three level salary structure as outlined; it's agreed that access to the advanced skill levels would be available to teachers who satisfy criteria relating to their teaching performance professional development . . . It is agreed that the levels will not be subject to a quota but that successful applicants will be subject to a periodic review of their status as advanced skilled teachers.

Those are the words of the Institute of Teachers' representative (Mr Story) telling the tribunal that there has been agreement that the level will not be subject to a quota. Further on in the hearing the Education Department's representative, Mr Payne, stated:

On behalf of the Minister, I indicate that we are in substantial agreement with what has been put forward to you this morning by Mr Story. We agree that the new classifications of key teacher, coordinator and assistant principal be included in the award. We also agree that the three classifications of advanced skilled teacher be also included and naturally, as the document is framed, it's not part of the incremental scale, we support that concept.

The desire apparently arrived at was that the advanced skill teaching positions would not be part of the incremental scale and would be set apart as a separate classification of the award. Further on, Mr Payne says:

We say that in future negotiations that we are maybe not looking at a quota based arrangement, but we do say and we expect that the criteria will be, I use the word 'tough', and we also expect that it will be rigorously applied in terms of the processes that will be adopted between the parties, if not endorsed by this board. There is concern in relation to the approach that's been put forward in terms of a criteria based advanced skilled teacher.

There is concern that we don't want to see a situation where teachers who don't deserve to go through that situation be allowed to by influx of time. So what we're saying is that we want to make sure that the criteria that's negotiated in the future and hopefully is settled by May will be rigorous enough to ensure that only those people who deserve to get through should get through in terms of the intention of the concept of advanced skill teacher.

The Chairman of the Teachers Salaries Board says:

We congratulate the parties on the agreement that they have reached so far and we shall adjourn the balance of the proceedings to enable the parties to confer on the outstanding matters relating particularly to the advanced skill teacher positions . . .

As currently advised and being aware that we have not yet heard all the material on the topic we have before us now, we are of the view that access to and continuous in the advanced skill teacher range should be merit based and subject to rigorous selection and review processes. The selection and review processes will necessarily involve the development of criteria. The institute, in its application, has set forth what it sees as relevant criteria for this purpose. That might be a useful starting point for the negotiations between the parties. The Minister will have proposals to bring forward so far as criteria are concerned and we recommend to the institute a careful consideration of those proposals.

We shall adjourn the proceedings to 1 May 1991.

So, to try to summarise what is at least on the surface a mildly confusing situation, when I read some of those statements and mix them with the Government's statement in relation to this Bill, the best I can get out of it all is that there is a sort of agreement between the Institute of Teachers and the Education Department that there will not be quotas and there is a sort of agreement that they will try to come up with some sort of criteria based advancement through the advanced skill teacher levels, with the department obviously arguing for a tougher requirement than perhaps the Institute of Teachers has been arguing for. I know that the Government believes that, if the criteria are written in a certain way, that may well act as a *de facto* quota; that is, if the criteria are tough enough, they may well be able to estimate that a percentage of teachers will go through to various levels.

All I can say is that that is a fairly imprecise way to go about things. It may not be the Government's preferred option; perhaps the Government felt that the Teachers Salaries Board in effect ruled against it in relation to the question of quota and it is now settling for second best. If that is the case, it is certainly a little imprecise and, as a potential future Minister of Education, I would hope that the relevant personnel within the personnel section of the department are pretty confident that, in any agreement they might reach on 1 May or soon afterwards, their figures are precise rather than being ballpark guesstimates, because the flow-on costs to future Governments would be quite considerable.

My position and the position of the Liberal Party has been quite clear for some 12 months. We have been on the public record indicating that we believed that the advanced skill teaching positions ought to be based on merit, that they ought to be virtually unlimited and that there was a good argument that there be quotas or restricted numbers in some way.

It appears that the argument has now moved marginally beyond that within the Teachers Salaries Board, and that is certainly beyond my control and that of the Liberal Party. Nevertheless, the regulations as set out mirror relatively closely my preferred position. They appeared to mirror the Government's position some time ago but, as I said, they do not appear to mirror the Government's present position. I indicate that the Opposition will not support the disallowance motion. My last comment is how the Government and the Minister see the operation of these regulations, given what appears to be an impending agreement in the Teachers Salaries Board, part of which is that there not be a quota in relation to advanced skills teaching positions.

The Hon. M.J. ELLIOTT: Clearly the numbers are against me, so I will not extend this debate. I must say that I am disappointed at the lack of willingness to tackle the issue well before this time, given that we have a great deal of business to deal with in the last couple of days of the session. I believe that what the Institute of Teachers sought was educationally beneficial. The regulations as they stand are harmful for education and I hoped that the Hon. Mr Lucas would recognise that. He clearly does not, and I am disappointed.

Motion negatived.

INSTANT LOTTERIES

Order of the Day, Private Business, No. 30: Hon. M.S. Feleppa to move:

That the regulations under the Lottery and Gaming Act 1936 concerning instant lotteries, made on 19 July 1990 and laid on the table of this Council on 2 August 1990, be disallowed.

The Hon. M.S. FELEPPA: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

STATE BANK GROUP

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

1. That a select committee of the Legislative Council be established to:
   - *(a)* Examine—
     - (i) the financial position of the State Bank and all of its subsidiaries;
     - (ii) the circumstances surrounding the high level of debt;
     - (iii) the adequacy of information made available to the bank board, the Treasurer, the Parliament and the public;
     - (iv) the role and function of the board and the Treasurer.
   - *(b)* Make recommendations on any changes necessary to the State Bank of South Australia Act including investment guidelines, accountability and reporting requirements for the State Bank.
   - *(c)* Examine the financial position of the State Government Insurance Commission, South Australian Superannuation Fund Investment Trust and South Australian Government Financing Authority.
   - *(d)* Examine any other related matters.
2. That Standing Order 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only.
3. That this Council permits the select committee to authorise the disclosure or publication as it thinks fit of any evidence or documents presented to the committee prior to such evidence being reported to the Council.

(Continued from 20 February. Page 3062.)

The Hon. I. GILFILLAN: I move:

Paragraph 1—Leave out all words after 'established to—' and insert the following:

- *(a)* examine the inter-relationships between the various South Australian Government financial institutions, their relationship with the Government itself and in particular what influence was brought to bear by Government financial institutions or Government to alter investment decisions of these institutions; and
- *(b)* determine, as a matter of urgency, the current financial position of South Australia's Government financial institutions.

The ACTING PRESIDENT (Hon. Carolyn Pickles): Is that amendment seconded? The amendment is not seconded.

The Hon. I. GILFILLAN: This is a reasonable opportunity for me to speak to this motion prior to my colleague summing up the debate. It is unfortunate that the amendments that I outlined were unable to be moved, but the points that were to be recognised and identified by these amendments are appropriate to be commented upon briefly.

The terms of reference that have applied to the two inquiries relating to the State Bank have been criticised by the Democrats quite trenchantly. The select committee process may not necessarily be the ideal forum in which to

deal with the analysis of financial positions of Government institutions but with the lack of other satisfactory investigations being set up with the terms of reference, this was one avenue open to this Parliament to ensure as best it can that the financial facts applying to the institutions, with contemporary relevance and not nine to 12 months out of date, be made available to this Parliament and the people of South Australia.

Further, we believe that a select committee should investigate the interaction and possibly incestuous terms that apply between the financial institutions, which distort the integrity of the financial decisions which are made in each of those institutions and which in some cases is obviously to the financial disadvantage of an institution. My colleague referred earlier to the situation where SASFIT was very close to being involved in Interchase, with the possible justification that it was helping out a friend in the family, SGIC. There is very good reason to be concerned that, when one has a Government umbrella over a series of semi-independent financial institutions, Parliament must watch very closely that the financial decisions made by each of those institutions are done so in the best interests of the people and the responsibilities of those institutions, and are not distorted either to protect someone else in the same stable or to fulfil some political motive of the Government of the day, to protect their flank.

I recollect that this principle of separateness and high integrity of financial decisions by institutions was in my mind when I insisted, in relation to the WorkCover legislation, that the accumulated funds, which automatically would come into the control of WorkCover, were to be used and placed to the advantage of the fund. That was in conflict with the intention of the Government and the Minister at the time (Mr Frank Blevins) who wanted a qualifying clause in the Act which allowed that fund to be used to the best advantage of developments in South Australia. That may sound attractive on the surface, but it opened up a Pandora's box relating to the question: at what net economic cost to the WorkCover fund would the clause motivating the placement of moneys to the best advantage of South Australia be?

I have been aware of the danger of public moneys in public institutions and statutory bodies being used not to the best advantage of those concerned and those involved, and for the duties of those institutions, but in a wider game and with other motives which are not so readily apparent. I support most enthusiastically the intention that my colleague had in respect of this select committee, that the interrelationship between the South Australian Government financial institutions should be analysed and assessed—in the excellent capacity of a select committee of this place. I am sorry that it was unfortunate that we were not able to debate those amendments in this place. I support the motion and urge members also to support it in due course.

The Hon. K.T. GRIFFIN: I only received the Hon. Mr Gilfillan's amendments late today and it did not give me or other members of the Liberal Party an adequate opportunity to discuss the quite significant change in the terms of reference of a select committee, which initially was to be established to consider the financial position of State Bank and all of its subsidiaries, to make recommendations on any changes necessary to the State Bank Act and to examine the financial position of the State Government Insurance Commission, the South Australian Superannuation Fund Investment Trust and the South Australian Government Financing Authority.

