LEGISLATIVE COUNCIL

Tuesday 13 August 1991

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

PAPERS TABLED

The following papers were laid on the table:

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

Statistical Returns of South Australian General Elections, 25.11.89, Custance By-election, 23.6.90; Referendum, 9.2.91.

Disciplinary Appeals Tribunal—Report, 1990-91.

Remuneration Tribunal—Reports relating to Determinations Nos 1 and 2 of 1991.

Regulations under the following Acts—

Classification of Publications Act 1974—Prevention of Child Abuse.

Lottery and Gaming Act 1936—Exemption (Amendment).

By the Minister for the Arts and Cultural Heritage (Hon. Anne Levy)—

Planning Act 1982—Crown Development Report—Division of Rural Land by a Government Agency.

Metropolitan Taxi-Cab Act 1956—Applications to Lease.

Road Traffic Act 1961—Regulations—Traffic Prohibition—Woodville.

QUESTIONS

RECORDED MUSIC PRICES

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Minister of Consumer Affairs a question about a subject near and dear to my heart, namely, recorded music prices.

Leave granted.

The Hon. R.I. LUCAS: Members will be aware of the recent public debate that has ensued concerning the retail prices that consumers have to pay for recorded music. The debate has grown out of a Prices Surveillance Authority report, completed last December, which said that Australian consumers were paying far too much for records and tapes compared to their counterparts in America and Europe in particular. In fact, the report found that Australians can often pay up to 35 per cent more than recorded music consumers in New Zealand. The PSA believed that compact disc (CD) prices could fall from $27 to $20, cassettes from $20 to $14 and records from $19 to $14.

The debate has been further fuelled by the public stance of certain prominent Australian contemporary musicians and artists who are lobbying to have the Federal Government reject one of the PSA's major recommendations to alter copyright laws, removing import restrictions on CDs, records and tapes and thus permitting cheaper prices. While one can understand people such as Peter Garrett or Kate Ceberano wanting to protect a vibrant Australian music scene, one has to question who benefits from the high prices. In fact, do the high prices support our home-grown artists or overseas record companies, especially when one considers the recent report in the *Advertiser* which indicated that the most recent album by top Australian band, INXS, is selling for $27.95 on compact disc in Australia, when the same CD can be bought for $15.37 in America?

If anyone had any doubt that Australian record buyers were ripe for being milked of every last dollar, they need only read the chart on page 101 of the PSA's inquiry into the price of sound recordings, which shows that Australia's two largest record retailers add a dollar to the recommended retail price of many of the major record companies' albums and tapes. Further, the PSA found that, while New Zealand consumers directly benefit with discounted prices as a result of bonuses handed to recorded retailers who shift large volumes of stock, 'Australian retailers . . . appear not to do so'. My questions to the Minister are:

1. Does the Minister personally believe that retail prices for recorded music are too high and that consumers are being ripped off?

2. If so, what steps has she taken with her interstate and Federal counterparts to ensure that consumers are given a better deal?

3. Does she support the proposal recommended by the PSA that changes should be made to Australia's copyright laws to enable lower prices to be passed on to consumers?

The Hon. BARBARA WIESE: This is not an issue that the Department of Public and Consumer Affairs has studied in any great depth because it has been taken up at the Federal level. As the honourable member has indicated, the Prices Surveillance Authority has undertaken its own study of the issues involved. I can only accept the information that has been presented by that authority on this matter since I have not commissioned a study of my own. I can only assume that the conclusions drawn by it and the recommendations it is making are fair and reasonable to all who may have an interest in this matter.

This topic has been of considerable concern to consumers as well as to people in the music industry for quite a long time. I understand that the matter of how the cost structure of the industry has been developed is complicated. Certainly, though, a strong view seems to exist that consumers are paying too much for recorded music in Australia, and I congratulate the Federal Government for having initiated the study that has now been carried out by the Prices Surveillance Authority. I hope the steps that it and the Federal Government take in this matter will resolve the question in the interests of consumers in Australia.

The honourable member asks whether I have had discussions: no, I have not had discussions on this matter. Generally speaking, State Ministers around Australia have been satisfied with the work undertaken by the Commonwealth Government on this issue. As recently as last Friday, Consumer Affairs Ministers met in Canberra and a number of issues were on the agenda. However, this issue was not one of them, which indicates that Ministers around Australia are satisfied with the progress that is being made on this issue. I would hope that it can be resolved very soon, in the interests of consumers in Australia.

PRISONER EARLY RELEASE

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Attorney-General a question about prisoner early release.

Leave granted.

The Hon. K.T. GRIFFIN: A rather worrying case has been drawn to my attention. Michael Keith Horrocks committed over 59 offences, including robbery with violence, housebreaking and entry, larceny and illegal use between 1975 and 1989. He was paroled in 1986 and broke that parole by re-offending. On 24 January 1989 he was paroled again and that parole was to expire on 23 August 1991. He re-offended in the same week as his release on parole in 1989. Horrocks then proceeded to commit a further staggering 22 offences within the first four months of his release

on parole, including six counts of imposition, two counts of illegal use, two counts of carrying an offensive weapon, two counts of threatening life and counts of larceny and criminal damage. For these offences he received 29 months imprisonment on 2 October 1989, to be served at the expiration of the balance of his unexpired prison sentence of two years, making a total of four years five months imprisonment.

Surprisingly, he was released on 12 June 1990 for some unknown reason, and apparently not on parole. Within one month of his release in June 1990, Horrocks was arrested at Goulburn in New South Wales for unlawful possession on 26 July, was then charged in the ACT with theft on 11 September, with carrying an offensive weapon on 21 September and with theft on 19 October 1990. On 13 November 1990 he was charged with illegal use in Sydney and with assault on 15 November. He then returned to South Australia and was arrested for offences at Berri in December 1990 and charged with two counts of larcency and two counts of illegal use.

The point has been made to me that not only are these sorts of early releases, of which this is an example, bringing the criminal justice system into contempt but also they are contributing to an increasing crime rate and clogging up the courts which put offenders in prison, expecting them to remain there, only to find that by executive act court decisions have been overturned without any reference back to the court.

My question is: will the Attorney-General investigate this matter and report on why Horrocks was released 45 months earlier than the court intended, and what steps will be taken to ensure that he serves his full term and that such an early release does not occur again in either his or other instances?

The Hon. C.J. SUMNER: I will obtain the relevant information from the Minister of Correctional Services. I do not know whether or not Horrocks was released administratively, but I will obtain the details of his case. Some administrative schemes have been in place for the release of prisoners simply because at present, as the honourable member would know, gaols in South Australia are full.

The Government has taken steps to increase accommodation in gaols—for instance, in Yatala and Port Augusta—and it is hoped that once those cells become available the use of administrative release will be able to be reduced beyond that which has operated until the present time. That is basically the problem. The honourable member opposite wants heavier sentences and more people put in gaol, but apparently he is not prepared to live with the consequences of his policies in this area. The situation at present, at least until more accommodation is built, is that the gaols are full.

STA TICKET VENDING MACHINES

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister for the Arts and Cultural Heritage, representing the Minister of Transport, a question about STA ticket vending machines.

Leave granted.

The Hon. DIANA LAIDLAW: In relation to ticket vending machines, the former Minister of Transport (Hon. Gavin Keneally) told the Estimates Committee on 20 September 1988:

> There is a willingness to move to vending machines within the community. Vending machines are commonplace in other parts of Australia.

I add that they are common not only in other parts of Australia but also internationally and that they have been part of the British Underground system for some 50 years. Mr Keneally went on to explain:

> I am confident that we will be able to introduce the machines, but they have industrial connotations. So we will seek the support of industrial organisations in conjunction with their introduction rather than risk a confrontation and, accordingly, put at risk the reliability of the system.

Mr Keneally went on to reveal that, as part of the 4 per cent productivity trade off negotiated earlier that year between the STA and relevant unions, it was agreed that vending machines be introduced at locations such as Gawler, Elizabeth, Noarlunga, Glenelg and on the busway route.

It took a further 16 months, however, before the current Minister (Mr Blevins) announced that the STA had purchased four new ticket vending machines which would be delivered the following month and installed at selected sites in Adelaide. Since that time only one of these four machines has been installed while the others remain under lock and key because of objections from the Australian Railways Union, which, until May this year, had the job of selling tickets on trains.

Today, no tickets can be purchased on trains and, with the exception of the Adelaide Railway Station, tickets cannot even be purchased at a station. Instead, the STA insists that passengers must go out of their way to buy a ticket from a post office or a retail outlet, but if caught travelling without a ticket they will be liable for a fine of up to $500. This is a notoriously inconvenient, vindictive approach to the provision of a public passenger service and could only have been endorsed by a Minister who has no need or desire ever to catch a train. My questions are:

1. When will the Minister find the courage to put the interests of the travelling public before those of trade union heavies in the STA and install ticket vending machines at railway stations and on the busway as promised three years ago?

2. Why has the STA failed over the past three years to gain full value for taxpayers' money from the 4 per cent wage increase granted to STA employees in 1988 in exchange for the agreement to install the ticket vending machines?

3. What did the STA pay for the four ticket vending machines purchased in April 1990?

4. When, if ever, does the STA propose to install the four ticket vending machines on our suburban rail network and/or on the busway route?

The Hon. ANNE LEVY: I will refer the honourable member's question to my colleague in another place and bring back a reply. However, I do understand that vandalism of ticket machines has played a part in the STA decisions.

SOLAR RESEARCH

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister for Mines and Energy, a question about International Solar Research in South Australia.

Leave granted.

The Hon. I. GILFILLAN: In early July of this year I indicated that in the Upper Spencer Gulf area an offer had come from the Centre for Desert Research, which is attached to the Ben Gurion University in Israel, for the establishment of a joint solar research centre in South Australia to cooperate with world leading work being done in Israel. That project had, and still has, the long-term potential to earn millions of dollars for South Australia through the export of the research and development of solar and photovoltaic technology and equipment.

Israel is now one of the world's leading solar research nations—if not the leading nation. According to a letter from Professor David Faiman, which contained the offer of research at the Israeli Centre for Desert Research, that country is close to being able to rely entirely on solar energy and not on oil or gas. It is eager to speed up its development of these projects, and it seeks the cooperation of South Australia. South Australia is ideally suited for that. Being six months out of time kilter, that would halve the research time required for certain projects. It is obviously an advantage for Israel to have that capacity here.

For some time, the South Australian Government has been attempting to convince us that it has a serious environmental energy conservation agenda. It is a source of some concern to me that, although it is well over a month since I announced publicly the offer that was made available through Professor Faiman's letter to the Government, there has been a resounding silence. The only comment we have received relating to energy was contained in Her Excellency the Governor's speech in this place last week when, in paragraph 15, she said:

> Following a wide-ranging review, my Government will continue with the Government Energy Management Program for at least another three years.

I believe three years is a minuscule amount of time given the time that we will be concerned with these issues. Her Excellency the Governor continued:

> Its main aims are to achieve a significant reduction in expenditures on fuel and electricity consumed in the operation of Government departments and agencies and to provide a lead to the community in the adoption of cost effective energy conservation measures.

Obviously, many people in South Australia, including those in ETSA and in the environmental movement, are most concerned that we do take a leading role in the development of solar energy. No indication was given in the Governor's speech last week that the Government is taking a lead in any way. That strategy will be contrary to what is a world wide action of energy conservationists looking at renewable energy sources.

Victoria has received a hearty accolade from Dr Amory Lovins, Director of the Rocky Mountain Research Institute in the USA. He reported on the Victorian Government's energy policies, saying that the Victorian Government and its State Electricity Commission are 'undoubtedly the most dedicated and advanced proponents and practitioners of energy efficiency in Australia'.

It is long overdue that this Government showed some token of sincerity in its undertakings that we would be leading in renewable research and energy conservation. Therefore, I ask the Minister representing the Minister of Mines and Energy: has the State Government or any of its utilities, such as ETSA, followed up the direct offer for joint solar research facilities to be established in South Australia in conjunction with Israel's Institute for Desert Research? If so, what has been the outcome of the Israeli offer and when will the Minister be announcing the details of the project? If this offer for joint research has not been pursued and accepted, why not?

The Hon. BARBARA WIESE: I will refer the honourable member's questions to my colleague in another place and bring back a reply.

SCRIMBER

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General, in his capacity as Leader of the Government in the Council, a question about Scrimber International.

Leave granted.

The Hon. L.H. DAVIS: On 31 July 1991, the Chief Executive and Engineering Manager of Scrimber International were given a full 30 seconds notice of their dismissal and told to leave the building immediately. It was a peremptory and insensitive dismissal of two senior executives who had worked to the best of their ability to make the controversial Scrimber project work, a project which, as the Attorney would know, came into being only as a result of the Bannon Cabinet's decision to proceed with Scrimber in December 1986. The Scrimber project is 50 per cent owned by the South Australian Timber Corporation and 50 per cent owned by the State Government Insurance Commission, both statutory authorities. A number of people in the community have contacted me to say how appalled they have been at the manner of these dismissals, and I share their concern.

My questions are: does the Bannon Government have guidelines for Government agencies, such as the South Australian Timber Corporation and the State Government Insurance Commission, detailing a proper and sensitive procedure to be followed in the event of dismissal, rather than the crude shotgun 1950s approach which has apparently been sanctioned by the Minister of Forests in another place, Mr Klunder, in respect of the recent dismissal of two senior executives employed by Scrimber International? Will the Attorney-General make those guidelines available to the Council in due course?

The Hon. C.J. SUMNER: I will refer that question to the appropriate Minister and bring back a reply.

DISABLED EDUCATION FUNDING

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for the Arts and Cultural Heritage, representing the Minister of Education, a question about disabled education funding.

Leave granted.

The Hon. M.J. ELLIOTT: The Autistic Children's Association centre school was closed in April this year due to the reduction of Government funding. The Minister and the immediate past President of the Autistic Children's Association submitted a joint request, dated 7 March, for a review of the level of Commonwealth funding for special education programs. The response, dated 14 March, from the Federal Education Minister, stated that the Federal Government decided to 'increase its per capita general recurrent grant by 20 per cent for children with disabilities in the Government school system in 1991'.

South Australia expected an increase of $212 000, depending on the school census which is due to be completed this month. However, the Federal Minister advanced $100 000 to South Australia from its projected allocation. The Minister stated:

> As the Autistic Children's Association provides services to children in Government schools, you are at liberty to allocate this money to the Autistic Children's Association for those students if you so desire.

The questions that I ask relate to the whereabouts of the advanced $100 000. On 31 May, the Minister's office was contacted by my office to inquire about the receipt and allocation of the advanced $100 000. The reply was, 'We are pretty sure that the money has been received.' On the same day my office also contacted the Superintendent of Special Education, and was informed that she had no notification of the money coming through.

On 8 April a letter from the Minister to the President of the ACA stated that the Federal Minister had now agreed to allocate to South Australia an advance payment of a portion of its per capita funds. On 16 June a letter to the President of the ACA from the First Assistant Secretary to the Schools and Curriculum Division, Department of Education, Employment and Training, stated that the Commonwealth would advance the funds as soon as the form of agreement with the South Australian Government had been finalised.

My questions are: has the $100 000 advance payment been received by the South Australian Education Department? If not, why has the agreement still not been finalised? If it has been received, where will it be spent?

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

MEMORANDUM OF UNDERSTANDING

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Minister for Local Government Relations a question relating to the memorandum of understanding.

Leave granted.

The Hon. J.C. IRWIN: In October 1990, the Premier and the President of the Local Government Association signed a memorandum of understanding. This, of course, heralded a new era of co-existence between the State Government and local government. Part 3 of the memorandum refers to an attached set of agreed principles. Point 3 of the principles, under 'Finance', states:

> Where financial transfers occur between spheres, the objectives, amounts to be transferred, management and evaluation mechanisms will be negotiated.

It has been quite clear from October 1990 onwards that the Premier did not fully understand the ramifications of what he had signed and that very few of his Ministers were made aware of what the signing of the memorandum meant. The ramifications of the memorandum go way beyond the relationship between the old Department of Local Government and local government. There are an increasing number of examples where Ministers and/or their departments have pushed and are pushing onto local government, without consultation, financial and other responsibilities.

Sometime in June this year the Government issued an interim protocol for consultation with local government. The protocol states:

> The Local Government Association has already raised concerns about existing arrangements for consultation. It has therefore been decided to establish an interim protocol for consultation with local government. It is important that agencies adhere to the protocol if the State is to maintain its commitment to the memorandum signed by the Premier.

Further in the interim protocol, it is stated:

> State agencies will consult the Local Government Association on proposals which affect the powers, function, finances . . . consultation should occur with the Local Government Association in the first instance.

As I have said, there are many examples where consultation had not occurred prior to the interim protocol. There are examples where consultation has not occurred since that protocol was issued.

The Minister for Local Government Relations would be well aware of the impost, without consultation, of a minimum rate of $2 000 for land valuation affecting 60 councils, lifting some councils' contribution by well above 100 per cent—well above the CPI increase promised by the Premier. As recently as late June, in the area of the Country Fire Services, subsidies amounting to in excess of $500 000 and, in respect of six Hills councils, $60 000 were withdrawn without consultation with the Local Government Association or even individual councils. This was done after most councils had set their rates for the 1991-92 year. Local government was even told that the Country Fire Service would resume responsibility for councils' obligations for public liability insurance and professional indemnity insurance, a point which is in strenuous contention by the Local Government Association. The whole area of Country Fire Service interference with local councils' finance priorities is alarming. My questions to the Minister are:

1. Did the Premier or the Minister for Local Government Relations ever brief the Cabinet about the intention of the memorandum of understanding and its ramifications?

2. Has the Minister castigated her colleagues who have broken and continue to break the letter of the memorandum and the interim protocol?

3. Does the Minister agree that relations between the Government and local government are strained by the constant abuse of local government by a lack of the agreed consultation process?

The Hon. ANNE LEVY: There have been considerable discussions and briefings since the memorandum of understanding was signed and they have not been limited in any way to members of Cabinet. There have been briefings and workshops, one might say, with senior public servants throughout the Public Service, in all cases involving people from the Local Government Relations Unit. Knowledge of the memorandum of understanding and its implications have certainly been broadcast quite widely throughout the Public Service.

It has taken time for information about this to reach all corners, one might say, but I am sure that the honourable member will find that the so-called exceptions to which he refers have tended to occur very soon after the signing of the memorandum and before the information has been able to be circularised to all officers of the Government. I point out that there is a general agreement with the Local Government Association that, while consultation occurs with it in the first instance, exceptions to this may be made where the matter concerns one council only and where it is unlikely to have ramifications for any other council. This occurs particularly with the Adelaide City Council, where there are matters involving State and Local Government that are of no relevance to councils other than that of the city of Adelaide. In those circumstances, negotiations occur directly with that council rather than through the Local Government Association.

DIVERS' QUALIFICATIONS

The Hon. R.J. RITSON: I direct my question to the Minister representing the Minister of Marine. Has the Department of Marine and Harbors tendered for underwater construction work on a slipway at Port Lincoln in recent times? Was the successful tenderer Laurie Marine? Did the successful tenderer employ divers with qualifications required by law and as laid down in AS 2299, or were they divers with merely recreational and amateur diving experience? Can the Minister discover whether such divers would have been paid a good deal less than fully qualified commercial divers, if that was the case? Did the Department of Labour receive a complaint from any person or persons? From whom did it receive any such complaint? Did the department send an officer to Port Lincoln to examine the matter? Was that officer harassed in any way? Has there been any prosecution in this matter? Will there be any

prosecution in this matter? Why does the Government not enforce its own safety regulations?

The Hon. C.J. SUMNER: I will refer the question to the Minister and bring back a reply.

SCHOOL BUSES

The Hon. PETER DUNN: I seek leave to make a brief explanation prior to asking the Minister representing the Minister of Education a question about school bus hire rates in country areas.

Leave granted.

The Hon. PETER DUNN: Country students are required to pay for buses when on excursions for educational purposes or for sporting reasons. The costs are approximately as follows: $1.23 per kilometre there and back for a bus that holds 55 secondary schoolchildren or 78 small primary schoolchildren. The cost of travel from Noarlunga to Gawler—a distance of 72 kilometres—and return would be $175, or $3.18 per student. In the country areas where there are neighbouring schools—for instance, Lock and Cleve, which are the same distance—the cost would be the same, even though they may wish to have contact on a regular basis because they are next door to one another.

If we take the example a little further and go from, say, Wudinna to Ceduna—and those schools have sporting contests—the distance is 400 kilometres return. The cost is $492, or $9 per student. To take it further, what of the Western Area Remote Schools Sports Day, which is held once a year, involving Cook, Forrest, Coober Pedy, Mintabie and Tarcoola? The costs that could be incurred are mind boggling.

Some free buses are available: for instance, the Country Areas Program (CAP) compensates some schools, particularly those that have CAP buses. That program funds some excursions with other school buses. Mini buses cost 52c per kilometre, but on a per head basis these work out to be more expensive than the larger buses. But what happens in the city? One can travel from Noarlunga to Gawler or from the eastern boundry of the STA area to Port Adelaide free all day until 6 p.m., seven days a week. My questions are:

1. What reason is there for this difference?

2. Will the Minister equalise this anomaly by offering school buses to students free for excursions and sports events?

3. If not, will the Minister of Transport continue to subsidise students in the STA area when they travel on excursions for whatever reason?

The Hon. ANNE LEVY: I will refer that question to both my colleagues in the other House—the Minister of Education and the Minister of Transport—and bring back a reply.

GOVERNMENT EMPLOYEE GUIDELINES

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Attorney-General, representing the Treasurer, a question about Government employee guidelines.

Leave granted.

The Hon. J.F. STEFANI: In the recent Government Management Board review of the SGIC, a report from Arthur Andersen and Co. has revealed that until April 1991 no written guidelines were available for employees within the investment division of SGIC concerning such matters as personal investment activities and disclosure of interest in SGIC investments. My questions are:

1. Are investment and disclosure guidelines in existence for Government employees working within SAFA and Beneficial Finance?

2. When were those guidelines established within these Government instrumentalities?

3. Will the Treasurer make the guidelines public and, if not, why not?

The Hon. C.J. SUMNER: The honourable member mentioned Beneficial Finance. That is not a Government instrumentality and I do not think the question is applicable. I will get information on the other agency that the honourable member mentioned and bring back a reply.

PROCLAMATIONS

The Hon. J.C. BURDETT: I seek leave to make a brief explanation prior to asking the Attorney-General, as Leader of the Government in the Council, a question about proclamations.

Leave granted.

The Hon. J.C. BURDETT: Until some time ago all proclamations were in a particular form, which concluded with the words 'God save the Queen'. There was also a formal opening. Some time ago this format was changed and I had brought to my attention the fact that, in the proclamation calling this session of Parliament together, the opening had been changed. That does not worry me, but at the end the words 'God save the Queen' had been omitted. I am concerned to know why God should no longer save the Queen. Who initiated this procedure to change the proclamation to omit those words and for what reason?

The Hon. C.J. SUMNER: I am not sure whether the honourable member was being flippant when he said he was not sure why God should not continue to save the Queen. That is not the issue: the issue was whether or not the words 'God save the Queen' needed to appear at the bottom of every proclamation document issued by the Governor in Executive Council. Proclamations are a very common instrument of Executive Government and it was decided that the form should be modernised. It was modernised, as the honourable member mentioned, at the head of the form, and such words as 'to wit' and the like were deleted. At the same time, given the common nature of proclamations and the fact that in one *Government Gazette* following an Executive Council meeting there can be up to 25 proclamations, there was not much point in continuing with the exhortation at the end of each proclamation of 'God save the Queen'.

The Hon. R.J. Ritson: Nothing to do with the State Council motion?

The Hon. C.J. SUMNER: Absolutely nothing whatsoever. In fact, it was a decision made by Parliamentary Counsel.

The Hon. R.J. Ritson: In the light of a promise.

The Hon. C.J. SUMNER: No, in the light of nothing. I do not think Parliamentary Counsel takes one scrap of notice of any motions passed by the State Convention of the Labor Party or the State Council. Everyone knows that Parliamentary Counsel is a law unto itself. In this case it was a tidying up decision made by Parliamentary Counsel, and I was not even aware of it until the eagle eyes of the Liberal Opposition picked it up and issued a press release on it, saying something about creeping republicanism, or words to that effect. I assure honourable members that there was no conspiracy to introduce a republican South Australia overnight by the deletion of those words, but rather that it was a modernising decision taken by Parliamentary Counsel. It felt that the form brought up to date the heading and,

given the frequency and commonplace nature of proclamations, to print the words on every proclamation that appears in the *Gazette*—several of them one after another—seemed to be a rather pointless exercise.

BICYCLE HELMETS

The Hon. DIANA LAIDLAW: I seek leave to make an explanation prior to asking the Minister representing the Minister of Transport a question about compulsory bicycle helmets.

Leave granted.

The Hon. DIANA LAIDLAW: Honourable members may recall that in March this year we debated at some length legislation to make it compulsory for bicycle riders to wear helmets. At that time I recall making specific reference to the fact that there were no special exemption provisions in the Act and certainly the Minister stressed that it was the Government's intention that no exemptions would be granted for any person or class of person for any reason under the Act. That aspect of the South Australian legislation is quite different from that applying in Victoria and New South Wales where there are specific exemption provisions in the Act which are spelt out in the regulations.

Because of the Minister's insistence that no exemptions would be granted, I was most interested to note that in June he granted an exemption to Australia Post officers stating that they would not need to wear helmets when riding on the footpath. This was done not under the provisions of the Bill that we had been addressing but rather under provisions in section 163aa of the Road Traffic Act. He also chose not to gazette the decision—it was simply conveyed in a letter to the relevant union.

However, by making that decision the Minister has set a precedent. I note that the Sikh community in South Australia is agitating for exemptions from compulsory bicycle helmet legislation in this State. Certainly in Victoria and New South Wales this community has been granted an exemption, as have Australia Post officers in both those States. I am also aware that the Sidecar Riders Association in this State is keen to obtain an exemption from the provisions of the Act, as are many other people, for medical or age reasons. As the Minister has set a precedent in granting an exemption to members of Australia Post, will he now entertain and grant exemptions to the Sikh community and possibly to the Sidecar Riders Association in this State as a preliminary move to granting exemptions and entertaining further exemptions on a merit basis?

The Hon. ANNE LEVY: I will refer that question to my colleague in another place and bring back a reply. I presume that the exemption granted in other States to the Sikh community is to half that community, that is, those who wear turbans and not to those of a particular religion who do not wear turbans, namely, the female part of that community.

FILM CLASSIFICATIONS

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Attorney-General a question about film censorship classifications.

Leave granted.

The Hon. R.I. LUCAS: Saturday's *Age* carried a story under the heading 'Kennan raps censors over film violence'. The article states:

> The Victorian Attorney-General, Mr Kennan, yesterday called for a new censorship classification for violent films, saying censors had failed to crack down on levels of film violence.
>
> Mr Kennan said the new category might be needed to warn viewers of high levels of violence.
>
> The new classification, dubbed 'M-V' by Mr Kennan, would cover very violent films that would otherwise fall into the M category because of language or sex reference.

That was a direct quote.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: I am talking about a Labor Attorney-General. Members opposite are treating it with much frivolity.

An honourable member interjecting:

The Hon. R.I. LUCAS: Not Kennett—Kennan.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Members opposite need to know their factional colleagues from other States.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Thank you, Mr President. I am being diverted by provocative interjections from across the Chamber.

The Hon. Peter Dunn: Inaccurate, too.

The Hon. R.I. LUCAS: Inaccurate and provocative. Finally, Mr Kennan says:

> The level of violence in the M category particularly seems to have grown rapidly.

My questions to the Attorney-General are: has there been any discussion between Attorneys-General in their conferences about the proposal made by Mr Kennan in Saturday's edition of the Melbourne *Age*, and what attitude, if any, has the South Australian Attorney-General adopted to any such proposal?

The Hon. C.J. SUMNER: Mr Kennan is very good at getting media attention and has a considerable capacity, which I admire, to formulate proposals and to get them taken up in the media.

The Hon. R.I. Lucas: Is that all he's good at?

The Hon. C.J. SUMNER: No, sometimes he follows other people who have expressed views about particular issues. The question whether or not there should be another category of classification has been canvassed previously by me in the media.

The Hon. R.I. Lucas: He pinched your idea.