The first two terms of reference are essentially covered by both the royal commission and the Auditor-General's inquiry into the State Bank Group. The third term of reference in the original motion (and which is still the motion before us) is very much narrower than the proposed amendments. The Liberal Party was reluctant to support the motion for a select committee because of the existence of the royal commission and the Auditor-General's inquiry, but we have always indicated that we have kept an open mind as to whether there should be a select committee in the future, if all the issues which we believe will be and should be investigated by the royal commission and the Auditor-General are not so investigated because of some narrow interpretation of the respective terms of reference.

To establish a select committee to deal with much broader questions relating to Government financial institutions is something that we are prepared to consider for the future, but we are not prepared to make a decision about it on the run, particularly as I say, having received a copy of the proposed amendment just five minutes ago. It may be that it becomes necessary for some form of select committee. Certainly we are concerned about the operation of various Government institutions, not just financial institutions, which are active in the commercial world. We would hope that the annual reports of bodies such as the Superannuation Investment Trust, the South Australian Financing Authority and the State Government Insurance Commission, and the Auditor-General's Report would disclose information which we, too, have been seeking about their operations and their relationship with Government. However, for the moment, I indicate that I am not prepared to support this quite significant change in direction of the proposed select committee but will keep an open mind as to whether or not something like this may be necessary at some time in the future.

The Hon. M.J. ELLIOTT: When I first moved this motion, I expressed concern not only about the State Bank but about the other State Government financial institutions. At the time of moving this motion, there was irrefutable evidence that the State Bank was in trouble, but there were signs already and clear indications that some of the other institutions may have had difficulties also. When Victoria had problems with its State Bank and Tricontinental, the immediate response was to instruct the auditor to carry out a full audit of all financial institutions. So, very quickly, Victoria knew the total financial position that the State was in. That is very important. If you want to do forward planning, you really do need to know where you are at.

Even months after our State Bank fell over, South Australia still does not know what position it is in. Whether or not the Government has information that it is not giving to the public may or may not be another matter. Certainly, the State as a whole, and this Parliament, is very much in the dark as to the true financial position of this State. That is a matter of grave concern, and it was for that reason I moved 1 *(c)* of the original terms of reference. Since moving that motion, the situation regarding the State Government Insurance Commission has deteriorated quite significantly. We have much firmer evidence that there are difficulties. There is no suggestion that SGIC is insolvent, but one has only to analyse the most recent Auditor-General's Report, tabled yesterday, and marry that with the facts we now have, to realise that SGIC has suffered some significant losses in terms of share values—in fact, share values lost that will not be recoverable—and significant losses on property which, in the long term, may be recoverable. But I think we are looking to the very long term. SGIC now faces

the difficulty of apparently having to buy 333 Collins Street, Melbourne. We know that SASFIT has now suffered a significant loss in relation to Interchase in Brisbane. There is reason for concern generally about some of our institutions. To be perfectly frank, I do not think we know the full position.

I believe that a responsible Government would have done what was done in Victoria, that is, conduct a full financial audit immediately. Instead we have a protracted process with a myriad of different inquiries, many of which have no public reporting requirement. The subcommittee of the inquiry set up under the Government Management Board at this stage is looking at only the SGIC, although it may look at other institutions in the future. When one looks at its terms of reference one can see that there is no time frame, nor is there any certainty that the information will be made fully public.

As a member of the Parliament, and because of the responsibility we have, that causes me grave concern. I understand what the Government is up to; it is up to political damage control. I think I also understand what Opposition members was up to; they think they are on a wonderful political thing, that they can leak things out a bit at a time and, if the bad news comes a bit at a time, that helps them. I do not believe the cynical exercise on either side is really constructive or helpful for this State.

Members interjecting:

The Hon. M.J. ELLIOTT: It is absolutely essential that all the information comes out as soon as possible. This dribs and drabs process is not good for the State or its institutions, and that is the process that we are moving into. We will spend the next three months of this break hearing bad news about South Australia a bit at a time—and there is bad news coming. How much of it, and the size of that bad news, is somewhat speculative at this stage—but it will come.

The continual drib and drab of bad news will continue to destabilise the State, and I think that that is a very unhealthy thing. Whilst recognising that there are two inquiries into the State Bank for which I think the terms of reference have been set up rather badly, if the Hon. Mr Gilfillan's amendment had been accepted, I would not have persisted with paragraphs *(a)* and *(b)* of the motion relative to the State Bank. I thought it was important that we persist with paragraph *(c)* concerning the financial position of all the institutions.

It was not my preferred position that it be done by a select committee; it was my preferred position that it be done either by the Auditor-General or by some other form of public inquiry. Most importantly, it needed to be done very quickly. I now believe that we will spend many months getting the bad news and, as I said, that causes me concern. Regardless of all that, one question still lingers which is becoming increasingly important and which is not being addressed by any of the inquiries—it is a question about the relationships between the various Government financial institutions, why they made some of their decisions and what influence was brought to bear. The influence may be very subtle; it might be as subtle as simply friends—people who, in the past, may have been in Treasury or the Department of State Development together.

When one sees SASFIT making investments in Interchase in Brisbane which, coincidentally, the State Bank had extreme exposure to, with its link to Remm in Adelaide, is that sheer coincidence? When SGIC buys the Centrepoint building to allow Myer to shift out of its present site so that Remm can proceed— and the Premier held up the Remm development with much flurry early on as being supported by the State Bank—are we looking at simple coincidence?

Is the decision by SGIC to invest in Jubilee Point, which is being very heavily promoted by the Special Projects Unit, sheer coincidence? These coincidences go on and on. I believe that there is reasonable suspicion that influence, albeit very subtle and as simple as just friends helping each other, has been going on. I am not suggesting anything like what happened in Western Australia. I do not believe anything like what happened in Western Australia happens in South Australia, but I do believe that perhaps things have been a little too comfortable at times, and that needs to be looked at.

I am not talking about any form of corrupt behaviour, but it is behaviour that has led to the situation we have in South Australia. It is something that needs to be looked at, but at this stage it appears that that will be denied. I am disappointed that the amended terms of reference are not accepted, through lack of a seconder. That indicates that other game plans are at work which, in the long run, will not be best for South Australia, and that is a disappointment to me. I hope that in the long run that does not cause further harm to our State.

Motion negatived.

PRAWN COLOURING

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

(Continued from page 4249.)

The Hon. M.J. ELLIOTT: I understand that, in my absence, there were indications from both the Government and Opposition members that they will not be supporting this motion. At a meeting that I had earlier today with representatives of the Gulf St Vincent prawn fishermen, the Consumers Association and the Hyperactivity Association, I made the point that, whether this motion passes or fails, the issues will continue to rage. There is a very clear conflict of interest here. The prawn fishermen, understandably, are gravely concerned about the possible financial impact upon their fishery if prawns are not allowed to be coloured and become unsaleable. On the other hand, there is concern by consumer groups and health groups that the continued expansion of the use of artificial colourings, flavourings and other additives which are unnecessary for any technological reason may be contributing to increasing health effects.

They ask why asthma is increasing in Australia. No-one has an answer, but it is almost certainly linked to a change in lifestyle and may be linked to these sorts of things. There are concerns that something needs to be done about them. Certainly, there were a number of differences of opinion between those two groups when they met today, but they did have some points in common. The first was that the State Government is absolutely lax in upholding food standards. It does not police them; having set the standard by regulation, it does not check whether the standard is upheld; and food standards in South Australia are a farce. One concept behind the regulation was that it gave some certainty to people buying prawns that they could be informed whether or not the prawns were coloured. I went to two shops and saw that they were not labelled as required by regulation.

It is quite clear that the checking is so slack that, despite the risk of fines, shops can ignore the instruction with impunity. It is probably reasonable to guess that the standards that are applied to the fishermen in terms of the way

in which they need to apply the dyes, the colourings, are also unlikely to be checked. There was agreement between both the fishers and the consumer groups that there is a need for real change. While there was a difference of opinion as to whether or not colouring should continue, there was agreement that there should be further studies of alternative colourings, and the beta carotenoid groups that have been suggested by at least one food technologist as a much safer alternative need to be further examined.

I hope that if this motion fails, as I believe it will, the Government will give consideration to that. However, in the longer term we also need to take a much closer look at the whole question of additives. There is no doubt that we have an increasingly sophisticated society in which people are becoming conscious of these things, and there is a point at which our producers, by using these additives, may actually find themselves at a disadvantage. I believe those days are very close. As I said, I understand that the motion will be lost. It is not an easy decision; I had a great deal of difficulty with it myself. However, I hope that with the loss of this motion a number of key issues that have been raised are not simply forgotten, because they are far too important.

Motion negatived.

DRUGS

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

1. That a select committee of the Legislative Council be established to consider and report on—
   (a) the extent of illicit use of drugs;
   (b) the extent of drug related crime;
   (c) the effectiveness of current drug laws;
   (d) the costs to the community of drug law enforcement; and
   (e) other societal impacts

in South Australia with a view to making recommendations for legislative and administrative change in relation to illicit drugs which may be deemed necessary.

2. That Standing Order No. 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only.

3. That this Council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being reported to the Council.

to which the Hon. G. Weatherill had moved the following amendment:

Paragraph 1—Leave out all words after 'report on' and insert the following:

(a) the extent of illegal use of drugs of dependence and prohibited substances;

(b) the nature and extent of illegal use of drugs of dependence and prohibited substances;

(c) the effectiveness of current drug laws in controlling, trafficking in prohibited substances and drugs of dependence;

(d) the cost to the community of enforcement of the laws controlling trafficking in prohibited substances and drugs of dependence;

(e) the impact on South Australian society of criminal activity arising out of substance abuse and trafficking in prohibited substances and drugs of dependence.

Paragraph 2—Leave out the paragraph and insert the following new paragraph:

'That the committee consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only'.