The Hon. C.J. SUMNER: No, he didn't pinch my idea at all. We cooperate closely in sharing information and press releases about matters of common concern to us. Needless to say, Mr Kennan did not consult me on this occasion, but I am not surprised that he put out a statement of this kind. Certainly, I have canvassed the question of a new category of film classification to deal with problems that undoubtedly exist in the M category.

The Hon. Barbara Wiese: Tell us who doesn't support it.

The Hon. C.J. SUMNER: Who doesn't support it? I do not know who does not support it.

The Hon. Barbara Wiese interjecting:

The Hon. C.J. SUMNER: I do not know the views of members opposite in relation to this matter. The question is whether it was discussed by the Standing Committee of Attorneys-General or the Ministers responsible for censorship. I do not think that, to date, there has been any formal discussion of another category, but I believe that that matter will probably come up for discussion at some time in the future because the Chief Censor, certainly informally, has expressed the view that perhaps there is a case for another category.

What was discussed at the last meeting of the standing committee was whether or not the film *Silence of the Lambs* had been properly classified. Members might recall that the

Film and Literature Classification Board Chief Censor (Mr Dickie) classified *Silence of the Lambs* as R. The distributors appealed and the Film Board of Review altered the classification to M. Ministers viewed the film at their last meeting and were unanimously of the view that that film, because of the violence portrayed in it, should have been classified R. Certainly, that was my view.

I have expressed, on previous occasions at Ministers' meetings, the view that the classification on violence should be tightened up. In fact, three or four years ago the written guidelines for violence were tightened up; however, it seems to me that there has been a relaxation in the attitude of the film censorship authorities—in particular, the Film Board of Review—to the question of violence in films. Somehow, they attempted to justify the level of violence in *Silence of the Lambs* by reference to what they considered to be its artistic merit. To my way of thinking, that is unacceptable. Either there is violence which falls within the guidelines and puts the film in the category of R or there is not.

It strikes me that in giving guidance to consumers, artistic merit has very little to do with the level of violence. If a certain level of violence is portrayed in a film it should be categorised as R. There is no doubt in my mind and in the minds of the Ministers who viewed *Silence of the Lambs* that this film should have been categorised R. The artistic merit argument has, I think, been blown out of the water because there was, by no means, unanimity amongst the community or film critics that *Silence of the Lambs* had artistic merit. A few weeks ago, I read a very scathing attack by Philip Adams in the *Australian* on *Silence of the Lambs* and its supposed artistic merit. So, the artistic merit of this film was by no means agreed upon in the community and, in any event, I think it is irrelevant to the categorisation process.

Categories of film (G, PG, M and R) are provided for consumer information. They are provided as guidance to parents and the community as to what to expect in a particular film. As such, I expect that most parents and most members of the community would think that *Silence of the Lambs* should be rated R because of what I saw as the quite horrendous, explicit and, in my view, plainly gratuitous violence portrayed therein.

The problem whether there should be a new category is, I think, clearly shown by the fact that *Silence of the Lambs* was eventually rated M, yet *Crocodile Dundee* was also rated M. To my way of thinking, there is simply no comparison between those films. *Crocodile Dundee* was rated M presumably because it contained occasionally four-letter words, which I suspect any schoolchild over the age of about six would hear in the schoolyard every day, and I think there was also a small reference to drug dealing in that film. However, as people know, it was a film of escapist comedy which no-one, including the children who saw it, would have taken seriously.

I think it is extraordinary that *Crocodile Dundee* was rated M and that *Silence of the Lambs* was also rated M, given that *Silence of the Lambs* dealt with a very serious, adult topic of the psychology of serial killers and that that topic was dealt with in a way that included, in my view, considerable gratuitous violence.

So, that is what I think the debate is about at present. I certainly want to give serious consideration to another rating category to solve the problem that has been identified by those two films. As I said, I have mentioned this proposition previously. I know that the Chief Censor has mentioned it informally at Ministers' meetings. The matter has not been formally considered, but I think there probably needs to be a new category, and I support what Mr Kennan has said about it. Certainly, in the past I have supported what Mr Kennan has said about the level of violence in films and the importance of the rating system actually providing consumers—that is, the public—with accurate information about what is contained in films.

STANDING ORDER 14

The Hon. C.J. SUMNER (Attorney-General): I move:

That for this session Standing Order 14 be suspended.

This is the customary motion dealing with the Council's being able to consider other business although the Address in Reply has not been adopted.

Motion carried.

CRIMINAL LAW CONSOLIDATION (SELF DEFENCE) AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General): I move:

That the Criminal Law Consolidation (Self-Defence) Amendment Bill be restored to the Notice Paper as a lapsed Bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

HOLIDAYS (LABOUR DAY) BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Holidays Act 1910. Read a first time.

The Hon. C.J. SUMNER: I move:

That this Bill be now read a second time.

This Bill proposes to effect a permanent change in observance of the Labour Day holiday in South Australia from the second Monday in October to the first Monday in October, operative from 1992.

This change is proposed after consultation with the Industrial Relations Advisory Council and the various sectors of the community at large as a step towards better interstate coordination for public holidays.

The Labour Day holiday is celebrated by other States at different times of the year, and the effect of this Bill will align the observance of the Labour Day holiday in South Australia with New South Wales and the Australian Capital Territory. The change will be beneficial for business between these States and will facilitate common holiday long weekend arrangements, particularly for Broken Hill.

Labour Day in South Australia was established as a public holiday at the initiative of the United Trades and Labour Council of South Australia and in a spirit of cooperation the council does not object to changing the date. No objections to the proposal have been raised by members of the Industrial Relations Advisory Council, the Education Department or major employer organisations.

A change in dates for the Labour Day holiday will not adversely affect industry or education in this State, nor inconvenience employees and their families.

Accordingly, I commend the Bill to the Council and seek leave to have the explanatory memorandum inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 amends the schedule to the

Act to celebrate the Labour Day holiday on the first Monday in October as opposed to the second Monday in October.

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

WORKER'S LIENS (REPEAL) BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Worker's Liens Act 1893. Read a first time.

The Hon. C.J. SUMNER: I move:

That this Bill be now read a second time.

This Bill is the second attempt by the Government to implement the first recommendation of the report of the select committee of the House of Assembly on the operation of the Worker's Liens Act 1893. The terms of reference of the select committee were to consider and report on the operation of the Worker's Liens Act 1893 and whether it should be amended or repealed. The committee concluded that the Act, with the exception of those sections dealing with the disposing of goods held under common law liens, was no longer properly effective, nor was it achieving its original objective and in instances is counter-productive. The committee concluded that the Act is a major impediment to the effective resolution of a builder's insolvency and that the current insolvency laws gave protection to workers. The committee concluded that it was inappropriate for suppliers of material to the building industry to be in any different position to other suppliers of materials.

The committee's first recomendation was that, in the light of more effective substitutes being available, the Worker's Liens Act 1893 be repealed and that sections 41 and 42 be transferred to an appropriate Act. This Bill, like the Bill introduced in the last parliamentary session, repeals the Worker's Liens Act 1893. A separate Bill amending the Unclaimed Goods Act 1987 will deal with the substance of sections 41 and 42 of the Act.

In keeping with the second recommendation of the select committee that industry consultation take place in respect of trust funds, voluntary or compulsory insurance schemes direct payments and bank guarantees, the Minister of Housing and Construction established a working party on insolvency in the building industry. The committee reported in December 1990, and the Construction Industry Advisory Council is still considering the working party report and public responses to it. It is expected that this process will take some time as the parties still have not reached a consensus on the appropriate future direction which would be followed to curb the incidence and impact of insolvency in the building industry.

It should be noted that mechanisms exist under the Unclaimed Moneys Act 1891 for the dormant money in the Registrar-General's Trust Account—Worker's Liens to be transferred to the Treasurer, and this will be done.

The Government has long been concerned with perceived deficiencies in the operation of the Worker's Liens Act 1893 and the select committee's thorough examination of the operation of the Act has confirmed that the Act is ineffective and, indeed, in some instances, counter-productive. In the light of the committee's findings there can be no course but to repeal the Act. A proclamation clause is included in the Bill to enable a reasonable period for the building industry to adjust its operation to take account of the repeal of the Worker's Liens Act.

Clause 1 is formal. Clause 2 provides for commencement of the measure on a day to be fixed by proclamation. Clause 3 repeals the Worker's Liens Act 1893.

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

UNCLAIMED GOODS (MISCELLANEOUS) AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Unclaimed Goods Act 1987. Read a first time.

The Hon. C.J. SUMNER: I move:

That this Bill be now read a second time.

It arises out of the report of the select committee of the House of Assembly on the operation of the Worker's Liens Act 1893. This Bill is essentially the same as that introduced in the last parliamentary session to implement the recommendations of the select committee with respect to sections 41 and 42 of the Worker's Liens Act 1893. The previous Bill was defeated as a consequence of the failure of the Worker's Liens Act (Repeal) Bill.

The terms of reference of the select committee were to consider and report on the operation of the Worker's Liens Act 1893 and whether it should be amended or repealed. The select committee recommended that the Worker's Liens Act 1893 be repealed and that sections 41 and 42 of the Act be transferred to an appropriate Act.

Sections 41 and 42 of the Act enable a person who has common law lien over goods to dispose of them, that is, where a person has performed work on goods and not been paid for the work, the goods can be sold and the money owing for the work performed is paid out of the proceeds of the sale. Notice must be given to the owner of the goods of the proposed sale and the sale must be by auction. Any surplus money is paid to the clerk of the court nearest to the place of sale. Evidence placed before the select committee indicated that these sections were necessary and effective.

The Unclaimed Goods Act 1987 provides for the disposal of goods which the owner fails to collect from a person who has possession of the goods. Court approval is required for the sale of goods where the value of the goods exceeds $500. This Act is the most appropriate one to contain provisions for the disposal of goods over which there is a common law lien.

To transpose directly sections 41 and 42 of the Worker's Liens Act into the Unclaimed Goods Act would draw a distinction between goods on which work had been done and goods which had merely been left with a person. In the first case no court approval would be required before the goods were sold, whereas court approval would be required in the second instance if the goods were worth more than $500. This distinction is unwarranted and to require court approval in the first instance would be to add an extra step in procedures which have operated without problems since 1893.

It is noted that court approval is not required to dispose of goods under the Warehouse Liens Act 1990 (which replaced the 1941 Act) nor under the Residential Tenancies Act 1978, and there is no evidence that these provisions are not working well. The Unclaimed Goods Act appears to be little used and no useful conclusions can be drawn from the operation of the Act.

While it is acknowledged that the Unclaimed Goods Act was enacted only recently and court approval is an integral part of the procedures for disposing of goods under the Act, the experience obtained from the operation of the Worker's Liens Act, the Warehouse Liens Act and the Residential Tenancies Act suggests that a court order is not necessary

before goods are disposed of at a public auction after proper notice of the proposed sale has been given.

Accordingly, this Bill amends the Unclaimed Goods Act by removing the requirement that the court must approve the sale of goods worth more than $500 and provides for the sale of goods where a bailor neglects or refuses to pay for work done on the goods in the same manner as goods which have not been collected from a bailor. In all cases, appropriate notice of the proposed sale must be given and the sale must be by public auction, unless a court directs otherwise.

The Government believes that the Act as it is proposed to amend it provides sufficient protection for those whose goods are unclaimed without imposing unnecessary additional procedures on those who were accustomed to using the procedures under sections 41 and 42 of the Worker's Liens Act. The procedures under the Unclaimed Goods Act are slightly more onerous than those under the Worker's Liens Act, for example, longer periods of time and notice of the sale must be given to the Commissioner of Police. However, those procedures impove the rights of the owner of the goods without unduly imposing on the bailee of the goods. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides for commencement of the measure on a day to be fixed by proclamation.

Clause 3 amends section 3 of the principal Act, an interpretative provision, by striking out the definitions of 'scale 1', 'scale 2' and 'scale 3' which are no longer necessary because of the amendments to section 6 of the principal Act effected by clause 5 of this Bill.

Clause 4 amends section 5 of the principal Act which deals with unclaimed goods by inserting subsection (1a) and paragraph *(ca)* in subsection (2).

Subsection (1a) provides for goods over which the bailee has a worker's lien and that have not been handed over to the bailor because of the bailor's failure or refusal to pay for the work to be regarded as unclaimed goods.

Paragraph *(ca)* of subsection (2) requires a request by a bailee to the bailor to collect bailed goods to state the amount of any worker's lien the bailee has over the goods.

Clause 5 amends section 6 of the principal Act which deals with the sale or disposal of unclaimed goods by striking out subsections (2) to (6) and substituting new provisions. The requirement that the sale or disposal of unclaimed goods worth more than $500 be authorised by a court is removed.

New subsection (2) requires that subject to any contrary direction by a court, unclaimed goods be sold by public auction and notice of the time and place of the proposed sale be given to the bailor and the Commissioner of Police at least one month before the proposed sale and be given at least three days before the proposed sale in a newspaper circulating generally throughout the State.

New subsection (3) provides that the notice to the bailor may be given by post and, if the identity or whereabouts of the bailor is unknown, by advertisement in a newspaper circulating generally throughout the State.

Clause 6 amends section 11 of the principal Act, the regulation-making power, by removing the power in subsection (2) to vary the scales of value of goods fixed in section 3 of the principal Act. This amendment is consequential on the removal of those scales of value effected by this Bill. The clause substitutes a new subsection (2) which empowers the making of regulations that specify the information that must be included in a notice under the principal Act.

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

ADDRESS IN REPLY

The Hon. C.J. SUMNER (Attorney-General) brought up the following report of the committee appointed to prepare the draft Address in Reply to Her Excellency the Governor's speech:

1. We, the members of the Legislative Council, thank Your Excellency for the speech with which you have been pleased to open Parliament.
2. We assure Your Excellency that we will give our best attention to all matters placed before us.
3. We earnestly join in Your Excellency's prayer for the divine blessing on the proceedings of the session.

The Hon. T. CROTHERS: I move:

That the Address in Reply as read be adopted.

I would like at the outset to pay tribute to the State's new Governor, Her Excellency Dame Roma Mitchell, in her opening of this the third session of the forty-seventh Parliament of South Australia. It was extremely fitting for her to have done so as the first of her gender to hold the office of Governor of this State, as she has often been cast in that unique position on a number of other occasions. She was the first woman in this State to become a Queen's Counsel, the first of her gender to sit on the Bench of this State's Supreme Court and, if my memory serves me correctly, the first of her gender to serve as the Chancellor of an Australian university. In all these capacities she served with great distinction, and I am sure that the service that she will give to the State as the holder of her present high office will be no exception to the rule that she has almost uniquely made her own in respect of the other services that she has already rendered to the people of this State.

I trust that Her Excellency will not consider me too impudent if I say that her opening of this Parliament is to the very foremost of any previous maiden performance of any former South Australian Governor in the history of this Parliament. I am sure that all members in this Council and in another place will join me in wishing Her Excellency well and agree with me that in Dame Roma Mitchell the State has been very fortunate in having such a distinguished South Australian serving in the role of this State's Governor.

Her Excellency, in her speech last Thursday in this place, said:

> Despite early predictions of a very difficult year for South Australia's grain crops late rains have helped boost prospects of improved yields within the rural sector.
>
> However, the financial situation facing many farmers remains difficult. Conditions in the international market continue to present producers with the prospect of major falls in income.

Those comments had been preceded by the following comments when Her Excellency was speaking of a whole range of issues:

> These concerns are not confined by State or even national borders; world wide, economies are under stress, a fact which puts our local situation in some perspective.

I totally agree with those comments, and it is to those comments and some of the spin-offs that flow from them that I would now wish to address the Council. I find that, in a world where there are many millions of the human race dying each year from starvation, it is intolerable that

in a State like our own, where we have the most efficient dry land farmers in the world, our farmers are going to the wall economically because there is no market available for their crops. This is particularly so for our wheat crops which we so efficiently grow. If, because of the lack of market for their crop, many of our farmers are forced to leave their farms and that is repeated in other countries in the international community for similar reasons, it will be a crying shame because once these farmers are off the land there will be no going back for them. This crisis, coming at a time when many millions of our fellow human beings are starving, shows without doubt what a topsy-turvy world we live in.

There can be no doubt in anyone's mind that Australia is still very much a nation that relies heavily upon its agricultural exports for its own economic well being. Nor can there be any doubt in anyone's mind as to the root cause of the present malaise which is affecting the current international agricultural export market scene. It is plain for all to see that it is the trade war which is ongoing between the United States and the European Economic Community. In fact, the new French Socialist Prime Minister made the following statement only 10 months ago when she resigned from the French Government as Economics Minister:

> There is a trade war going on out there and France did not start it.

That quotation came not just from anybody; it came from the woman who resigned from a senior French Government Ministry over the issue and from a person who was later called upon to serve as her country's Prime Minister. I think that her statement is flawed, because it was France, more than any other nation, which, as a member of the EEC, forced that body to pay enormous subsidies to its agricultural producers. The reality is that it was French farmers who, in the most inefficient and costly manner possible, produced huge mountains of food, surplus to the requirements of the internal needs of the European Community. What was even more damaging was that the enormous subsidies paid for their produce meant that they were unable to sell on world export markets because they had priced themselves out of the market.

So, what did they do? They started the practice of dumping which, in turn, was answered by the United States Government subsidising its wheat export sales to the tune of $75 per tonne. This has led to a world wheat market place totally corrupted, at a time when the world is desperately crying out for some form of international order.

I believe that the present situation cannot go on for very much longer without some major calamity befalling us all. It is not that there are no markets for the foodstuffs which the world currently produces—of course there are. It is simply a matter that tens of millions of this earth's inhabitants die each year from starvation, because the Governments of the nations in which they live cannot afford to purchase the food that their people desperately need to stay alive. This makes a mockery of the subsidies being paid by the United States and the European community to their farmers.

I put the question: would it not be better for both the United States and the European community to use their subsidy moneys to buy their own grain, and then export it *gratis* to starving nations of the world? I can answer my own question here—of course it would. I am sure that, if all the world's agricultural nations got together, some such scheme along the lines that I have indicated could be worked out. There would be no losers, only winners, and no-one on this earth would have to starve to death.

But, the instance about which I have just spoken at some length by no means stands on its own in respect to the disorder and lack of will by governments of this earth. This world is crying out for some effective means and capacity for global government. I put it to this Parliament that the United Nations is not the answer. It is, in my view, a toothless tiger due to its inability to convince the governments of this earth to give up so much of their sovereign authority so as to render it both worthwhile and effective.

As I said, the world cannot for much longer live in some form of peace and harmony if it refuses to accept some form of global discipline. The present agricultural trade war is but the tip of the iceberg. Already we have seen non-government international organisations setting themselves up to grapple with pressing problems which national governments have consistently refused to come to terms with. Examples of this include organisations such as Earthwatch, Amnesty International (of which I along with other members of this place belong), and Greenpeace, to name only a few. These organisations have been forced to set themselves to fill the void because of the incapacity or lack of will to act by the United Nations. There is, of course, an inherent risk in this, because if control of these organisations falls into the wrong hands then they, unlike elected governments, will have no-one to answer to for any action or inaction.

Now, there is, of course, another set of entities which have set themselves up to fill the international void of government, and that is the multinational corporations, some of which are more powerful than elected governments, as they move about in their day-to-day business activities. But what is frightening about them, as the events over the past five years have shown in Australia, is the way in which their new breed, in many instances their chief executives, are a law unto themselves, and virtually answerable to no-one.

I put it to this Parliament that we, in our small way, must help and assist in whatever way we can to set up a world body which does have the capacity and the means to ensure that the world's foodstuffs and resources are put to better and more equitable use than has ever been the case in the history of the nations of this earth. Failure on our part to do so must quickly and inevitably lead in very short order to an inability of our earth to sustain life. There is rapidly falling into place a capacity for the nations of this earth to form themselves into cartels which, on the one hand, would represent the producers of raw materials and, on the other hand, the manufacturers of finished products. In other words, the situation could arrive in which we could have the producing nations of this earth versus the manufacturing consumers of this earth. This, if it happens, would lead to such divisive, earth-shattering confrontation as to be unthinkable. Again I put it to this Council that, if the very earth on which we live is to continue to exist, then we must learn to live as one and to set in place as quickly as possible a mechanism which will enable us to do so. Time is not on our side.

I could go on and on about the universality of humankind, and still not have the time in this sitting to fully state the case. For instance, those of us who follow these things would know that it is no longer necessary to send a battalion of troops or a gunboat to quell any restless nations. That matter is now handled by the control of research and development, and all of the technology and findings that emanate from that activity. Much more, as I have previously stated, could be said, but as time does not permit, I conclude on that note, and I commend the motion to the Council.

The Hon. G. WEATHERILL: In supporting the motion, I wish to address the issues of industrial relations in New

Zealand. I recently visited New Zealand to have a look at the industrial relations there, and to find out why the National Party Government of New Zealand won a victory that absolutely decimated the New Zealand Labor Party.

I found it very strange, after picking up the first newspaper and reading the headlines, that a Minister approved moneys for a group of people, who approached him just after the election, to do some ghost-busting—ghost resistance, they called it.

The department took 20 days to approve a scheme to employ 10 researchers, and paid out six weeks advance of $20 760. It then approved monthly wages in cheques totalling $70 000 until the scheme was terminated. I do not think that that would ever happen anywhere else in the world, but it happened in New Zealand, so there had to be a reason why the Labor Party lost the election and was so decimated by losing it.

I had a lot of meetings with trade union officials there. I have been in the trade union movement for about 40 years, and I have been very proud to be in it for 40 years. Although I hate to say it, I found in New Zealand that the trade union movement forgot what it was there for. There was no service to the members. The officials were appointed in their positions, and there was no election of members. In 1987 the New Zealand Labor Party moved through Parliament a Bill insisting that all union officials stand for election every four years. This should have been done much earlier, because the members were not being serviced and, unfortunately, they had compulsory unionism. Therefore, some of the full-time union officials did not believe that it was necessary to do anything but look after the management of committees. They did not belong to the Council of Trade Unions, which is the peak body in New Zealand; they did not belong to the New Zealand Labor Party, so they seemed to grow apart from just about everything.

Unfortunately, if they had come to Australia, which is much closer to them, they could have learnt a lot from the Australian trade union movement. In my experience, the Australian trade union movement is the best in the world when it comes to servicing its members and for assistance in running the country—as the Accord has shown over the years.

The Hon. R.I. Lucas: Look at the country!

The Hon. G. WEATHERILL: Look at the economics of the world. In New South Wales, when Mr Greiner stood for election and was nearly defeated, one of the honourable member's own number commented that anyone in Government with the present world economic situation has problems. The New Zealand Labor Party could have also learnt by coming to Australia, especially if it had heard the arguments between Peacock and Howard over the years. I think we all realise that we can learn from the mistakes of the New Zealand Labor Party and must not fall into the same traps; we must continue to embrace our traditional supporters—the trade union movement.

The Hon. T. Crothers interjecting:

The Hon. R.I. Lucas: Now Bannon and Rann.

The Hon. J.F. Stefani: Hawke and Keating.

The PRESIDENT: Order!

The Hon. R.I. Lucas: What does this front page say? '"You've got it wrong, Hawke," says Keating'.

The PRESIDENT: Order! The Hon. Mr Weatherill has the floor.

The Hon. G. WEATHERILL: I think we all realise—and the Opposition would have to agree—that people will not accept Parties where several people are trying to be the leader. With a split Party there are problems, and I think the Peacock/Howard and other situations—

The Hon. R.I. Lucas: Hawke and Keating!

The Hon. G. WEATHERILL: We haven't got that yet, have we?

Members interjecting:

The PRESIDENT: Order!

The Hon. G. WEATHERILL: Prior to the election, the voters were conned by the businessmen who got together with the employers' association with the argument that the labour relations system under which New Zealand operated was the cause of much of the poor economic performance of the country. It was frequently alleged that this was the prime reason for the high and growing unemployment. They assured the people that a deregulated labour market would result in higher wages, more jobs and a better distribution of wealth. Furthermore, both these organisations would have us believe that what they described as 'excessive rigidity' in the labour market was a direct result of the restrictive legislation base under which New Zealand conducted its labour relations.

The New Zealand National Party, in Opposition, accepted these assertions without opposition and made no secret of its intention to promote a radically different approach to labour relations in the event of its being elected to Government. The election promise at least was kept and the Government claimed a clear mandate for such changes. Whether the electors fully understood what was being proposed is highly debatable. The Employment Contracts Bill, which has emerged, was greeted by the unions, predictably, as nothing short of a vicious attack on the union movement, and it struck at the very heart of the whole industrial relations system in New Zealand.

The Hon. R.I. Lucas: You have just been attacking them yourself. You said they were hopeless.

The Hon. G. WEATHERILL: They are attacking the conservatives over there.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order! The Hon. Mr Lucas will come to order.

The Hon. G. WEATHERILL: Unions as we know them will disappear and existing organisations will be deemed to be incorporated societies. There will be one union registration process. The new bodies will now not have exclusive representation rights and have no recognition rights. Compulsory membership is prohibited and is not subject to negotiation. Any organisation/agent may now seek to represent workers, but it must have authorisation by individual workers.

As awards/agreements expire, they must be replaced by either collective employment contracts or individual employment contracts. Two or more people can employ a bargaining agent, but where there is one worker he must negotiate directly with the employer for his contract of employment. As he may not have any skills in this area, he is automatically disadvantaged.

All awards/agreements not current on 1 May 1991 are cancelled. The union/agent is not a party to the contract. Blanket coverage of documents will disappear. The principle of 'new matters' is retained only in respect of collective contracts. Personal grievance procedures must be included in collective contracts, but may be in individual contracts. The Labour Court will be concerned only with matters of law. Procedural fairness will now be of less importance in dismissals. Access to the procedures will be available only if the procedure is in the contract of employment.

In other changes, which arise because of the above, the rights of workers in regard to strike action, statutory holidays, the 40-hour week, union meetings, and many other issues, are heavily eroded. In practical terms, the Bill means

that, while workers and employers both have the right to choose whether they will enter into either collective or individual contracts, it is the employer who, in effect, makes that decision.

The Bill provides that the employer must recognise a duly authorised bargaining agent, but as it does not specify any procedure for workers to select and authorise a bargaining agent it will be difficult for employers to determine whether a bargaining agent has been properly authorised, and it would appear that the employer has the right to refuse to recognise any agent. This will effectively negate the free choice of workers to choose their own bargaining agents because the employers can, if they wish, refuse to bargain with the workers' agent if they do not like them. As the principle of free choice for workers was central to the National Party policy, this seems to be a strange way of implementing it. In any event, the Bill does not make any provision requiring the employer to negotiate.

There are some notable difficulties with the section dealing with collective contracts. On 1 May 1991 any award or agreement which is still current will become a collective contract under the terms of the Bill and any award or agreement which has expired will be cancelled. At that point, the employer would probably be able to insist that the workers must be covered by an individual contract which may cover the terms of the old collective contract.

There appears to be no provision for new workers to be covered by the existing collective contract. In spite of the assurances in the Bill that no individual contract may be inconsistent with the provisions of the collective contract, it is not clear what the word 'inconsistent' means, and it is not stretching one's imagination too far to suggest that the existence of individual contracts made with new workers could lead to a serious erosion of the terms of the collective contract. Quite simply, the labour reforms will enable the unemployed to undercut existing pay structures. It is important to note that the term of any collective contract will not apply to any worker who chooses not to be represented in the negotiations.

The Employment Contracts Bill contributes to this by providing that collective contracts can bind only those workers who consent to coverage before the document is negotiated. This means that anyone employed during the currency of the award cannot be party to it and will be forced into an individual contract, with no obligation on the employer to ensure that this meets the terms and conditions available in the collective agreement, should one exist. So, the only safety net will be the Minimum Wage Act (which, incidentally, Treasury argued should be removed). It is now paying $245 a week, but it does not apply to workers under 20 years.

Consider this against the benefit reductions, the chief victims of which will be younger, single people, as they are more likely to be competing for jobs which attract lower wages and they generally have more ability to change their circumstances. Most relevant in this are those cuts which focus on the interface between welfare and work. They include a $14 a week cut in the single adult unemployment benefit from 1 April 1991 and the dropping of the youth dole rate from $114.88 to $108.17 and its extension to persons aged 25 years. I seek leave to have inserted in *Hansard* a table on benefit and family support rates, which indicates a massive reduction for working people in New Zealand.

Leave granted.