(Continued from 3 April. Page 3941.)

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

After paragraph III—Insert the following new paragraph:

IV. That Standing Order 396 be suspended to enable strangers to be admitted when the Select Committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

The Opposition will support the amendment moved by the Hon. Mr Weatherill in relation to the terms of reference, but it will not support his amendment in relation to the membership of the committee being six rather than five.

I have moved my amendment because the Liberal Party believes that the proceedings of the select committee ought to be open to the public, but that the select committee should have the right to close proceedings in circumstances which it deems to be appropriate. The Liberal Party will not oppose the establishment of the select committee, even though we doubt the necessity for it. There has been a number of royal commissions on drugs: the South Australian royal commission, chaired by Professor Sackville and two Australian royal commissions—the Stewart royal commission of the early 1980s and the Williams Australian Royal Commission of Inquiry into Drugs of the late 1970s. These were comprehensive royal commissions which were very resourced and which undertook extensive inquiries and produced quite wide ranging reports with numerous recommendations.

I personally doubt that any select committee of the Legislative Council will be anywhere near as comprehensive as those royal commissions or that it will ascertain more information than was obtained by those other inquiries. I doubt that any essential areas of illicit drug activity have changed significantly since those royal commissions. However, notwithstanding those observations, the Liberal Party is prepared to go along with the concept of a select committee to pursue the seeking of information on the matters which are set out in the proposed terms of reference, as sought to be amended by the Hon. Mr Weatherill.

The Hon. M.J. ELLIOTT: I will accept the amendment moved by the Hon. Mr Weatherill in relation to the terms of reference. As I see it, they are simply making more technically correct the wording that I moved originally. However, I will not accept the Hon. Mr Weatherill's later amendment, which would change the committee membership from five to six. We have made quite clear in this place that we believe a committee of five is in a position more truly to represent this Council. The only exception has been a committee which continued from a previous Parliament.

I must admit that I had not anticipated the further amendment moved by the Hon. Mr Griffin in relation to the suspension of Standing Order 396. The honourable member protested earlier about not being aware of further changes. I find myself in the same position, with the exception that I insisted that the amendments to a previous motion be distributed much earlier than this.

The Hon. K.T. Griffin interjecting:

The Hon. M.J. ELLIOTT: I would argue that it is of some significance. Having looked at the terms of reference carefully, and as we are not trying to examine the behaviour of individuals, when the protection offered by the Standing Order may be necessary at times, I shall support the amendment. However, as I do not see it as a precedent, I will look at such an amendment on a case by case basis in the future.

At the time of moving for the select committee to be set up, I expressed some personal opinions on what I thought might need to be considered. The point I made was that, whether or not people agreed with the suggestions that I made at the time, our present drug laws are clearly not working. Some people might argue that we need to be tougher and to string up a few more people; and others may argue that we should take a more libertarian approach. However, I think that most people in our society would

concede that the drug laws are not working and that they are creating difficulties.

At least half the prisoners in our gaols are there for drug-related reasons. Housebreakings is taking off, and that is largely drug related. In many ways, Australia has been lucky so far, because we do not have the other drug-related problems (at least at the same level) such as corruption of the police, the judiciary and politicians, as in the United States or other countries.

The Hon. Peter Dunn: I don't know. Western Australia is doing all right.

The Hon. M.J. ELLIOTT: What is happening in Western Australia does not appear to be drug related. Nevertheless, a large number of issues need to be analysed, and I am pleased that the committee is to be set up. I may find that the views that I expressed before will be altered. However, the important thing is that the issues will be canvassed. I urge members to support the motion.

The Hon. Mr Weatherill's amendment to paragraph 1 carried; paragragh 1 as amended passed.

Paragraphs 2 and 3 passed.

The Hon. Mr Griffin's new paragraph 4 inserted.

Motion as amended carried.

The Council appointed a select committee consisting of the Hons M.J. Elliott, Bernice Pfitzner, Carolyn Pickles, R.J. Ritson and G. Weatherill; the committee to have power to send for persons, papers and records and to adjourn from place to place; the committee to sit during the recess and to report on the first day of the next session.

INDUSTRIAL CONCILIATION AND ARBITRATION (COMMONWEALTH PROVISIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 April. Page 4169.)

The Hon. J.F. STEFANI: My colleagues the Hon. Mr Burdett, the Hon. Mr Davis and more particularly the Hon. Trevor Griffin have clearly and most ably identified and expressed the concerns of the Liberal Opposition about individual clauses of the Bill. With its rhetoric the Bannon Government has led the public to believe that the proposed legislation is designed primarily to develop a closer and more efficient relationship between the Federal and State Industrial Commissions.

In its attempt to establish a complementary legislative framework to achieve a more rational union structure at the national level, the Labor Administration has selectively applied the principles enshrined in the Federal and State Industrial Relations Acts. My contribution will focus on some of the principles effected by this legislation.

The Labor Government has been dithering over industrial relations reform for more than two years and still cannot get its act together. The Minister effectively has lost an ideal opportunity to introduce industrial reform by promoting amendments which reduce the flexibility within the existing industrial relations system. The main thrust of the Bill should have been to incorporate radical changes to our industrial relations system which are desperately required if we are to arrest the present job crisis facing the people of South Australia and which will be necessary if our industries are to compete on world markets.

Unfortunately, South Australians are now likely to face unemployment figures that will exceed 10 per cent of the work force. Employment in South Australia has fallen by more than 1.5 per cent in the past six months and business confidence is sliding at an alarming rate.

The recession, which the Federal Labor Treasurer said Australia had to have, is hitting every business enterprise, forcing hundreds of businesses to the wall and forcing thousands of workers onto the unemployment scrap heap. By its dismal approach to industrial relations, the Bannon Government has again failed to show strong leadership and has persisted with its outrageous bias, remaining a tool of the trade union movement rather than governing for the good of all the people. All this is occurring at a time when union membership is declining and when some senior Labor members are saying that the Labor administration in South Australia should show a greater spirit of fairness and justice and should be promoting policies and practices that recognise human rights, social justice and equal opportunity principles.

The Bannon Government policy of compulsory unionism is a form of discrimination and is in direct contradiction to its highly espoused social justice strategies, which require that all—and I repeat all—members of our society have equal rights and should enjoy equal opportunities without being disadvantaged or discriminated against in the pursuit of their needs, employment and aspirations. The Bannon Labor Government's attempt to institutionalise compulsory unionism is obviously designed to appease its political masters within the union movement who have recently threatened to withdraw financial support to the Australian Labor Party.

Attractive as the idea may certainly appear to many union officials, because their power bases are diminishing at a disastrous rate, compulsory unionism has two fundamental flaws relating to the principles of industrial efficiency and social justice. Deals made and practices adopted by the Labor Government to retain its political and financial support from the union movement in return for a closed shop guarantee and exclusive union membership employment are no longer acceptable to the South Australian community. Equally, legislation that gives preference to union membership as a prerequisite to gaining employment can limit and compromise employers' rights to hire and fire on such grounds as job competence. A closed shop artificially empowers unions inevitably to inhibit the flexibility that is badly required by South Australian industries if they are to survive in rigorous interstate and overseas competition and continue to provide greater job opportunities for future generations.

Members interjecting:

The Hon. J.F. STEFANI: If you care to listen, you might learn something.

Members interjecting:

The PRESIDENT: Order! The Council will come to order. The Hon. Mr Stefani.

The Hon. J.F. STEFANI: Thank you for your protection, Mr President. As members of Parliament—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.F. STEFANI: —we also have the responsibility to ensure that we do not endorse any form of restriction or discrimination that will unfairly add to the costs to be borne by consumers both here and overseas. Compulsory unionism is a form of discrimination and injustice of the worst kind, because—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.F. STEFANI: —in many instances—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Crothers will have the chance to enter the debate when he so chooses.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Stefani.

The Hon. J.F. STEFANI: —it restricts the availability of employment to workers who, unless they hold a current union ticket, are forbidden to work and earn an honest living. A fundamental tenet of our society is freedom of association, which also clearly implies freedom not to associate. Any legislation, therefore, which facilitates by the direction of an industrial commission the engaging or retaining of persons in employment in preference to other employees because they are members of a union is as odious a form of discrimination as any that the Equal Opportunity Commission would pursue and prosecute on the grounds of sex, race, colour, religion or age.

It is ludicrous for the Minister to argue that compulsory unionism provides the panacea for good industrial relations and, therefore, a reduction in industrial disputation. Certainly, the recently released statistics tell a very different story for South Australia, which has the unfortunate distinction of heading the list of industrial disputes in Australia. The featherbedding that has taken place between the unions and the Labor Government has failed miserably to produce vibrant industries capable of competing in a global economy and providing greater job opportunities.

Put simply, South Australia can no longer afford to adopt restrictive trade practices that are at best contrary to free and competitive trade practices and fly in the face of the Trade Practices Act. The Government must allow and ensure the development of a competitive, fair and flexible labour employment system that will provide the necessary base for the survival and expansion of our industries and will further provide the security of future employment. To this end, the Liberal Opposition will be moving a series of amendments to address the various matters of public concern contained in the legislation.

The Hon. T.G. ROBERTS: I congratulate the honourable member on the brevity of his speech. Perhaps it is the late hour that has saved us from another eighteenth century diatribe from the other side of the Chamber, and we got plenty of that on this Bill in the other place. However, it is something that does not surprise any of us on this side. It is all very consistent. Every time a Bill that contains any reference to trade unions is debated, including the fairly innocuous little Bill that we debated last night about the manning or staffing provisions for seagoing workers—

The Hon. R.I. Lucas: The seapersons union.

The Hon. T.G. ROBERTS: Seapersons—we have an attack on the integrity of the unions, suggesting that, somehow or other, once you become a member of a union or an association, you do not have access to logic or to principles.

The Hon. J.F. Stefani: We don't say that at all. We say that you don't allow the freedom not to be involved. That is what we say.

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: Well, if you have a look—

The Hon. J.F. Stefani: Get it right, for God's sake!

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: If the honourable member looked at the contribution of his colleagues in another place, he would see that it was suggested that as soon as people sign an application for union membership, somehow or other their principles are different from those of the rest of the community.

The Hon. J.F. Stefani interjecting:

The PRESIDENT: Order! The Hon. Mr Roberts has the floor.

The Hon. T.G. ROBERTS: Thank you, Mr President. It goes right through, not just the contributions of members on the other side but also the media. The contributions made to the debate on this Bill in the public arena have been provocative so, when it gets into Parliament, members take an exaggerated position to satisfy the requirements of the people they represent in the broader community. I know that members on the other side are in contact with the employer organisations, and I have no problem with that.

The Hon. G. Weatherill: Are they members?

The Hon. T.G. ROBERTS: As the Hon. Mr Weatherill implied by his interjection, the employers have an organisation, the same as workers have organisations.

The Hon. J.F. Stefani: They have the choice to belong or not to belong to it.

The Hon. T.G. ROBERTS: Most take the option to belong and participate. If they do not pay their dues, they do not belong to the organisation and they do not have the same rights—

The Hon. J.F. Stefani interjecting:

The PRESIDENT: Order! The Council will come to order. This is a debate and everyone has the chance to enter into it. The Hon. Mr Roberts has the floor.

The Hon. T.G. ROBERTS: Thank you, Mr President. History has shown in Australia that as the industrial relations system has evolved to a certain point, I would have thought that members on the other side would look at this Bill in a reasonable light and say that the industrial relations scene, perhaps since 1982, has evolved to a point where commonsense can prevail and, with the scores on the board from the tripartite negotiating systems that have been set up since the imposition of the Accord, they might recognise some of the benefits that have flowed from that.

If members talked to individual employers, as I have on many occasions since 1982 and 1983, and even before that, they will find that most employers regard the contributions to restructuring made by unions at peak council level in macro-economic reform and at local level in micro-economic reform as invaluable. In fact, in a lot of cases, union members and shop stewards at the shop level are making reforms that were impossible for management to concede because management's methods were so outdated that they became moribund and they did not know where to go to make their contributions for restructuring.

I would have thought that the climate in the community would be reflected in the contributions from members on the other side of the Chamber, but unfortunately that has not happened. The particular clause that seems to infuriate members opposite is the one relating to preference not compulsion, as the Hon. Mr Stefani would have us believe.

The Hon. J.F. Stefani: It is compulsory.

The Hon. T.G. ROBERTS: It is a preference to unions clause, and members of the Opposition would probably throw out the whole Bill on the basis that they do not agree with that clause. However, on talking to individual employers one finds that they have no problems with the preference to unions clause. When they publicly state their position, because they, too are part of an industrial relations club, they oppose the preference to unions clause. In a lot of cases, if one sits down and talks to employers, they say that it becomes much easier for them to manage their industrial relations programs on site if everyone belongs to a union and if everyone participates in the constructive way to which I referred earlier—and that is happening. Where you have progressive management which has come into the twentieth century and which needs to restructure its pro-

grams around an educated, well trained and flexible work force, you will get relationships between management and unions that you will not be able to get by having undisciplined sections of the work force spread right across the spectrum.

I understand the position put by the Hon. Mr Davis and the Hon. Mr Stefani in the case of small business. Small business relationships between employees and employers are different from relationships in industry sectors that Australia needs to restructure, to change and to turn around the problems in the balance of payments programs. I understand that small business requirements in terms of the restructuring program are different from those of the large manufacturing sector, and that the service sector has separate problems of its own. That flexibility is recognised by the trade union movement and it is accepted in this Bill.

I think it was the Hon. Mr Davis who made the point about the number of people in the community that small business employs and the growth in employment in that area. The number of people that are not unionised in that section of the work force is recognised. Most of those people have an individual relationship with their employers. They are able to talk to their employers in a way that is not possible in some of the larger organisations and institutions. Those larger organisations and institutions recognise that it is impossible to deal with individuals on an individual contract and a one-to-one basis in those organisations because all their time would be taken up with industrial relationship problems and they would get nowhere in terms of their productivity levels—the situation would be totally unmanageable. Most employers recognise those facts.

It is apparent that in some people's minds the relationship between employer and employee has to be based on one side having all the strength and the other being in a weakened bargaining position. It is our view on this side of the Chamber that the way to balance that relationship in industrial relations is to give working people's representatives and the working people themselves the balance—

The Hon. J.F. Stefani: We want freedom of choice; that is all we want.

The Hon. T.G. ROBERTS: The honourable member says that you have to have freedom of choice. I understand his dilemma, but I wonder what would happen if he went down to the Royal Adelaide Golf Club and tried to play a game of golf without paying his green fees.

[*Midnight*]

The Hon. J.F. Stefani interjecting:

The Hon. T.G. ROBERTS: If you wanted to go to North Adelaide, you would still have to pay green fees to get the benefits that come from playing a game of golf. It is a game that—

The Hon. J.F. Stefani interjecting:

The Hon. T.G. ROBERTS: It is a public course but you still have to pay your dues. In any organisation, to get the benefits of that organisation you have to pay your way. Articles in the *Advertiser*, which were written some six months ago in preparation for the Bill coming into the House, started some of the hysteria that the Opposition has carried into this place. That hysteria comes from an organisation that has tolerated closed shops for ever. The printing industry and the print media have an organised system of labour. It deals with its working representatives, it has career paths, it has a negotiating system that allows flexibility for maximising productivity and maximising their returns and profits. Also, it has a system whereby those benefits are passed back to the individuals.

The AJA and the PKIU have preference to unions, but it is probably not spelt out in those strong terms. In most places where the AJA is represented, one will find that there is a high proportion of union membership. There is a voluntary code in most organisations—I thought that would be recognised and that most people themselves would voluntarily take out membership on the basis that the history of an organisation is well known and the rules by which people operate are accepted.

The arguments put forward are: that unions have seen their day; that there is no more exploitation; that there is an enlightened period; and that it was only in the eighteenth, nineteenth and early part of the twentieth century that unions were required to protect members from exploitation. Unfortunately that is not true.

The Hon. T. Crothers interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: My colleague makes an interjection on which I must comment, that is, in relation to the solidarity movement in Poland. It was interesting to see at the time in Britain, when Margaret Thatcher was bringing out the troops and smashing the miners around the ears, that she was one of the champion defenders of solidarity. Solidarity was the basis for a political Party as well as an industrial movement. I can remember a demonstration on the steps of Parliament House when every conservative group and organisation in South Australia was extolling the virtues of solidarity. I support some of the aspirations and needs of solidarity.

Members interjecting:

The PRESIDENT: Order! There are too many interjections.

The Hon. T.G. ROBERTS: It needs to be recognised that solidarity itself was an industrial, political organisation which was trying to democratise the Polish industrial movement and to galvanise it into a force that would allow Poland to compete internationally. People are very selective about what they see as leading the charge within communities for progressive thought and for protecting democracy. I do not say that too lightly. In most progressive countries that have trade unions, and where those trade unions operate on a fair and reasonable basis within those communities to represent the interests of their members, democracy is far more healthy in those countries than without.

The Hon. T. Crothers interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: If you look at the deteriorating position in those democracies, where either fascism or communism of extreme brands do emanate, you will find there is no trade union movement. There are no industrial representative democracies. Australia has been served well by working-class representatives being able to tap into the democratic processes in a constructive way. I would have thought that, if members opposite believed in those principles, they would try to get a restructuring of industry, based on a tripartite agreement where unions, management and governments had at least the same sort of power bases where people could respect each other's position and the restructuring progress for South Australia and Australia continued.

The Hon. J.F. Stefani: Without the compulsion of unionism.

The Hon. T.G. ROBERTS: The honourable member says 'Without the compulsion of unionism': the preference to unionists clause does not indicate to me that there is a compulsory union position in it. In the opening stanza from the Hon. Mr Stefani—

Members interjecting:

The PRESIDENT: Order! There is too much conversation.

The Hon. T.G. ROBERTS: His opening comment was that we were operating in a recession and that, somehow or other, the unions were to blame for that.

The Hon. J.F. Stefani: Absolutely! They have been the cause of it.

The Hon. T.G. ROBERTS: The honourable member says that the unions have been the cause of it. Let us look at—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: Let us look at some of the reasons why we are in this recession.

The Hon. T. Crothers interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: We have had 10 years, since 1980, 1981 and 1982, of unethical and reckless business practices, such as unproductive corporate takeovers and crashes, asset stripping, insider trading, creative accounting, tax avoidance and artificially boosted reported profits and share prices.

The Hon. J.F. Stefani interjecting:

The Hon. T.G. ROBERTS: It has cost the Australian economy approximately $10 billion, and I would hate to do figures on how much small investors have lost in this country due to the unethical business practices of some of those people who 12 months ago—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: I think Alan Bond—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Roberts will come to order and address the Chair, not the members.

The Hon. T.G. ROBERTS: It has cost the economy over $10 billion and put 20 per cent of the largest corporations heavily into debt. The cost to Australians through reckless management—

The Hon. J.F. Stefani interjecting:

The Hon. T.G. ROBERTS: I do not throw successful management into the same bracket as those entrepreneurs. There is an understanding by all the industrial leaders on South Terrace, in the ACTU, in the Trades and Labor Council, that there are employers out in the manufacturing and finance sectors that have reputations that are worth protecting. There are management systems working out there just as hard as those union officials representing their members, and working long hours trying to put together packages representative of the restructuring programs intended to get South Australia and Australia on an even keel to compete internationally. I would have thought that members opposite would be encouraging that in some sort of spirit of togetherness—

The Hon. R.I. Lucas: Enterprise bargaining?