BENEFIT SUPPORT RATES

Category	Current Rates		New Rates from April 1991				Difference (including Family Support)
	Basic Benefit	With Family Assistance	Basic Benefit	Difference from current	With Family Support	Difference from Current	
	$	$	$	$	$	$	%
UNEMPLOYMENT							
Without children							
Single 18-19 years	114.66		108.17	(6.69)			−5.6
Single 20-24 years	143.57		108.17	(35.40)			−24.7
Single adult	143.57		129.81	(13.76)			−9.6
Married couple	223.22		216.34	(6.88)			−3.1
With children							
Single (1 child)	213.14	255.14	185.93	(27.21)	227.93	(27.21)	−10.7
Single (2 children)	228.87	292.87	202.83	(26.04)	266.83	(26.04)	−8.9
Married couple (1 child)	255.08	297.08	229.88	(25.20)	271.88	(25.20)	−8.5
Married couple (2 children)	255.08	319.08	229.88	(25.20)	293.88	(25.20)	−7.9
TRAINING							
Without children							
Single 16-17 years	86.14		86.14	—			—
Single 18-19 years	114.86		108.17	(6.69)			−5.8
Single 20-24 years	143.57		108.17	(35.40)			−24.7
Single adult	143.57		129.81	(13.76)			−9.6
Married couples	223.22		216.34	(6.88)			−3.1
With children							
Single (1 child)	213.14	255.14	185.93	(27.21)	227.93	(27.21)	−10.7
Single (2 children)	228.87	292.87	202.83	(26.04)	266.83	(26.04)	−8.9
Married couple (1 child)	255.08	297.08	229.88	(25.20)	271.88	(25.20)	−8.5
Married couple (2 children)	255.08	319.08	229.88	(25.20)	293.88	(25.20)	−7.9
INDEPENDENT YOUTH							
Single 16-17 years	114.86		108.17	(6.69)			−5.8
SICKNESS							
Without children							
Single 15-17 years	131.30		108.17	(23.13)			−17.6
Single 18-24 years	162.26		129.81	(32.45)			−20.0
Single adult	162.26		135.22	(27.04)			−16.7
Married couple	270.44		245.86	(24.58)			−9.1

Category	Current Rates		New Rates from April 1991				Difference (including Family Support)
	Basic Benefit	With Family Assistance	Basic Benefit	Difference from current	With Family Support	Difference from Current	
	$	$	$	$	$	$	%
With children							
Single (1 child)	213.14	255.14	185.93	(27.21)	227.93	(27.21)	−10.7
Single (2 children)	228.87	292.87	202.83	(26.04)	266.83	(26.04)	−8.9
Married couple (1 child)	255.08	297.08	245.86	(9.22)	287.86	(9.22)	−3.1
Married couple (2 children)	255.08	319.08	245.86	(9.22)	309.86	(9.22)	−2.9
WIDOWS AND DOMESTIC PURPOSES							
Without children							
Domiciliary Care							
Single 15-17 years	131.30		131.30	—			—
Single adult (over 17 years)	162.26		162.26	—			—
Woman alone							
Single adult	162.26		135.22	(27.04)			−16.7
With children							
Single (1 child)	213.14	255.14	185.93	(27.21)	227.93	(27.21)	−10.7
Single (2 children)	228.87	292.87	202.83	(26.04)	266.83	(26.04)	−8.9
INVALIDS							
Without children							
Single 15-17 years	131.30		131.30	—			—
Single adult (over 17 years)	162.26		162.26	—			—
Married couple	270.44		270.44	—			—
With children							
Single (1 child)	213.14	255.14	213.14	—	255.14	—	—
Single (2 children)	228.87	292.87	228.87	—	292.87	—	—
Married couple (1 child)	255.08	297.08	270.44	15.36	312.44	15.36	5.2
Married couple (2 children)	255.08	319.08	270.44	15.36	334.44	15.36	4.8

Figures in parenthesis are negatives.
Benefit rates are net of tax.
Family assistance is the sum of Family Benefits and Family Support.

The Hon. G. WEATHERILL: A six-month stand-down period for the dole applies to those who give up a job without good and sufficient reason or who are fired for 'misconduct as an employee' and for anyone who turns down two offers of work. Imagine then, an 18-year-old person looking for work as a waiter. They are offered $150 for a 45-hour week, including holiday pay, night and weekend work. That is not generous, but it is $40 a week better than the dole entitlement. Imagine now that this same person has already rejected an earlier job opportunity, perhaps because the restaurant was at the other end of town and there were transport problems. The option at this stage is to either accept the job or be stood down from the dole for 26 weeks. That is no choice at all.

It can also apply to skilled workers. Imagine a journalist who is desperate to get back into the workforce and who agrees, as the price for getting a job, to work through the weekends without penalty rates. Imagine how that person would be treated by his or her workmates as they were passed over for lucrative weekend shifts in favour of this cheaper labour. These are only a few of the possibilities. There are potentially hundreds, but they all amount to the same thing—pitting worker against worker. This is socially destructive and it is brutal politics.

The new law means that anyone who has 'voluntarily become unemployed without good and sufficient reason' or who has voluntarily left a work or training scheme will be disqualified from the dole for 26 weeks from the day they quit. The same 26-week waiting period also applies to anyone who is sacked from a job or from a training or work scheme for misconduct. Anyone who is made redundant will be disqualified from any benefit until they have used up all their redundancy pay, assuming that they use it up at the same rate as the benefit, which they would otherwise get, up to a maximum of 26 weeks. Anyone who has been earning more than $50 a week above the net average wage of around $400 a week and who loses their job will not be entitled to any benefit for between three and 10 weeks, depending on how much they have earned.

Assistant Director-General of Social Welfare, Mr Alan Nixon, confirmed that all these provisions apply to people who leave work. Other provisions which take effect include the following: a 26-week stand-down from benefit for anyone who 'could reasonably be expected to be in full employment' and who 'has declined two offers of suitable employment (including temporary or seasonal employment)' or who 'is making insufficient effort to find full employment (including temporary or seasonal employment'); anyone who fails to turn up to two job interviews arranged by the Labour Department Employment Service will be deemed to be making 'insufficient efforts to find full employment'.

It is illegal to pay any benefit to anyone who is either illegally in New Zealand or there on a visitor's permit, temporary work permit or study permit, except for certain refugees and others compelled to remain in New Zealand due to unforeseen circumstances. Widow, sickness, invalid and domestic purpose benefits will not be payable until 14 days after someone becomes entitled to receive a benefit or 14 days after they apply for it, whichever is the later. Officials will have the right and discretion to extend this to 28 days in certain circumstances.

The economic situation for farmers in New Zealand is similar to what we have in Australia. Farmers in New Zealand are telling job seekers to stay on the dole and accept $50 to $100 under the table for full-time farm work. This exploitation is the latest sign of a growing twilight zone between those on real work and those on the dole, according to National Unemployed Workers Union spokesman, Simon Lindsay. Two unemployed New Plymouth men told the *Taranaki Daily News* about offers from separate farmers. Both men rejected those offers because they believed that acceptance involved criminal acts. However, the offers are not uncommon, according to people involved in social and employment work. Federated farmers had also heard of

such offers. None of those offered work on the dole took up those offers.

A 20 year old New Plymouth man said that his job offer came after he advertised for farm work. He was offered $50 under the table to take on full-time employment, which he refused. The black economy is a sign of the times, and it makes both employer and worker a criminal. Because this legislation obviously has not been thought through, there is no doubt in my mind that it leaves the door open for a lot of criminal activity in the New Zealand industrial relations field. Workers for a furniture firm in New Zealand did not receive any social welfare for two weeks after being stood down. Because these people had young children to look after, the trade union provided, while I was there, food parcels to assist them. New Zealand newspapers and union newspapers have advertised as follows:

> For sale—your job to the lowest bidder. Week-end penalty rates, overtime rates, sick leave, holiday pay, etc.

The only restriction on becoming a bargaining agent for the working people in New Zealand is that you must not have served more than eight years in prison. That is the only restriction against anyone going off the street into a factory or into any firm offering to represent the working people of New Zealand.

The Hon. R.I. LUCAS (Leader of the Opposition): I support the motion for the adoption of the Address in Reply to the speech of Her Excellency the Governor. In doing so, I would like to place on the record my support and that of the Liberal Party for Her Excellency's appointment as Governor. Certainly, we wish her well for the duration of the term of her appointment.

In my contribution to the Address in Reply I want to address a number of issues, including unemployment and the South Australian Certificate of Education, and perhaps say a little about a Government that is divided and in disarray. Last week's unemployment figures were, obviously, a tragedy for South Australian families and for those people who are unfortunate enough to be unemployed. They are the result of the scorched earth policies of Labor Governments in both Canberra and Adelaide. Publicity during the latter part of last week highlighted one or two aspects of those unemployment figures, in particular, the figure of 10.4 per cent representing the unemployment rate in South Australia compared with the national figure of 9.8 per cent. As I indicated earlier, that is certainly a tragic figure. So, too, is the figure of 22.6 per cent, which indicates that over one quarter of our 15 to 19 year olds in South Australia were unemployed as at July of this year.

When one recalls that the unemployment figure for 15 to 19 year olds has consistently been higher than 20 per cent—and, on many occasions, higher than 25 per cent for a good part of the past few years—it indicates how disheartening the position is for young people in South Australia and how difficult it is for them to try to find a job as a result of the economic policies of Premier Bannon and Prime Minister Hawke.

Whilst those figures were a tragedy, a closer reading of the fine print of the labour force July 1991 figures indicates even more nightmarish or disturbing facts. Put simply, these figures, when analysed, show that the recession is now hitting South Australia much harder than it is any other State. I refer members to the seasonally adjusted series of employment figures contained in that labour force bulletin. Those figures show that in New South Wales between June and July of this year there was a decline in employment of about 1.4 per cent. In Victoria, there was a decline of .9 per cent; in Queensland, .7 per cent; in Western Australia, .7 per cent; and in Tasmania there was an increase of .6 per cent. So, in general terms all the other States of Australia experienced a decline in employment of less than 1 per cent.

In South Australia, the comparative figure from June to July showed a decline of 3.1 per cent in the number of jobs. Put simply and starkly, this means that there were 20 000 fewer jobs in South Australia in July of this year compared with the situation in June. In the space of one month, 20 000 jobs disappeared from the industrial horizon in South Australia with, obviously, the resultant increase in unemployment.

Until now, that figure indicating a massive loss of jobs was concealed by the fact that unemployment increased by 4 500. The reason for the difference between the increase in unemployment of 4 500 and a loss of 20 000 jobs was the simple fact that about 15 000 South Australians, previously in employment, just gave up and did not even register as unemployed.

The technical and economic term for that was that the participation rate in the labour force in South Australia declined significantly from 63 per cent in June to 61.5 per cent in July. The national figures for that month showed that over 80 000 jobs were lost in Australia in that month; in the whole of Australia 80 000 disappeared from industry. However, in South Australia alone, 20 000 of those 80 000 jobs were lost: about a quarter of all the job losses in this past month occurred here in South Australia.

The economists and the statisticians have indicated that that job loss, namely 80 000 or more, was the largest ever recorded in a single month of labour force figures since they were first collected in 1978. The figures have been kept for a relatively short time only; in fact, they go back only 13 years under the current method of collection. However, in that 13 year period, which includes the recession of 1982 and 1983, there has never been a larger figure of job losses in a single month nationally than that 80 000. When one looks at it and analyses the fact that South Australia contributed about a quarter of the national job loss figure in a month, one sees quite clearly that South Australia has never seen such a significant number of jobs lost in a single month as a result of economic policies of Governments, both State and Federal.

As I indicated, the figure of 10.4 per cent unemployment was bad enough—it was a tragedy. However, when one looks at the fine print and analyses the detail, one sees that the 20 000 job loss figure indicates that South Australia is in the midst of a nightmare in unemployment terms. That is especially so when members realise that virtually all economic commentators are agreed that unemployment figures nationally will stay above 10 per cent, and perhaps go as high as 11 per cent or 11.5 per cent for at least the next 12 months.

It is hard enough to get economists to agree on anything. However, when one takes into account that virtually all of them agree that the unemployment rate will stay at these historically high levels at least for another 12 months—and some, perhaps the more pessimistic, are saying even 18 months to two years—and when one takes into account those predictions and the figures that I have indicated for South Australia, one sees, as I said earlier, that South Australia is in the midst of a nightmare.

The recession has certainly caught up with South Australia. But, more than that—again, as I indicated earlier—the recession is now hitting South Australia harder than any other State. South Australian families are suffering to a greater degree than any other State of Australia because of the scorched earth policies of Premier Bannon and Prime Minister Hawke. That leads one to ask the question, 'Why

are we so much worse off in South Australia than the admittedly dire position of every other State in Australia?' Things are bad everywhere, and we concede that. However, why is it so much worse for South Australian families than it is for families in New South Wales, Victoria, Queensland or, indeed, any other State?

The simple fact is that something must exist in South Australia that does not exist in any other State. Of course, the simple answer to that question is that what exists in South Australia is a financially incompetent State Government, which is led by a financially incompetent Premier and Treasurer, John Bannon: someone who is now known as the Warwick Fairfax of South Australian financial circles—a young man who can quite happily gamble and lose billions of dollars of someone else's money, and blithely walk away professing innocence of all wrongdoing in relation to those policies.

The Hon. M.S. Feleppa: You don't actually view the type of industry in South Australia as being the cause for unemployment?

The Hon. R.I. LUCAS: Certainly, although the Bannon Government has had 10 years and the Labor Government 20 years—so they tell us—to diversify our economic base in South Australia. The import of the interjection from the Hon. Mario Feleppa is that the promises made by Premiers Dunstan, Corcoran and Bannon have been a failure. The import of the interjection from the honourable member is that we are still a prisoner of the sort of specialist manufacturing base that we have in South Australia: also, the often claimed diversification of our industrial base about which Premier Bannon likes to talk has not proceeded.

The Hon. T.G. Roberts: We had a setback between 1979 and 1982 which put us back a few decades.

The Hon. R.I. LUCAS: The Hon. Terry Roberts says that, out of the past 25 years, it was the three years of Liberal Administration, between 1979 and 1982, that has caused all the problems in South Australia. Goodness gracious me, Mr Acting President: three years in two and a half decades, and the sins have been visited upon Premier Tonkin, and the Tonkin interregnum (as the Hon. John Cornwall would like to describe that three year period). I know that the Hon. Terry Roberts has his tongue firmly in his cheek, because he cannot get another phrase out at the moment by way of interjection. I know he certainly could not believe the interjection that he threw across the Chamber in jest.