The Hon. T.G. ROBERTS: If it is done—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Roberts will address the Chair, not the individual members of the Council. If the other members of the Council would stop interjecting, I am sure the debate would proceed much more smoothly.

The Hon. T.G. ROBERTS: Thank you, Mr President. There is a formula that members should examine, and that is a cooperative formula. If members looked at the state of the New Zealand economy which—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: Members opposite were saying, 'What a miracle—New Zealand into deregulation!' This same magazine—the *IPA Review*—from which the Hon. Mr Lucas quoted as being the Bible for all things good—was praising the direction in which New Zealand was going, namely, towards total deregulation. Unfortunately, New Zealand has gone totally down the gurgler, not just part way down. New Zealanders now have a change of Government and a very conservative right wing industrial relations program being forced upon them, and it will get worse.

The Hon. J.F. Stefani: It's going to be fixed up.

The Hon. T.G. ROBERTS: The Hon. Mr Stefani says that it will be fixed up. My prediction is—and it can be noted in *Hansard*—is that within six months, after 1 May, there will be no ability for that country to have a national spirit of reconciliation or a program where New Zealanders can work together—

Members interjecting:

The PRESIDENT: Order, the Hon. Mr Lucas! The Council will come to order.

The Hon. T.G. ROBERTS: Thank you, Mr President, for that protection. New Zealanders will be in the streets in their thousands on 1 May. Employment contracts are being promoted. I know that some members opposite would like to see that here in Australia. I know that John Howard in Federal Parliament has been advocating the same thing. I know that there are twin programs running, one agreeing with the ACTU that perhaps enterprise bargaining is the way to go but secretly dealing with the New Right and the *IPA Review* writers in the notion of 'let's do away with union rights, let's erode the leadership capabilities of unions, let's weaken their powers and let's deal individually with the—

The Hon. J.F. Stefani: Freedom of choice!

The Hon. T.G. ROBERTS: If the Hon. Mr Stefani believes that the relationships between an individual worker at shop floor level and a senior manager, with probably two or three degrees behind him, is fair and equitable in the power balance ratio of an industry where individuals—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: —can negotiate contracts, I am afraid that that will not do the honourable member's logic any service, and it will certainly not do the working people of this country any good either. There is nothing worse than trying to get productivity gains out of a resentful work force. That is what we will have, Mr President, if the Opposition's industrial relations program comes on stream; no-one likes going to work feeling that they are exploited. Unions give basic protection to people for participation in the democratic process to make them feel as if they are a part of that democratic process.

I will outline the main points in the Employment Contracts Bill (1991) as proposed for 1 May:

> Existing awards and agreements negotiated under the Labour Relations Act will cease to exist as they reach their expiry date on 1 May.

Individual members will not have any retrospective rights. It continues:

> No contract will bind any person not party to its negotiation. Workers may choose who they like to represent them in wage bargaining.

They might be able to take a QC at about $1 200 a day or a solicitor or lawyer at about $500 a day—

The Hon. J.F. Stefani: What's wrong with that?

The Hon. T.G. ROBERTS: The honourable member is saying that it will be good that workers can take in a QC at $1 200 a day.

The Hon. J.F. Stefani: Freedom of choice again.

The Hon. T.G. ROBERTS: How many working people have $1 200 to pay to a QC to make sure the individual

contract is all sorted out so that they can work for another 12 months unencumbered by—

The Hon. J.F. Stefani: Rubbish, it doesn't work like that—

The Hon. T.G. ROBERTS: That is what is being proposed—individual contracts.

The Hon. J.F. Stefani: It doesn't work like that.

The PRESIDENT: Order! The exchange across the Council does nothing for the debate.

The Hon. T.G. ROBERTS: It continues:

> Employment contracts can be individual or collective, covering any number of workers and employers. When collective contracts expire, workers will be automatically deemed on individual contracts with terms equivalent to those of the collective contract until a new collective contract is negotiated.

It is getting more difficult all the time, and more difficult to administer at the local level. If you are talking about individual contracts or about some forms of enterprise bargaining you will virtually have to have a QC or a lawyer resident on site to deal with the contracts. It continues:

> New workers employed during the term of a collective contract cannot become party to that contract but, after its expiry, they may become party to any new collective contract negotiated in its place.

That means that you always have the ability to drive services down. The document continues:

> Industrial action is illegal during the term of a collective contract, except over health and safety or where the Labour Court has deemed a 'new matter', not dealt with by the contract, has arisen. Access to the Labour Court will be on points of law only, placing more responsibility on grievance committees. Unfair procedure will no longer be sufficient to deem a dismissal as unjustified if it is warranted on substantive grounds.
>
> The Labour Court will be prevented from imposing redundancy settlements on employers in disputes of rights. There is no union registration process. Unions may register as incorporated societies. Union membership will be voluntary.

That is a formula for disaster, although I know that many members on the other side of the Chamber would like to see it come in. Unfortunately, they are confusing their own industrial relations program with the intention of the Government, which is to have a non-confrontationist process whereby people belonging to union organisations are represented by their union organisers, and that employers deal honestly, openly and in a fair and just manner to make sure that those workers' occupational health and safety, wages and conditions are maintained.

That is the only formula that Australia and South Australia can look forward to. The Bill itself complements the Federal legislation. I can understand the industrial disputation that may come if the Bill does not pass in its current form, where we have Federal and State awards and where people working side by side might be covered by different awards, but the Bill does try to alter that and bring it into line with the Federal registration program.

It is a process by which South Australia is brought into the national economy and where Australia's economy is brought into the international arena. Hopefully, Australia can then compete with some of its competitors in a fair and equitable way.

The Hon. R.R. ROBERTS: I rise to support this Bill, and do so in full recognition that the comments made by my colleague the Hon. Terry Roberts have covered a few of the areas I would have wished to address. It comes as no surprise to me to find that, when we talk about anything to do with the trade union movement, that redneck rhetoric out of the eighteenth century comes pelting across the Chamber as it always seems to do. Every failed small business for the past 200 years has wanted to blame the victims for those crashes.

I can tell members that very few trade unionists have ever made management decisions in this country and, where they have been involved, those businesses are still operating very effectively. It is the classic situation where we always blame the victims of the system. Since this Bill is being brought before both Houses of Parliament in this State—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: There are 42 clauses in this Bill, yet almost exclusively the debate by members of the Opposition has been about clause 15, the power to grant preference to members of registered associations. The Opposition members have been paranoid about this: they talk about compulsory unionism. These are the same people who come into this place day after day talking about waste and duplication yet, when we come to do something constructive that will save taxpayers money by avoiding duplication of a State and Federal arbitration system, to bring these things into line and rationalise them, one would think that members opposite would be commending that sort of action. But no, their paranoia takes over. The old philosophies, the old paranoia about trade unions take over, and the champion of the workers, the Hon. Mr Stefani, comes charging out faster than a speeding stobie pole, able to jump speed humps in a single bound, and has all the answers.

In his contribution last night—which I might add was by interjection—the honourable member talked about the unions being subjected to the law. Should they not have to comply with the law? Well, the Hon. Mr Stefani has been a member of this place for a long time now, and we make laws in this place with respect to industrial matters during every session of this Parliament. Those industrial laws are just as valid as the common law. What we are doing here is putting some sensibility into the ability of two parties to sit down and talk sensibly.

This sort of rhetoric about confrontation between management and unions has gone out of fashion. The Hon. Mr Stefani and his contemporaries ought to look at what successful businesses are doing in Australia today. I put it to you, Mr President—if it were not for the trade union movement—

Members interjecting:

The PRESIDENT: Order! The Council will come to order. Everyone will have the opportunity to debate this issue. The Hon. Mr Roberts.

The Hon. R.R. ROBERTS: Mr President, I put to the Council—

Members interjecting:

The PRESIDENT: Order! Interjections are out of order. The Hon. Mr Roberts.

The Hon. R.R. ROBERTS: It is very clear that the reconstruction of industry in Australia that has been taking place of necessity over the past few years was not initiated principally by employers; it was done under the Accord between the Labor Party in Government and the ACTU. Those people recognised the problems of industry; they are the driving force behind the style of managment that involves cooperation and not confrontation.

However, confrontation is what members opposite are all about; they love confrontation because it gives them the ability to bully small trade unions or small groups of workers into submission. That is what they are about; they want to be able to bring workers to heel. That was the point of view put by the Liberal Party's principal spokesman—the Hon. Trevor Griffin—last night. The honourable member revealed that the Liberal Party wants to bring workers to heel. Members opposite would have people coming to work every day and touching their cap, just as they did during

the sixteenth century. That is the Opposition's style of management.

What are successful businesses doing? Let us consider what has happened in the car industry, for instance. A few years ago, when we recognised that the car industry was in real trouble, a plan was devised by the ACTU, the Government and sensible industries. They have reconstructed the car industry to a point where we find today that the industry is still turning out the same number of cars per annum—23 000 units—but the number of employees has fallen from 21 000 to 7 000. That sort of rationalisation in employment does not occur without some cooperation from trade unions. As painful as it has been for the trade union movement, it has cooperated with Government and management to ensure that Australia has a viable car industry. That is one example.

The other classic example that leaps out at those people with a modicum of commen sense is what happened in the steel industry and with BHP at Whyalla. Again, the trade unions and the Government initiated a review of the plan. According to BHP there was to be no steel industry in South Australia. However, again, once the unions got involved and had some say in things that affected the day-to-day working life of their members, the groups involved sat down and cooperatively worked towards a common goal. As a result, we still have a steel industry.