In South Australia the difference is that we have as Treasurer a political mugger. We have a Treasurer who mugged South Australian business and king hit them in the last budget with a massive and grotesque 18 per cent increase in State taxes and charges. When one looks at the budgets of all the other Premiers, both Labor and Liberal, one sees that that 18 per cent figure king hit South Australian businesses much harder than the taxes and charges in the other States.

The simple economic fact of life for Premier Bannon, the Attorney-General (Mr Sumner) and others who struggle with economics and matters of finance is that, if taxes and charges are increased on business, businesses must reduce their costs in some other way. It is not possible for all business and industry to pass on to the consumer 18 per cent increases in the price of their product. We must start to use economists' terms because they all sound so much nicer and neater: those businesses will shed Labor or down size.

However, the simple brutal fact that ought to be of concern to members of the Left, such as the Hon. Terry Roberts and the Hon. Mario Feleppa, is that our constituency as members of the Legislative Council is being harmed when 20 000 jobs can disappear in just one month as a result of the policies that they support within their own Caucus and by way of their support for Prime Minister Hawke and Treasurers Keating and Kerin. I see from the Melbourne *Age* of the weekend that Kerin is now being described as the James Stewart of Australian politics.

The Hon. M.S. Feleppa: I suggest to you, Mr Lucas, that you cannot blame solely the policies of the Government at the moment. It is an economic effect and reality that have caused so much unemployment.

The Hon. R.I. LUCAS: The Hon. Mr Feleppa again makes a point with which I agree in part; that is, that the economic situation nationally and internationally is creating a major problem. We might have a dispute as to whether more national than international factors are involved, but let us leave that to one side. That does not explain why the situation in South Australia is so much worse than in New South Wales or any other State in Australia. It can explain why perhaps, if 80 000 jobs are lost in one month, we, for example, might lose 6 000 or 7 000 jobs because we represent about 8 per cent of the population of Australia and about 8 per cent of its labour force. Therefore, we ought perhaps to be about 8 per cent, or a little more because of the problems in relation to our narrow industrial base, but certainly it should be no more than between 6 000 and 9 000 jobs out of the 80 000 to 85 000 national job loss figure.

But why is the South Australian figure more than double what we would expect? The simple fact of life is that it must be something which is specific to South Australia, and what is specific to South Australia, as I indicated earlier, is that we have in Premier Bannon and the Bannon Government a financially incompetent Government and Treasurer—a Government that mugged or king hit business in its last State budget, as a result of which we have seen in the July labour force figures massive job losses in South Australia.

It is not just the State budget sin that we can visit upon the head of Treasurer Bannon. The other sin, under the general heading of financial incompetence, relates to the irresponsible election promises that Premier Bannon made prior to the last State election. I will repeat them briefly for the benefit of members. We saw $35 million promised for an interest rate relief package, because he saw, on the Sunday afternoon, that the Liberal Party had promised one and, like the little boy seeing a lolly in the lolly shop, he said, 'That looks good. I had better have one of those as well. $35 million. What the heck!' The free student travel scheme is now gravely in doubt, one would think. The most recent estimate of the cost of that scheme seems to be about $9 million a year.

There was also the curriculum guarantee promise that the Government made of $30 million to $40 million and the promise of an increase in rate funding that the Government made prior to the election. The Government made all those promises knowing two things. First, it had no idea at all how it was to pay for them. It had no idea at all what it was going to do on the other side of the budget book to try to balance the budget. It had no costed savings program. It did not have its equivalent of GARG, or the razor gang. It had no idea at all. Secondly, the Government knew that some of those promises, irresponsible as they were, were disposable and that soon after the election they would be ditched out of the window as not being worth the paper on which they were written.

In the space of 18 months all those promises have been broken: the interest rate relief scheme, the curriculum guar-

antee for schools and students, and the increases in health budget funding (we have seen in the last week a decrease of 1 per cent in the health budget). And it appears that promises of increased spending on police services for law and order are about to be broken. Even promises, like free student travel, must now in the context of the State budget, depending on which story one believes at the time, be in considerable doubt after that budget.

Let us look at the history of Premier and Treasurer Bannon in relation to the breaking of irresponsible election promises. There is no savings program. There is the scandal of the State Bank and its bail out. One has only to remember one figure from the State Bank—not the $1 billion of bad debts, not the $2.5 billion or perhaps higher of non-performing loans, but the simple fact that every year, to pay for the incompetence of Treasurer Bannon, we have to find an extra $100 million to $120 million in recurrent spending to pay for the $1 billion bail out. Every year we have to find $100 million to $120 million. If the *Advertiser* is correct that that bad debt figure has blown out to $1.5 billion, then we are looking at between $150 million and $175 million every year to pay for the incompetence of the State Government and the Treasurer in relation to the State Bank.

When the teachers received what the Government described as an unbudgeted for and unanticipated salary increase of $20 million to $30 million, the effect was the axing of 800 teaching positions in schools. When one looks at a figure which is perhaps six or even eight times as large as that, one sees the significance of the budgetary dilemma that Treasurer Bannon and his incompetence and the incompetence of the Bannon Government have got South Australian taxpayers into during this budget debate.

At the same time, when we talk about the suffering of South Australian families in relation to job loss figures, we can look at many other statistics. I will not bore members with the details. We can see that the inflation rate over the past 12 months is higher in South Australia, but there may be other figures which are good for South Australia and some figures which are bad. I want to highlight only one other quite stark figure which strikes at the heart of allegedly what this Labor Government both in Adelaide and in Canberra is meant to be about, and that is the notion of social justice. The reason for living of this Government in much that it does is allegedly social justice for all. I do not see much—

Members interjecting:

The Hon. R.I. LUCAS: I agree with it, but let me indicate how you are not delivering it. There is not much social justice, as the Minister would concede, in 20 000 extra jobless in one month. However, let us consider the seven years of the Bannon Government, comparing 1982-83 with 1988-89, the year for which the most recent taxation figures are available. These figures are produced by the tax office and they have been analysed by an economist from Macquarie University. Under the Bannon and Hawke Administrations in those seven years the rich in South Australia have got much richer and the poor have got much poorer. Quite simply and starkly, the rich have benefited.

The 1 per cent of the South Australian equivalents of the Connells, the Skases, the Bonds, the Eddie Kornhausers and the others whom Prime Minister Hawke likes to gamble, drink, talk or socialise with, have got richer. They have profited as a result of the policies of the Bannon and Hawke Governments. These taxation figures show that the top 1 per cent of taxpayers in South Australia have increased their share of the cake by 65 per cent. The bottom 20 per cent have decreased their share of the cake by 15 per cent. I seek leave to have incorporated into *Hansard* a statistical table on income distribution based on taxable income for the years 1982-83 compared to 1988-89.

Leave granted.

SOUTH AUSTRALIA
Income Comparisons 1982-83 and 1988-89
(based on taxable income)

% of taxpayers	% of total taxable income	
	1982-83	1988-89
top 1 per cent	3.86	6.34
top 5 per cent	12.64	16.34
top 10 per cent	21.37	25.33
bottom 50 per cent	30.77	27.57
bottom 40 per cent	22.03	19.44
bottom 20 per cent	8.43	7.18

The Hon. R.I. LUCAS: I could spend a lot of time on those figures, but I will not. I would be very happy to provide those figures to members of Caucus who are concerned, for use by them in Caucus committee debate, to try to highlight the problems of South Australian families and working class people who are suffering as a result of their Government's policies.

It is fine to have these glossy booklets, and we will see another one in the State budget called 'Social Justice'. We are spending 'X' millions of dollars on social justice. It has gone to such a ludicrous extent in relation to education that, if you happen to build a school in an area that can be remotely defined as a socially disadvantaged area, that is defined as increased social justice spending by the Education Department and by the Bannon Government. There may happen to be a new development in Hackham West, Hackham East, or Morphett Vale East, and the Public Works Committee might look at the matter if there is a new subdivision down there. If a new school must be built, then social justice spending increases in the Education Department by $3 million or $4 million that it might cost for a primary school in that area. Those two quite stark figures of the jobless and income distribution quite clearly indicate who is suffering in South Australia as a result of the economic policies of the Bannon Government.

The second area which I want to address briefly concerns the South Australian Certificate of Education. I noted that the afternoon newspaper is running a series of articles on the South Australian Certificate of Education, and I indicate on this occasion that the Liberal Party in South Australia has given general support for the introduction of that new certificate. There is certainly a need for broader curriculum offerings in our years 11 and 12, and for a much closer interface between schools within the Education Department, and with TAFE colleges under the control of the Department of Employment and Technical and Further Education. Whilst we give general support for this, there are many unanswered questions in relation to the implementation of the South Australian Certificate of Education.

Again, briefly, the certificate has been introduced in comparative haste; a lack of resources has been provided by the Government to schools and to teachers in trying to implement the new South Australian certificate, in particular in trying to analyse and provide advice to the Senior Secondary Assessment Board of South Australia (SSABSA) on its curriculum documents which it calls, for some bizzare reason, broad field frameworks and extended subject frameworks.

From my point of view, there are certainly still problems in the curriculum offerings at year 11 level, or at stage 1 of the South Australian certificate. I remain unconvinced about the need for the Government's notion that Australian studies be compulsory in year 11. As I indicated briefly on one occasion, the Liberal Party supports the notion that our

students should have a knowledge of Australian history, geography, and political and cultural systems, but the Education Department is already catering for that in a new compulsory curriculum offering, 'Common Knowledge', which is being offered to years 8, 9 and 10 students in all Government schools. In that subject area of Common Knowledge, all students will have to study Australian history, Australian geography, and Australian political and cultural systems. Indeed, that is proper and appropriate, and we support that notion.

However, Australian Studies is not what the name would suggest. Whilst there has been some change in the past three months in response to criticism that was made earlier this year, in essence it remains a subject of, I suppose, exploration of current issues—almost like politics, I guess. After a brief overview, students will pick two subjects. They may pick a subject like Aboriginal land rights or environment policy in Australia and they study those particular topics in detail. They may well know a lot about, say, Aboriginal land rights at the end of Year 11 Australian Studies, and about environment policy or poverty in Australia as part of their project work within the subject, but they will not have what many people thought they would have, namely, a grounding in the history of Australia and South Australia, a knowledge of its geography and all its political and cultural systems. Some or all of that, in particular the political systems, might be touched on through the project work that is done, but it is certainly not the essence of the subject known as Australian Studies.

One of the problems with having a compulsory subject like Australian Studies in Year 11 is that students at Year 11 will no longer be able to do two full units of mathematics. No longer will students be able to do Maths I and II at Year 11 if they wish to do so. We certainly do not support the view that all students ought to be compelled to do Maths I and II at Year 11, but if there are students who want to do two full units of mathematics then the system ought not prevent that. That is especially so when virtually every academic in the mathematics, engineering and science faculties of our universities is arguing that to reduce the amount of maths taught at Year 11 will be to the detriment of our schools and our students and, in the end, to the detriment of Australia's competitive position, as we try to train, to an internationally competitive level, engineers, scientists and mathematicians.

Concern also exists in relation to what is intended by the notion of measuring literacy at Year 11 and Year 12. Whilst that has not been fully resolved as yet, it would appear that students can re-submit, on any number of occasions, an attempt to pass the literary assessment during Years 11 and 12. Having failed once, twice, three times, four times or half a dozen times, eventually, through perhaps the garnering of skills or the persistence and wearing down of teachers and assessors, the student will achieve a satisfactory literacy measure.

There are a lot of unanswered questions in relation to how effective this supposed measure of literacy will be in the new South Australian Certificate of Education. There are many unanswered questions, but I indicate—as I said at the outset—that in general terms we support the South Australian Certificate of Education. A Liberal Government will not turn the certificate on its head in two or three years, but we will certainly review and monitor the South Australian certificate offerings. After consultation and further review, we will perhaps make decisions in Government as to whether there might need to be some further finetuning or refinement in some of these areas.

I now refer to the problems that we as South Australians face as a result of having a destabilised and divided Government in this State. I think that the Hon. George Weatherill hit the nail on the head when he said that people will not vote for divided or destabilised Governments. One only has to read the front page of today's *News*.

The Hon. Diana Laidlaw: What does it say?

The Hon. R.I. LUCAS: It says something like, ' "You've got it wrong, Hawke," says backbencher Keating'.

The Hon. Barbara Wiese interjecting:

The Hon. R.I. LUCAS: We can lead on to that because, as Minister Wiese would indicate, she supports the policies of Prime Minister Hawke and has always supported them. I guess what backbencher Keating is saying to Minister Wiese and to Prime Minister Hawke is that they have got it wrong and that there needs to be a reassessment of economic policy and direction. Australians will not vote for divided Parties. In South Australia we have, under Premier Bannon, a destabilised Government. We have a Premier who is under siege as a result of the State Bank and SGIC scandals, with the resultant effect on the budget, and we have a Premier who is also under siege from his own Party. As I have indicated before, we have already seen Ministers like Minister Rann and Minister Lenehan, and others, attempting to position themselves for future leadership of the Labor Party in South Australia when John Bannon is no more.

We already have backbenchers like Terry Groom openly positioning himself for a tilt at the position of Attorney-General under some future Administration. We see people in this Chamber, like the Hon. Carolyn Pickles and the Hon. Terry Roberts, casting a covetous eye on the Hon. Anne Levy's position as the representative of the Left in this Chamber.

The Hon. Barbara Wiese: News to us.

The Hon. R.I. LUCAS: It is news to Minister Wiese because she is not of that faction; she is of the Centre Left. Mark my words: come Christmas there will have to be, and there will be, a reshuffle of the Bannon Cabinet, because it is destabilised.

The Hon. G. Weatherill interjecting:

The Hon. R.I. LUCAS: The Hon. George Weatherill has a new suit on and he is looking very impressive on the back bench. Whilst I did not agree with the content of it, he had a nicely prepared speech and he is certainly attempting to position himself, again within that Left faction, for a tilt. I suspect that he still has to get his nose in front of the Hon. Ms Pickles or the Hon. Terry Roberts. But the infighting is real. The redistribution proposals were all controlled by the Centre Left of the Labor Party, involving people like Terry Cameron, John Quirke—one of the protégés of the Hon. Trevor Crothers and a man of almost equal substance—John Hill from the Labor Party office, the Centre Left organiser in that office and Alvan Roman in Mr Hopgood's office. The one member who was done in the eye by the Centre Left power brokers was poor old Terry Groom—because he happened to be a member of the Left and not a member of that ruling group. Because there are only 10 Lefties in the Caucus Terry Groom was done in the eye by the Centre Left.