I worked for 25 years in the lead industry, which is very arduous and very vulnerable. Those in that industry were subjected to environmental concerns, the normal work practice concerns and concerns about the future of the industry. BHAS was faced with extinction if it could not come to terms with environmental factors and if it could not contain its costs. On that occasion commonsense took over and, with the full cooperation of the trade unions, we sat down with management and talked about identifying some common goals. We constructed a statement of understanding, which said that certain things needed to be done in the industry and that there needed to be some cooperation, information sharing, consultation and joint decision making to ensure that we had a viable industry.

That developed into a tripartite group. This South Australian Labor Government sat down with industry leaders and the trade union movement and worked these things through. I am happy to say that we still have a viable and secure lead industry in South Australia. These are the successes that we get when the trade union movement and the employers sit down with a common goal to try to achieve things. It is done with cooperation, not confrontation. One party does not operate from on high and grind the other with the heel. It is well known that, whenever industrial participation or cooperative management styles have been successful, it has been with the complete cooperation of the trade union movement.

Last night I heard a contribution in this place which held up as one of the shining lights of conciliation committees the recent decision by the shop assistants union. It was confirming the proposition that I put: that, with the cooperation of the trade union movement sitting down with the employers and a third party, whether under the auspices of the Arbitration Commission or just under the guise of common sense, these things can be worked through. That example would not be in place today if we did not have unionised labour. We would still be arguing with Coles New World, let alone have the deal stitched up with flexible hours of work which in the long term benefit ordinary members of the community.

My voice is going so I shall wind up on clause 15. Tonight we have had the usual predictable cry about compulsory unionism. According to members opposite, this clause is about compulsory unionism—but it is not. Clause 15 provides:

15. Section 29a of the principal Act is repealed and the following section is substituted:

Power to grant preference to members of registered associations

29a. (1) Where, in the opinion of the commission, it would be appropriate to make an order under this section—

(a) to prevent or settle a demarcation dispute;.

It mentions the four or five particular areas, and then goes on further at line 40 to provide that 'the commission may'—not must—'by award direct'. This is what we are talking about. We are not talking about blanket preference to trade unions; we are talking about where it is appropriate under that lawful commission.

The Hon. Mr Stefani likes to talk about the law. The law sets up the commission and empowers it to administer those laws. It says that it must be convinced and that it may do it. It is not compulsory. Matthew Callaghan was quoted last night, talking about putting straitjackets on industry and causing compulsory trade unionism. Similar laws to the one that we are proposing to institute in South Australia operate federally and in New South Wales, the jewel in the crown of liberalism in Australia today. Based on the theories peddled around in this Chamber, if this is compulsory trade unionism, there would be 100 per cent unionism in New South Wales. In fact, that is far from the truth; there is only about 34 per cent. Therefore, this talk about compulsory trade unionism is a myth—a furphy.

As I said in my opening remarks, it is the sort of red-necked rhetoric that has been around for 200 years. Every time industry gets problems, it says, 'Let's dress it up that it is the trade unions' fault.' Another cry is the 17½ per cent. Where did that come from? The trade unions did not ask for it. It was offered by the employers as a perk. Now they want to change it and they will blame the trade unions. They are the same old arguments dressed up and trotted out.

They are futile arguments, they are untrue and they are inappropriate. I am still confining my remarks to clause 15; I will not deal with the other clauses, because we would be here until 1 a.m. However, I reiterate that this clause gives the power to grant preference where, in the opinion of the commission, it is appropriate. The commission 'may' and not 'must' do so. Let us realise once and for all that we are not talking about compulsory trade unionism: we are talking about applying sound industrial principles to allow for the resolution of disputes and, where necessary, if the resolution of those disputes lies with the commission's being convinced, it can apply the preference. That is what the clause provides. Because of the lateness of the hour, I conclude my remarks on that note.

The Hon. R.I. LUCAS (Leader of the Opposition): There is nothing like a good Industrial Conciliation and Arbitration Bill to galvanise into action those 'see no evil, hear no evil and do no evil' members on the Government back bench. True, it is heartening to see, because it is one of the few occasions when members of the back bench can link arms together and rail against the conservatives and troglodytes on this side of the Council.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: They can feel good with the warm inner glow or the national spirit of reconciliation.

Members interjecting:

The Hon. R.I. LUCAS: Goodness, I have not heard that phrase since the early 1980s, when Bob Hawke was the star ascendant. As to the national spirit of reconciliation—

Members interjecting:

The Hon. R.I. LUCAS: Even the number crunchers in the Centre Left and Left would know that the national spirit of reconciliation was something they talked about 10 years ago, and it is certainly not the jargon of the Labor Party federally and State-wise in the 1990s.

As to the Bill, I want to address education and higher education matters and the implications of the legislation for those sectors. First, concerning the education sector, I want to place on record some of the submissions that the Institute of Teachers has made to me as shadow Minister of Education. I have taken up these matters with the Hon. Trevor Griffin, who is leading the debate for us in this Council.

Certainly, there is concern by my friends and colleagues in the institute. I refer to the submission by Angas Story, one of the institute's industrial officers, that there is a very good argument that, if the Bill goes through in its present form, the two cases being heard before the Teachers Salaries Tribunal will be affected adversely in their view. They argue, and I think persuasively, that they are a good way through those cases and they have constructed their cases before the board on the basis of the way in which the tribunal hears such cases. One is the advanced skills teachers case concerning teachers and another case relates to the TAFE arena.

I should have thought that, as good representatives of their respective unions—both past and present—members of the Labor Party would heed the views of the institute in this matter. The institute is concerned at the attitude of the Bannon Government and you, as representatives of workers—

The Hon. R.R. Roberts: That is rubbish!

The Hon. R.I. LUCAS: You are not representatives of workers?

The Hon. R.R. Roberts: You know that the case will be decided on the law as it is today.

The Hon. R.I. LUCAS: No; it is not.

The PRESIDENT: Order! The Hon. Mr Lucas will address the Chair.

The Hon. R.I. LUCAS: Thank you, Mr President, because what is intended is that the Teachers Salaries Board, which currently comprises three persons, namely, Judge Allen, an Institute of Teachers' representative, Mr Phil Endersby, and a representative from the Education Department (the employers representative), is currently hearing those two cases. If the Bannon Government's Bill goes ahead, the Institute of Teachers' representative will be removed from the Teachers Salaries Board and from the hearing on the case, as will the Education Department representative.

If the Hon. Mr Roberts wants to argue about that, he should take up the matter with the Institute of Teachers. The case will not be heard by the same people; Judge Allen may well continue the case in the Industrial Commission, but Mr Endersby and the Education Department representative will be removed. The Hon. Mr Ron Roberts obviously is not prepared to stand up for a fellow union and put its point of view to the Parliament. In this case the only audience that union can get at the moment is with the Liberal Party, obviously, not with the Labor Party, and it puts the following case.

The Hon. R.R. Roberts: They didn't come to us.

The Hon. R.I. LUCAS: I think they are concerned that they are not listened to by their supposed representatives within the Labor Caucus.

The Hon. R.R. Roberts: That's funny; one of the members is the President of the Trades and Labor Council.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Why, then, are you not prepared to listen to her case?

The Hon. R.R. Roberts: She hasn't put one.

The Hon. R.I. LUCAS: Are you prepared to listen to it if she comes to talk to you?

The Hon. R.R. Roberts: Yes.

The PRESIDENT: Order! The Hon. Mr Lucas will address the Chair.

The Hon. R.I. LUCAS: Thank you, Mr President. The honourable member said that Claire McCarty had not put a case to him on behalf of the Institute of Teachers on this matter and that was the only reason why he had not been prepared to listen to it. He has indicated that he is prepared to listen to the case by Claire McCarty in her capacity as representative of the Institute of Teachers and, certainly, I will make that known to the institute first thing in the morning, and it will then be—

The Hon. Anne Levy: Did she put a case to you?

The Hon. R.I. LUCAS: She certainly has; yes. The institute will get an audience with the Liberal Party. It is very easy to say that the Labor Party are the representatives of the workers and that we over here (the Liberal Party) are the conservatives and the troglodytes and that we do not know what workers or unions want. It is good stuff; it is national spirit of reconciliation, warm inner glow, or whatever phrase one wants to use. But, when it comes down to the practicalities of who is listening to the unions at the moment in relation to some of these matters—

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: On some other matters, the Hon. Ron Roberts may be listening to some unions—I concede that—but what I am saying is that here is a union that wants to put a particular point of view—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Here is a union that wants to put a particular case, and the Hon. Ron Roberts, at least tonight—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —has said that he is prepared to meet with Claire McCarty on this matter tomorrow and to listen to her point of view.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The Institute of Teachers—

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order! The Hon. Mr Roberts will come to order.

The Hon. R.R. Roberts: He's provoking me.

The PRESIDENT: Well, the honourable member will restrain himself. The Hon. Mr Lucas.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: I have the call, I would have thought. I am addressing the Chair; I am addressing the Bill through you, Mr President.

The PRESIDENT: I am pleased to see that you are addressing the Chair.

The Hon. R.I. LUCAS: I am quite within Standing Orders, I would have thought, and behaving myself impeccably. In putting this point of view to the Liberal Party (because we have been prepared to listen), the Institute of Teachers has said that its first concern relates to changing the ground rules during a case. I would like to hear from the Hons Ron Roberts, Terry Roberts, Trevor Crothers or George Weatherill about changing the ground rules through a case. Are you happy with that sort of notion? You might be.

Members interjecting:

The PRESIDENT: Order! There is too much interjecting. The Hon. Mr Lucas.

The Hon. R.I. LUCAS: Thank you for your protection, Mr President. The Teachers Salaries Board has adopted different wage fixing guidelines from those of the Industrial Commission and that is certainly a view that the Minister of Education would accept. The document continues:

Our submissions, the structure of our case, and our choice of evidence has been based on the guidelines adopted by the board. The transition provisions in clause 55 (11) *(b)* would require the judge—

The Hon. R.R. Roberts: If we get an amendment up to get that case to go ahead under the present scheme, will you then support the preference to trade unionists?

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Will you support—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Roberts will come to order.

The Hon. R.I. LUCAS: Thank you, Mr President. The Hon. Mr Ron Roberts is trying to do deals, which we cannot do across the Chamber, but he is indicating that he is prepared to look at an amendment to, in effect, allow the Teachers Salaries Board as presently constituted to continue the case. That is very heartening and I look forward to hearing the Hon. Ron Roberts address an amendment that the Liberal Party will move in the Committee stage. He might want to build on that in the national spirit of reconciliation, or whatever it is, and seek to do another deal; but let us work from that base. He has a position. He is comfortable with allowing the Teachers Salaries Board to go ahead in relation to this case.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: He wants to talk about other deals later on, further down the track.

Members interjecting:

The PRESIDENT: Order! The Council will come to order.

The Hon. R.I. LUCAS: Thank you, Mr President. Let him put that proposition at some later stage. All I want to address is that first notion. We have received from the Institute of Teachers a four-page submission in relation to that and I indicate that, at this stage, we are favourably disposed towards trying to assist the workers within the Institute of Teachers with their concerns about the Bannon Government and its legislation and the fact that so far the supposed representatives of the unions within the Bannon Government Caucus have been until now, at least until this offer from Ron Roberts to meet with Claire McCarty tomorrow, unprepared to listen to the Institute of Teachers.

The Hon. Ron Roberts has done pretty well tonight in relation to this Bill. I listened to his contribution with interest because, if we take away the rhetoric, he came up with the notion, as *Hansard* will record, that he supports the conciliation committees as they currently operate. He stated as *Hansard* will show for his colleagues to read—and no doubt it will raise the hairs on the back of Bob Gregory's neck, because the Hon. Ron Roberts has broken with Caucus by supporting conciliation committees—

The Hon. T.G. Roberts: That is part of the deal.

The Hon. R.I. LUCAS: The Hon. Terry Roberts is trying to protect him by saying that it is now part of a deal.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The efficient record of *Hansard* will show that, when the Hon. Ron Roberts was discussing conciliation committees, there was no reference to any alleged or purported deals with anyone in this Chamber. What the Hon. Ron Roberts said—

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Let us give credit in this national spirit of reconciliation—

Members interjecting:

The PRESIDENT: Order! There is too much noise and conversation across the Chamber.

The Hon. R.I. LUCAS: Thank you, Mr President. Let us give credit to the Hon. Ron Roberts for being prepared to break ranks with the Hon. Bob Gregory, the Hon. Terry Roberts and other Government members who have spoken on this Bill by saying that the conciliation committees in relation to the retail traders award—Atkinson's mob—that is what the Hon. Ron Roberts has been about. This is poetry in motion of an industrial nature.

This is what the Hon. Ron Roberts is about, and this matter should be and is supported by that honourable member. As I said, the *Hansard* record will show support by the Hon. Ron Roberts for conciliation committees under this legislation. I am not sure whether there will be a Caucus meeting tomorrow at which this matter might be discussed with the Hon. Ron Roberts—

The Hon. R.R. Roberts: You won't be there.

The Hon. R.I. LUCAS: No, sadly I will not be there—

The PRESIDENT: Order! The Hon. Mr Lucas will address the Chair.

The Hon. R.I. LUCAS: —but I am sure I will get a reliable report. If there is a Caucus meeting tomorrow or perhaps a 'please explain' request from the Hon. Bob Gregory in relation to what on earth the Hon. Ron Roberts was up to in the early hours of the morning, negotiating away one of the six key parts of the package—

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: The Hon. Terry Roberts is very loyal: he seeks to defend his namesake by saying that he has not yet seen the amendments proposed by the Hon. Ron Roberts. I must admit that I have not seen them either; nevertheless, I can help the honourable member, because I suspect that we will soon have some amendments on file in relation to conciliation committees—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —and, although at this early hour of the morning we might not be able to find an obliging Parliamentary Counsel, I can say to the Hon. Ron Roberts that I think I can help him; we will have appropriate amendments to enable him to put his views into action.

The Hon. T.G. Roberts: I am told that the wording from your Caucus is not appropriate.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: If the Hon. Ron Roberts is prepared to support conciliation committees in one form or another, we might be able to do a deal.

Members interjecting:

The PRESIDENT: Order! The Council will come to order.

The Hon. R.I. LUCAS: I am sure that we could enter into productive negotiation if the honourable member does not like our amendments in relation to conciliation committees. The essence of this national spirit of reconciliation across the Chamber remains. The Hon. Ron Roberts supports conciliation committees. They have been demonstrated to have done a good job and that is what the Hon. Ron Roberts has been about through his industrial working life. He now seeks to continue that position in a legislative form in this Chamber.

The Hon. T.G. Roberts interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The University Staff Association of South Australia, another union body, has raised matters with me as the shadow Minister of Education, and Employ-

ment and Further Education. The University Staff Association of South Australia has expressed concern about the general direction of changes in the national arena and the flow-on effect seen under this legislation. In particular, that association has some concern about notions of significant union coverage. I refer to that great expert on education matters, Laurie Carmichael, who, I must confess, never ceases to amaze me. I see him on *Late Line* being interviewed by Kerry O'Brien, the key instigator of change in higher education and education in Australia. Nevertheless, with respect to the Laurie Carmichael notion and other notions from the ACTU, it is almost like the national spirit of reconciliation. I have managed to get a copy of some information in relation to the coherent national framework of employee associations and what this will mean in relation to higher education, general staff, significant union coverage and the unions in the negotiating units. This information has raised some matters of concern for me in relation to the legislation before us at the moment.

Indeed, if I can cut away all the industrial relations and higher education rhetoric, the simple fact is that we currently have a staff association at the University of Adelaide and Flinders University (and I am sure that the Hon. Carolyn Pickles would have some ongoing interest in that). The University of Adelaide Staff Association, as it is now known, part of the University Staff Association of South Australia, covers the academic staff of the University of Adelaide but also covers the professional staff at the University of Adelaide. Of course, there is the General Staff Association of the University of Adelaide which covers most of the general staff. Then there is a number of smaller unions in relation to coverage on campus. The Federated Clerks—

The Hon. Anne Levy: Bigger unions will small coverage.

The Hon. R.I. LUCAS: Larger unions with coverage elsewhere, but small coverage on the University of Adelaide campus.

The Hon. T. Crothers: We've got 100 members there; is that important?

The Hon. R. I. LUCAS: Liquor Trades, have you?

The Hon. T. Crothers: Yes.

The Hon. R.I. LUCAS: They have left you off here, T.C. I think you ought to seek a correction or something in your contribution tomorrow.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: How many have you got at Flinders?

The PRESIDENT: Order! The Hon. Mr Lucas will address the Chair.

The Hon. R.I. LUCAS: Through you, Mr President, how many members of the Liquor Trades Union are at the Flinders University?

The Hon. T. Crothers: Fifty or 60, and that includes the Academic Staff Association.

The Hon. R.I. LUCAS: Thank you. At the University of Adelaide there are bigger unions with small coverage. I am advised that the Clerks has only 35; the Miscellaneous Workers (and the Hon. George Weatherill is not here)—which is my own favourite union—has 50; and the PSA has 60 representatives on the University of Adelaide campus. As members would be aware, those numbers are considerably smaller at the Flinders University, which does not have the tradition of union coverage that the University of Adelaide traditionally has had.

So, the University Staff Association of South Australia has traditionally covered academic staff, but also has covered a reasonable percentage of general staff, in particular professional staff, those with degrees and those at the professional level at the University of Adelaide. Indeed, its coverage of the general staff at the University of Adelaide is the second highest. It has greater coverage than all other unions other than, obviously, the General Staff Association. It has four or five times as many members than the Federated Clerks at the University of Adelaide. It has three times as many as the Miscellaneous Workers at the University of Adelaide, and it has 2½ times as many as the PSA. It's the second most significant union that covers general staff at the University of Adelaide. This coherent national framework of employee associations, which riddles the legislation nationally and is now attempting to riddle our legislation here by way of this amending Bill would, I am advised, seek to in effect mean that the University Staff Association would not be able to cover the professional staff at the University of Adelaide. The Federated Clerks Union and the PSA, through some cosy deals that they have done nationally, which perhaps we will not enter into at the moment, have got significant union coverage in higher education institutions. At the University of Adelaide, the Clerks and the PSA are the ones that will be designated as taking the coverage. The Hon. Carolyn Pickles, through her associations, would know of the work that the old Adelaide Staff Association did for the professional staff.

The Hon. Carolyn Pickles: I was a member of the Clerks Union.

The Hon. R.I. LUCAS: Were you? What about some near relatives?

The PRESIDENT: Order!

The Hon. R.I. LUCAS: What this Bill is seeking to do, together with the changes nationally, is in effect to shaft the university staff associations and to give significant union coverage to the Clerks and to the PSA. When one looks at the sorts of deals that have been done, there was a lot of discussion going on at this stage about the coherent national framework of employee associations that a lot of industry-based unions felt quite comfortable, and a few people thought that unions such as the Federated Clerks—which were all over the place like a dog's breakfast—may well struggle, in this coherent national framework of employee associations, to have an ongoing existence. As I said, through some of the machinations that go on in States and capital cities other than South Australia and Adelaide, deals have been done which give the Federated Clerks, under this supposed industry union sort of notion, this sort of coherent national framework of employee associations, significant union coverage on the University of Adelaide campus.