Those proposals from Terry Cameron and company in relation to Hartley involved some of the most extraordinary map drawing exercises that I had ever seen in my life. We actually had the area of Centre Left Greg Crafter poking across Portrush Road and taking in parts of Payneham. The honourable Mario Fellepa would know this area well, as he lives in Hartley. This was to take areas from across Portrush Road into his area of Norwood. They left the two liberal

booths in Hartley, and Tranmere was left in Hartley. However, they actually poked poor old Terry's area across the North East Road to take in the old folks home in Aldersgate Village.

The rest of the area comprising Campbelltown and suburbs north of North East Road went to the other Centre Left power broker Colin McKee. He did all right out of the carve up but, instead of drawing the line along the North East Road, the boundary of Hartley went into a little indentation across the North East Road to take in the Aldersgate old folks home—the only strongly voting Liberal booth in the current Hartley electorate. They left it in the proposed Hartley electorate of Terry Groom. Terry Groom's margin had been slashed to about two per cent under Labor Party's proposals.

The Hon. T. Crothers: You have another crystal ball, do you?

The Hon. R.I. LUCAS: One only has to do the figures. The member for Hartley has done the figures and is very bitter about his treatment by the Centre Left and the power brokers in the Labor Party in relation to the redistribution proposals, because he was the only member harshly treated and in an unjust and inequitable way, if one looks at the proposed boundaries drawn up under Labor Party proposals. It is bad enough when one's political opponents do you in the eye, but when your own Party, and supposedly your own colleagues, do you in the eye in relation to a redistribution proposal it is a fair indication of the instability and in fighting that exists within the Labor Party Caucus.

It is further evidence of the seige under which Premier Bannon finds himself and, come Christmas and the New Year, we will see a ministerial reshuffle with heads of Ministers such as the Hon. Anne Levy well and truly on the plate and one or two other Ministers being offered early retirement packages, in a Parliamentary sense.

The Hon. C.J. Sumner: Who are they?

The Hon. R.I. LUCAS: We can certainly hope about some, but I expect that it will not be the Attorney-General at this stage. After 15 years of doing nothing the Attorney has been goaded into action because Terry Groom has been carrying the law reform packages from the other place and getting a lot of publicity in relation to small business, the Tenancy Tribunal, the laws of self-defence and privacy legislation. All this law reform is coming from a backbencher and not from the Attorney-General. In the past three to six months the Attorney-General suddenly said, I don't have any ideas myself; I will appoint Matthew Goode to be the *de facto* Attorney-General for the Labor Administration. He will come up with some good ideas.

The Hon. C.J. Sumner: This is the worst speech I have heard.

The Hon. R.I. LUCAS: You have not been here for most of it. When the Attorney retires to a cosy position with Victims of Crime, or wherever it is he wants to go, he will be able to point to at least some period of activity rather than the usual slumber and decay that has characterised his 10 to 15 years in Parliament. I support the motion.

The Hon. J.C. BURDETT: I too support the motion. I thank Her Excellency the Governor for her speech with which she has seen fit to open this session of Parliament, and, with respect, I congratulate Her Excellency on her appointment to this high office and I wish her well during the term of her appointment. I take the opportunity of reaffirming my allegiance to Her Majesty the Queen, which I have, now, previously sworn on three occasions in this Chamber. It is particularly pleasing to do this at a time when loyalty to the Crown seems not to be popular.

I join with Her Excellency in expressing regret on the death of the late the Hon. Ross Story. I have already spoken on the motion moved in the Council on opening day concerning his passing and I will not repeat that. I will just express my regard for the Hon. Ross Story and again express my sympathy to his widow, Mrs Sheila Story. I also join with Her Excellency in expressing regret to the families of the late Mr Geoff O'Halloran-Giles and the Late Mr Victor Springett.

As I have in the Address in Reply debate several times sworn allegiance to Her Majesty, I have also several times addressed the process of Parliamenary scrutiny of subordinate or delegated legislation (as it is variously described) and the balance between the Executive and the Parliament. I am aware that a Bill is to be reintroduced concerning the Parliamentery committee system and that that comprehends the role of the present Joint Committee on Subordinate Legislation as part of a broader committee. In the Bill which lapsed in the last session this was to be called the Legislative Review Committee. I am aware that in some other Parliaments the committee role on subordinate legislation is carried out by a sub-committee of a similar committee. I do not wish to pre-empt debate on this Bill should it be reintroduced in its previous or any other form (and I understand that it will be). I certainly do intend to speak on the Bill when and if it is reintroduced. When I refer to committee scrutiny of subordinate legislation I shall, for convenience, refer to the present mechanisms.

My intention now is to speak on the process of Parliamentary scrutiny of subordinate or delegated legislation. The Westminster system, however you like to interpret the term (and I acknowledge that it has been interpreted in different ways), is predicated on the doctrine of the seperation of powers. There is the Legislature, which makes the laws, the Executive, which carries out the law and attends to administrative matters, and the Judiciary, which adjudicates on the law in particular cases which are brought before it. Subordinate or delegated legislation, particularly in the form of regulations which are made by the Governor in Council on the advice of the Executive Council, are a sort of hybrid within the doctrine of the separation of powers. Subordinate legislation is legislation, and has the force of law just as much as the laws passed by Parliament. Breach of these regulations may carry heavy penalties and the effect of these regulations on individuals and corporations on the conduct of day to day life may be very substantial. The justification for the Executive exercising a legislative role is that it must be pursuant to a power delegated by the legislature in the form of an Act of Parliament.

Broadly speaking the power ought only to be given when the matters in question are too technical or too detailed or too subject to rapid change to warrant parliamentary time. But because these regulations are legislation and are as binding as Acts of Parliament they certainly should be subject to the scrutiny of Parliament. Parliament also ought to look carefully at the regulation making power in Bills. I suspect that we do not do this nearly enough. We ought to make sure that we are only delegating powers which come within the categories I have just mentioned and that we are not delegating powers that are too wide.

In previous address in reply speeches I have given examples of regulation-making powers that are too wide, and I do not propose to repeat them now. The classic and extreme example of a delegation of that sort of power going too far is the notorious Henry VIII clause when Parliament in the Statute of Proclamations gave that monarch the power to make, repeal or amend any law by proclamation. Unfortu-

nately, similar clauses (of which I will give examples in a moment) are still around, and Parliament must be wary of them raising their ugly head. There is still sufficient concern about such clauses for them to have been on the agenda of the third conference of Australian delegated legislation committees held in Perth on 21 to 23 May this year. Henry VIII clauses are still alive and well. Looking at other jurisdictions, the Soviet Parliament recently gave similar powers to President Gorbachev.

The power of Parliament to delegate stems from the absolute power of Parliament to do anything. Sir William Blackstone in his commentaries on the Laws of England at page 156 states:

> The power and jurisdiction of Parliament, says Sir Edward Coke, is so transcendent and absolute that it cannot be confined either for causes or for persons, within any bounds. It hath sovereign and uncontrolled authority in making, confirming, enlarging, restraining, abrogating, repealing, reviving and expounding of laws, concerning matters of all denominations, this being the place where that absolute despotic power which must in all governments reside somewhere is entrusted by the constitution of these kingdoms.

The conference to which I have referred was opened by the Hon. Mr Justice David Malcolm, Chief Justice of Western Australia. His subject was 'The limitations, if any, on the powers of Parliament to delegate the power to legislate'. He referred to Blackstone as saying, 'So long, therefore as the English Constitution lasts, therefore we may venture to affirm that the power of Parliament is absolute and without control.' Mr Justice Malcolm recounted as an example of the omnipotence of Parliament that the Parliament in England in 1750 enacted that certain days did not exist. The year 1752 lost 11 days in order to make the civil year accord more closely with the solar year. The Calendar (New Style) Act 1750—and I note in passing that I thought the term 'new style' was a modern term, but it seems to have been a buzz word in 1750—provided that the day immediately following 2 September 1752 should be 14 September 1752. As a result of the Act, the year 1751 was only 282 days long and the dates 1 January 1751 to 24 March 1751 inclusive never existed. There is thus no reason why Parliament, in its omnipotence, cannot delegate power to legislate. The powers of Parliament are no less now than they were then.

In the Federal area, the powers of the Commonwealth Parliament to delegate are restricted by the Commonwealth Constitution, and this has been upheld by the High Court in individual cases. State Parliaments, within their respective constitutions, have as ample powers to delegate as does the United Kingdom Parliament and, with the exception of entrenched provisions (and these do not apply to delegated legislation in South Australia), State Constitution Acts may be changed by a constitutional majority in both Houses. The Hon. Mr Justice Malcolm concludes:

> Consequently, it is at least strongly arguable that a State Parliament could now delegate to the Governor or Premier of the State the power to legislate by decree in relation to all matters within the legislative competence of the State.

Mr Justice Malcolm in his paper says that the Corporations (Western Australia) Act 1990 and the parallel legislation in the other States in sections 80 (1) and 88 incorporates a Henry VIII clause in that the relevant legislation in the form of a cooperative scheme law may be amended by regulation. Hence, if the regulations so provide, any provision of the relevant law amended by the Commonwealth, whether by regulation or otherwise, shall apply equally to amend that law as it applies in the States.

The Hon. Mr Justice Malcolm then refers to the practice both in the United Kingdom and in Australia that it is common for legislation to come into force on a date to be fixed by proclamation. He says that a number of instances can be found where legislation has never been proclaimed or specific provisions have not been proclaimed. In regard to South Australia this would be a masterpiece of understatement. I seek leave to have inserted in *Hansard*, without my reading it, a list which is purely statistical prepared by the Library Research Service of Acts or parts of Acts which in South Australia have been passed but not proclaimed.

Leave granted.

ACTS YET TO BE PROCLAIMED IN WHOLE OR PART

1982

No. 26 Justices Act Amendment
Assent 25 March 1982.
Proclaimed to commence 1.8.82 (Section 4 to be suspended to a date to be fixed), *G.G.* 15.7.82 p. 168.
This section was not proclaimed but it was to insert a new Section 5 (6) in the principal Act and this was done by Section 4 of Act No. 66 of 1983. The section dealt with Constitution of Courts of Summary Jurisdiction.

No. 63 Road Traffic Act Amendment
Assent 1 July 1982.
Whole to be Proclaimed—Not Proclaimed.
Repealed by 25 of 1989.
This Act had not been Proclaimed at the date of the reprint 16.1.89.

1983

No. 11 Transplantation and Anatomy Act
Assent 5 May 1983.
Proclaimed to commence 1.7.84; except Sections 33 and 34 which will come into effect on a date to be fixed, *G.G.* 17.5.84 p. 1160.
Sections 33 and 34 deal with schools of anatomy.

No. 25 Medical Practitioners
Assent 26 May 1983.
Proclaimed to commence 11.8.83; except Section 69 suspended to a date to be fixed, *G.G.* 11.8.83 p. 326.

No. 101 Stock Diseases
Assent 22 December 1983.
Whole to be Proclaimed.

1984

No. 51 Dentists Act
Assent 24 May 1984.
Proclaimed to commence 22.8.85; suspend Sections 40, 45-51 and 78 until a date to be fixed.
Commencement of Sections 40 and (45-51) 1.6.88, *G.G.* 26.5.88 p. 1332.
Section 78 has not been Proclaimed to commence.
This relates to Practitioners Carrying Indemnity Insurance.

No. 52 Controlled Substances
Assent 24 May 1984.
Suspend (Sections 3 (1), 12 (5), 12 (6), 12 (7), 13-29 inclusive) to a date to be fixed, *G.G.* 9.5.85 p. 1399.
Section 19 commenced 3.3.86, *G.G.* 27.2.86 p. 421.
Section 22 commenced 1.7.88, *G.G.* 19.5.88 p. 1246.
Section 21 commenced 9.2.89, *G.G.* 9.2.89 p. 354.
The following sections remain to be Proclaimed Sections 3 (1), 12 (5), 12 (6), 12 (7), 13-18, 20, 23-29.

No. 59 Environment Protection (Sea Dumping)
Assent 31 May 1984.
Whole to be Proclaimed.

No. 95 Equal Opportunity
Assent 20 December 1984.
Proclaimed to commence 1.3.86; except Sections 42 Subsection 2 (3) (B), 12, 89, 101, Division VI of Part III, Division VI of Part IV, Division VI of Part V, *G.G.* 5.12.85 p. 1690.
Division VI of Part IV, Division VI of Part V and Section 89 came into operation 1.6.86.
Sections 12, 42, 101 and Division VI of Part III had not been brought into operation at the date of this reprint, that is, 1.8.90.

1985

No. 13 Local Government Act Amendment Act 1985
Assent 14 March 1985.
Proclaimed to commence 14.3.85; except (Sections 5, 15 and 44), *G.G.* 14.3.85 p. 624; Sections 5 and 15 came into operation 4.5.85, *G.G.* 14.3.85 p. 624.
Section 44 has not been brought into effect.

No. 55 Road Traffic Act Amendment
Assent 30 May 1985.
Proclaimed to commence 1.7.85; suspend the operation of Section 10 until a date to be fixed by Proclamation,

G.G. 20.6.85 p. 2182.
Section 10 had not been brought into effect at the date of the reprinted Road Traffic Act 1961 which was 16.1.89.
Section 10 requires certain offenders to attend assessment clinics.

1986

No. 15 Travel Agents Act
Assent 20 March 1986.
Proclaimed to commence 23.2.87, *G.G.* 12.2.87 p. 294 (suspending Sections 5, 7, 11, 21, 22, 23 and 24 until Proclaimed).
Commencement of Sections 7 and 11, 1.7.87, *G.G.* 7.5.87 p. 1204.
Sections 5 and 21-24 not brought into effect but Act No. 73 of 1988 amended Sections 20-24.

No. 28 State Lotteries Act Amendment
Assent 20 March 1986.
Whole to be Proclaimed.

No. 83 Education Act Amendment
Assent 4 December 1986.
Proclaimed to commence 1.12.87; except Sections 25 and 26, *G.G.* 22.10.87 p. 1176.

No. 93 Commercial and Private Agents Act
Assent 4 December 1986.
Proclaimed to commence 19.2.89; except Sections 38 and 40 to a date to be fixed by subsequent Proclamation, *G.G.* 16.2.89 p. 443.

1987

No. 14 State Emergency Service Act
Assent 9 April 1987.
Proclaimed to commence 1.1.88; suspend Section 18 until a date to be fixed by subsequent Proclamation, *G.G.* 23.12.87 p. 1916.
Section 18 applies the Workers Compensation Act 1971 to volunteer emergency officers.

No. 34 Marine Act Amendment
Assent 23 April 1987.
Whole to be Proclaimed.

No. 36 Public and Environmental Health Act
Assent 23 April 1987.
Proclaimed to commence 7.12.89; suspend Sections 7, 13-29, 39 and 44; Clauses 2 *(b)*, *(c)* and *(f)* of 3rd Schedule and that part of 3rd Schedule that repeals Noxious Trades Act, *G.G.* 7.12.89 p. 1700.

No. 37 Statutes Amendment (Public and Environmental Health) Act
Assent 23 April 1987.
Proclaimed to commence 7.12.89; suspend Sections 4-11, 13-45, *G.G.* 7.12.89 p. 1700.

1988

No. 12 Aboriginal Heritage Act
Assent 17 March 1988.
Proclaimed to commence 1.3.89; suspend provisions of Schedule 1 which repeals original Aboriginal Heritage Act 1979, *G.G.* 9.2.89 p. 354.

No. 39 Workers Rehabilitation and Compensation Act Amendment Act
Assent 28 April 1988.
Proclaimed to commence 17.10.88; suspend Sections 18, 19 *(a)*, 22 *(a)* and Section 58b (see Section 15 of the Workers Rehabilitation and Compensation Act Amendment Act 1988) until a date to be fixed by subsequent Proclamation, *G.G.* 6.10.88 p. 1236.
Proclamation fixing 1.1.89 as the day on which Section 58b of the Workers Rehabilitation and Compensation Act 1986 will come into operation, *G.G.* 15.12.88 p. 2010.

No. 48 Opticians Act Amendment
Assent 5 May 1988.
Whole to be Proclaimed.

No. 87 Firearms Act Amendment
Assent 1 December 1988.
Whole to be Proclaimed.

No. 97 Statutes Amendment (Workers Rehabilitation and Compensation Act)
Assent 15 December 1988.
Section 11 remained.
Proclaimed to commence 5.12.88; suspend Sections 1-8 until 15.12.88; suspend Sections 9 and 10 until 1.1.89; suspend Section 11 to a date to be fixed, *G.G.* 15.12.88 p. 2009.
Section 11 substitutes Section 18 in the Workers Rehabilitation and Compensation Act Amendment Act 1988.

1989

No. 38 Country Fires Act
Assent 4 May 1989.
Proclaimed to commence 18.9.89; suspend Section 75 (2) *(g)*, *G.G.* 14.9.89 p. 866.

No. 51 Pastoral Land Management and Conservation Act
Assent 7 September 1989.
Proclaimed to commence 6 months after Assent; except Section 12 (2) to (8) which are to come into effect on the 6th Anniversary of the commencement of the Act.

No. 60 South Australian Health Commission Act Amendment Act
Assent 26 October 1989.
Whole to be Proclaimed.

1990

No. 15 Aged and Infirm Persons' Property Act Amendment
Assent 12 April 1990.
Whole to be Proclaimed.

No. 17 Coroners Act Amendment
Assent 19 April 1990.
Whole to be Proclaimed.

No. 23 Statute Law Revision Act 1990
Assent 26 April 1990.
6th Schedule yet to be Proclaimed.

No. 25 Equal Opportunity Act Amendment
Assent 26 April 1990.
Proclaimed to commence 24.5.90; except suspended Sections 3-6 and 8, *G.G.* 24.5.90 p. 1404.

No. 29 Controlled Substances Act Amendment Act (No. 2)
Assent 26 April 1990.
Whole to be Proclaimed.

No. 34 Marine Environment Protection Act
Assent 25 October 1990.
Proclaimed to commence 8.11.90; suspend all provisions except Part III (Sections 8-13 inclusive) until a date to be fixed, *G.G.* 8.11.90 p. 1452.

No. 50 Statutes Amendment (Shop Trading Hours and Landlord and Tenant Act)
Assent 22 November 1990.
Proclaimed to commence 22.11.90; except Section 11 to come into operation 3 years after Section 10 comes into operation, *G.G.* 22.11.90 p. 1581.

No. 52 Road Traffic Act Amendment Act (No. 2)
Assent 22 November 1990.
Section 11 to be Proclaimed.
Other sections 5 and 13 came into effect on assent; the remainder 1.1.91; except Section 11, *G.G.* 20.12.90 p. 1844.

No. 57 Fences Act Amendment
Assent 29 November 1990.
Whole to be Proclaimed.

No. 58 Landlord and Tenant Act Amendment (No. 2)
Assent 29 November 1990.
Proclaimed to commence 11.3.91; suspend Sections 7, 10, 11 and 17 to a date to be fixed, *G.G.* 28.2.91 p. 693.

No. 62 Stock Act
Assent 6 December 1990.
Whole to be Proclaimed.

No. 68 Building Act Amendment
Assent 20 December 1990.
Proclamation to commence 7.2.91; suspend Sections 15 and 19 to a date to be fixed, *G.G.* 7.2.91 p. 366.

No. 69 Local Government Act Amendment
Assent 20 December 1990.
Whole to be Proclaimed.

No. 71 Land Acquisition Act Amendment
Assent 20 December 1990.
Whole to be Proclaimed.

No. 73 Trustee Companies Act Amendment
Assent 20 December 1990.
Whole to be Proclaimed.

No. 74 Land Agents, Brokers and Valuers Act Amendment
Assent 20 December 1990.
Whole to be Proclaimed.

No. 81 Secondary Assessment Board of South Australia Act Amendment
Assent 20 December 1990.
Whole to be Proclaimed.

No. 85 Building Societies
Assent 20 December 1990.
Whole to be Proclaimed.

The Hon. J.C. BURDETT: The Hon. Mr Justice Malcolm says:

This could be characterised as effecting a repeal of the legislation by administrative action.

This phenomenon is a gross intrusion by the Executive Government into the legislative area contrary to the doc-

trine of separation of powers. The list which I have incorporated is extensive, covering five pages. It was prepared as at 8 March 1991 and may well now be out of date. I commissioned its preparation well before the date of the Perth conference. I have been concerned about this Executive intrusion into the legislative role of Parliament for some time. I believe that when Parliament passes an Act, as soon as regulations can be brought into effect or the necessary machinery is attended to, it ought to be brought into operation. As will be seen from the extensive list that I have incorporated in *Hansard*, there are very many cases—

The Hon. Diana Laidlaw: How many cases?

The Hon. J.C. BURDETT: There are five pages of them—where important matters have been passed by this Parliament and either whole Acts or parts of them have never been brought into effect. Perhaps that is something that in future we ought to take into account when passing Acts in this Council and in the other place. Often we do not worry about looking at the provisions stating that an Act or parts of it shall come into force on a date to be proclaimed. We ought perhaps to look at that situation and do what has been done on some occasions and provide in an Act that it will come into force on such and such a date or on such earlier date as may be proclaimed so that there is no possibility of its never being proclaimed. Very often, busy as we are, we do not look at these things and we do not realise that Acts that have been passed never come into effect.

Another matter I wish to raise (and I have addressed this before) is the position that the Parliament cannot disallow one or more in a series of regulations and cannot amend regulations. The opposite applies in some jurisdictions. It would also be preferable, as in some jurisdictions, that regulations do not have the force of law unless approved by the Parliament within a specified period. I intend to introduce a Bill to this effect and will not debate these issues further at this time.

I just raise one further short matter. The Administrative Review Council was present at the Perth conference as observers. I must admit that I had not known much about this organisation. Its representatives contributed constructively to the conference. The council was established under the Commonwealth Administrative Appeals Tribunal Act 1975 to monitor the scope and operation of the Commonwealth's administrative review package and to provide advice to the Government about it and on administrative law generally. If any members of the council are interested I have a paper on the Administrative Review Council which I would be pleased to make available to them. I support the motion.

The Hon. DIANA LAIDLAW: I, too, support the motion. I thank Her Excellency the Governor for the speech with which she opened the third session of the Forty-Seventh Parliament. I am not too sure about the protocol involved in making reference to Her Excellency. However, I shall take my guidance from the Hon. Mr Crothers, who I am sure checked out this matter. I express not only my personal delight but also the collective pleasure of all in this Chamber at our being so fortunate to have a woman as Governor of this State—indeed, the first woman to do so in this State or in Australia. As I have been privileged to know Her Excellency in various other capacities over the years, I have no doubt that she will bring much credit to the position and much pleasure to the many South Australians whom she will meet during her period of office.

I make only one reflection, Mr President—and perhaps it is a matter that you, in consultation with Her Excellency, may be able to attend to in the future. It was apparent to me that some change must be made to the lectern arrangement in this Chamber. Members may recall that, when Her Majesty the Queen visited the United States and was interviewed outside the White House, a great deal of comment was made about the fact that she was just a talking head because all the microphones were in her face and the public could not see her. I believe the same could be said about the opening of Parliament last Thursday. It would be excellent if a new arrangement could be made for the present lectern.

It is with great disappointment that I note that Her Excellency's speech at the opening of this Parliament did not make any reference to the arts. Perhaps I should not have been totally surprised by that because the speeches opening Parliament on the past two occasions have not made references to the arts. I think this is a very sad reflection on a State that claims to be the Festival State, the premier State in the arts, with the premier festival. Certainly, we all have festival number plates unless we wish to purchase different plates or have some other means by which to do so.

I would have thought that, as a major effort is being made Australia wide to promote an understanding of the economic benefits of the arts and cultural activities generally to Australia—and South Australia in particular—that reference, at least, could have been noted by the Government on behalf of the Government when opening the Parliament.

The fact that there is no reference to the arts in this speech should not disguise the fact that considerable turmoil exists within the arts in the community at large. I do not think that there is one area of the arts today that is not the subject of review or under a cloud following some review. The regional arts trusts are the latest to be reviewed by the Hon. Ms Levy as Minister for the Arts and Cultural Heritage. Considerable turmoil exists in country areas about the nature and motivation of this inquiry. A belief is held that the Government has a hidden agenda to ensure that there is more funding in the local community in the future at a time when services are generally being cut to country areas, when local councils are being asked to pick up the cost of more and more services and when the rate base of rural communities, namely, small businesses generally, cannot be asked to contribute more to council activities to enable them to maintain their own services, let alone take on additional services. I would hate to think that the arts in country areas were undermined in the short term and long term as a consequence of some hidden agenda to return more and more funding to local government, because it is just unrealistic to believe that that is a feasible option.

There is also turmoil in our major companies. There has been much speculation that funding cuts in the arts will be between 10 per cent and 15 per cent. However, my latest advice is that those cuts may not be so extreme this year, but that all the companies are on notice for substantial cuts the following year. On top of this, the Minister, out of some fit of pique, wrote to these major organisations—the Australian Dance Theatre, the South Australian Theatre Company and the State Opera Company—indicating that she would insist that her observer (essentially a spy) be placed on the board at all future monthly meetings, not with any voting rights or discipline in terms of responsibility to the Act or the code but merely as an observer or a spy.

I was most agitated when I learnt about this proposal, as I know were the boards of those major companies. In each instance, the Minister has the right, or has been asked, to appoint the majority of members on all those companies. To suggest now that she would also require a departmental officer to sit in on those meetings as though in judgment

of the board members that she, herself, has appointed is a damning indictment on her appointees and of her own judgment.

I am pleased to hear that a new compromise arrangement has been proposed and accepted; that is, that such an observer will meet with the board and sit in on board meetings on a three-monthly basis. I suppose that does save face for the Minister, although I am not sure what it will achieve essentially—maybe companies will structure their board meetings specifically to take account of the fact that an observer will be on the board, but with no allegiance to the board or the company.

When I was fortunate enough to work with a former Minister for the Arts, the Hon. Murray Hill, I recall that no suggestion was ever made that we needed to make extraordinary efforts to maintain contact and accountability amongst the Minister, the department and specific companies. I suspect that this was, in part, because the Hon. Murray Hill was a respected Minister. Frequent contact was made on a formal and informal basis; he made sure that contact was made; and he was demanding in terms of his expectations and questions of the companies concerned. All those companies lived up to those expectations and no suggestion was ever made that the Minister would need spies on that board.

The very fact that this is proposed indicates that the Minister has lost respect within the arts community if she believes that she has to go to these extraordinary lengths to gain accountability and to understand what is happening within these companies. It may be, as some have speculated, that she has been misled by her new Director of Arts and Cultural Heritage. I suspect there may be some basis for that allegation.

There are difficulties with the operations of Tandanya and the South Australian Film Corporation. Tandanya is the subject of a report by the Auditor-General. The South Australian Film Corporation is certainly under close scrutiny arising from a report earlier this year by KPMG Peat Marwick. I mention those few major organisations as areas of concern in the arts. It is sad to think that there was not one positive thing about the arts that the Government could say in the Governor's speech, let alone reflect on some of the changes that are being planned and are under way in the arts at present.

Tourism gained a mention in the Governor's speech. It was a short passing reference essentially to the past rather than to the future, and it was in the following terms:

> Tourism continues to be one of the most consistent growth industries in the world and has been identified by my Government as a key contributor to South Australia's future. The recently released third phase of the State's Tourism Plan, for 1991 to 1993, provides a strategic framework for realistic tourism growth.

By contrast to that rather motherhood statement about tourism, I refer to the Governor's speech when opening the second session of this Parliament. At that time the Government saw fit to refer in specific detail to increases in tourism spending in this State, to the value of tourism projects both under construction and/or in the planning stage and to general management issues concerning the environment and tourism expansion. I am sorry that it was not possible or it was not seen fit in this Governor's speech to update the figures provided on the last occasion. It is important at all times to pay close attention to what is happening within tourism, because the Government has designated it as a key area for future growth, and the Liberal Party would certainly endorse that assessment. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

SESSIONAL COMMITTEES

The House of Assembly notified its appointment of sessional committees.

ADJOURNMENT

At 5.25 p.m. the Council adjourned until Wednesday 14 August at 2.15 p.m.