What on earth will the Federated Clerks do with the professional staff down at the University of Adelaide campus? I can tell you that a good number of the professional staff will not be bothered too much about joining up with the Federated Clerks Union or the Miscellaneous Workers Union.

Members interjecting:

The Hon. R.I. LUCAS: Let me not be critical in this national spirit of reconciliation. The leadership of the FCU—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Concerning Mr Clarke and the Federated Clerks Union, at least they were honest in the documentation which they sent to members of Parliament about this legislation. I will not read it all into *Hansard*, because colleagues of mine have done so previously, but at least the Clerks were honest. They said that this was all about increasing union membership. Times are pretty tough, they are losing membership everywhere. As I said, the Federated Clerks are like a dog's breakfast—they are all over the place. They were increasing—

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: Perhaps they were a different faction from yours. I don't think they are lefties, are they?

The PRESIDENT: Order! The Hon. Mr Lucas will address the Chair.

The Hon. R.I. LUCAS: They are probably in that warm inner glow, centre left somewhere. At least they were honest, because they said that they were having difficulty. Union coverage is not good in a lot of the areas they were getting into. The sort of people who are there are pretty hard to sign up. There are a lot of young people and a lot of married women who were not too keen on unions. Their membership is going down. This legislation is about getting their membership up and, particularly in this coherent national framework of employee associations that Carmichael and the ACTU and others have developed. Obviously they want to increase and maintain union numbers.

I agree with the Hon. Terry Roberts that, from that viewpoint, there is honest leadership from the Federated Clerks. It has conceded what the legislation is about and been prepared to put it in writing. Even if it has not sent it to the Hon. Mr Roberts—

The Hon. T.G. Roberts: It sent it to me but it did not read as you have stated.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I will not delay the proceedings much longer by reading into *Hansard* that particular section, but I will send an annotated copy to the Hon. Terry Roberts and other members of the Left if they did not get this same version—

The Hon. T.G. Roberts: It was more subtle than you say.

The Hon. R.I. LUCAS: I will send the Hon. Mr Roberts and other members of the Left a copy of the excellent and, in that respect, honest paper from Mr Clarke and the Federated Clerks Union on this matter. We have some concerns in relation to the connection between what is occurring nationally, this legislation and this notion of significant unions and the effect on our higher education institution campuses. We intend to take up that matter during the Committee stage and we will fight for the unions on campus to allow them to continue with their current coverage and any intentions that they might have to expand.

Who knows, in this great brave new world of enterprise bargaining; it may well be that at some stage in the future on the University of Adelaide campus you might have, at the very least, two efficient, effective representative associations of the workers negotiating with the employer body; or perhaps—and I have no inside information, Mr President—at some stage in the future there might be one association on the university campus, which would mean an amalgamation between the General Staff Association and the University Staff Association, so that, in true enterprise bargaining style, it could negotiate with the university employers, if that was its wish.

Given that we have two big unions at the University of Adelaide—the General Staff Association and the University Staff Association—what we ought to be saying, because of some deal that has been done elsewhere, is, 'Let's give the Federated Clerks Union, the PSA, Uncle Tom Cobbley, or anyone else who might be designated as a significant union as part of this deal, the inside running on becoming the representatives of the professional staff at the University of Adelaide.'

There is one other small matter which I have not been able to tackle at this stage and about which I indicate I will not delay the proceedings tomorrow morning, and I seek leave to continue my remarks later.

Leave granted; debate adjourned.

CRIMINAL LAW CONSOLIDATION (SELF-DEFENCE) AMENDMENT BILL

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

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The purpose of this Bill is to implement the recommendations of the Parliamentary Select Committee on Self-Defence and to make associated changes to the law.

BACKGROUND

Public controversy surrounding the law of self-defence and defence of property in situations in which, for example, an occupier of property has encountered an intruder on that property and used force against the intruder has been common for many years. The reason for this is that there are a number of persons in the community who believe that the law is harsher in its application to those who forcibly resist, for example, a burglary or attempted burglary than on the burglar him or herself.

In late 1989, these concerns began to surface prominently in the public media. Allegations were made that there had been a number of recent cases in which 'victims using what they regarded as reasonable means to protect themselves have ended up on the wrong side of the law and been treated as the criminal rather than the victim'. Prompted by these concerns, a public petition containing tens of thousands of signatures was circulated and eventually presented to Parliament.

The Government recognised that the legal issues extended beyond the complexities of the common law on self-defence and defence of property. They also included the statutory powers and offences in relation to trespassers contained in the *Summary Offences Act* and the law in relation to the power of the private citizen to effect an arrest. The issues are wideranging, complex, emotive, and of some (albeit unquantifiable) public concern.

THE PARLIAMENTARY SELECT COMMITTEE

In July, 1990, Parliament approved the setting up of a Parliamentary Select Committee on Self-Defence and related issues. The Committee's terms of reference asked it to inquire into and report on the adequacy of the laws and rights of citizens in the area of self-defence and defence of property, and to make recommendations for the reform of the law where that course was considered necessary.

It was intended that the process would have the following additional benefits:

- providing an official forum for those citizens genuinely confused and afraid about their legal position, and the dispassionate proposal and discussion of defensible possible options for reform;
- providing a means for the dissemination of accurate information and informed opinion on the legal and social issues involved;
- providing a means for the investigation and consideration of those cases in which it was alleged that a householder genuinely engaged in defending his property had been treated harshly by the criminal justice system.

The Select Committee presented its Final Report to Parliament on December 12, 1990. That Report contained a number of recommendations, three of which were fundamental to the basic core of the law in relation to self-defence and defence of property. Those three recommendations were:

- that the law in relation to self-defence and defence of property be codified and placed in the Criminal Law Consolidation Act;
- that the justification for the use of force by a person acting in self-defence or defence of property be assessed on the basis of the facts as the person *genuinely* believed them to be rather than, as now under common law, as the person *reasonably* believed them to be; and
- that where a person acting in self-defence causes the death of another, and would under current common law be guilty of murder because the force that he or she used was more than was reasonable in the circumstances, that person should be guilty of manslaughter only if he or she genuinely believed that the force used was reasonable in the circumstances.

THE BILL

The Select Committee Draft Bill was circulated to various interested bodies for comment following the release of the Report. As a consequence of further submissions, some modifications have been made to the Select Committee's Draft Bill.

The Select Committee did not expressly deal with the situation in which the person using force is engaged in a public duty, for example, the arrest of offenders. The Commissioner of Police has expressed some concern partly to the effect that not to include such situations in the codification could cause complications, because the common law would continue to cover such cases. To avoid this potential disuniformity, persons under a public duty to use force have been included, necessitating other consequential changes to the Committee's Draft Bill.

The proposed reform dealing with intoxication is to be referred to the imminent meeting between the Commonwealth and the States. Following recommendations made by the Gibbs Committee of Review into Commonwealth Criminal Law, discussions are being held with a view to obtaining Commonwealth/State consensus on the general principles of the criminal law—including those relating to the intoxicated offender. The Select Committee itself in its Report considered that this aspect of the Draft Bill may need further consideration because of its proposed application to the whole of the criminal law.

This matter will be given a high priority in the Commonwealth/State discussions this year.

In summary, this Bill implements the core recommendations of the Select Committee's Report. The framing of the terms of the Bill has proved to be a most difficult and complex task. One test of the adequacy of the criminal law is whether the community itself understands the law. Codification in this area of self defence will significantly allay community concerns about individual rights and by virtue of codification make the law more accessible and comprehensible to the community. I commend this Bill to the House.

Clause 1 is formal.

Clause 2 provides for a new section relating to the law of self-defence. It is proposed that it will not be an offence for a person to use force against another if that person has a genuine belief that the force is reasonably necessary to defend himself, herself or another. Furthermore, a similar provision will apply in relation to the defence of property, the prevention of a criminal trespass, or the exercise of a power of arrest, provided that the person does not intentionally or recklessly inflict death or grievous bodily harm. The defence will not apply if the person acts on the basis of a grossly unreasonable belief with reckless indifference to whether it is true or false, but a 'qualified' defence will apply if the person, while so acting, genuinely believed that the action was reasonably necessary to secure the defence of himself, herself or another. 'Self-defence' will be taken to include action to prevent or terminate an unlawful arrest but will not be taken to include an act that amounts to resisting another who is known to be acting in pursuance of a lawful authority.

The Hon. R.I. LUCAS secured the adjournment of the debate.

LAND AGENTS, VALUERS AND BROKERS (INCORPORATED LAND BROKERS) AMENDMENT BILL

Returned from the House of Assembly without amendment.

PRIVATE PARKING AREAS (DISABLED PERSONS PARKING) AMENDMENT BILL

Returned from the House of Assembly without amendment.

PARKS COMMUNITY CENTRE (MISCELLANEOUS) AMENDMENT BILL

Returned from the House of Assembly without amendment.

JOINT COMMITTEE ON THE WORKERS REHABILITATION AND COMPENSATION SYSTEM AND THE JOINT COMMITTEE ON PARLIAMENTARY PRIVILEGE

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): I move:

That the members of this Council appointed to the Joint Committee on the Workers Rehabilitation and Compensation System and the Joint Committee on Parliamentary Privilege have power to act on those Joint Committees during the recess.

Motion carried.

ADJOURNMENT

At 1.5 a.m. the Council adjourned until Thursday 11 April at 11 a.m.