LEGISLATIVE COUNCIL

Tuesday 17 August 1993

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)—

Disciplinary Appeals Tribunal—Report, 1992-93.
Supreme Court Act 1935—Rules of Court—
Commonwealth Compatibility with Service and Executions of Process Act.
Corporations—Various.
Regulation under the following Act—
Criminal Injuries Compensation Act 1978—Crown Solicitor Notification.

By the Minister of Transport Development (Hon. Barbara Wiese)—

Regulations under the following Acts—Marine Act 1936—Survey Fees.
South Australian Health Commission Act 1976—Compensable and Non-Medicare Fees.

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

Corporation of Renmark—By-law No. 3—Poultry.

By the Minister of Consumer Affairs (Hon. Anne Levy)—

Regulation under the following Act—Births, Deaths and Marriages Registration Act 1966—Additional Information—General.

QUESTION TIME

PUBLIC SECTOR SPEAKING ENGAGEMENTS

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Attorney-General a question about public sector speaking engagements.

Leave granted.

The Hon. R.I. LUCAS: Last Thursday I asked the Attorney-General whether he could confirm statements by the Commissioner for Equal Opportunity, Mrs Tiddy, that fees for speaking engagements by some public servants would be charged from 1 July 1993, and, if so, which category of public servants or officers would charge and what revenue the Government expects to obtain from such practices. The Attorney-General replied that he was aware that the Commissioner had 'the obligation to try to ensure that funds from outside are earned by her commission, but I was not aware that this was her particular way of doing it'. Earlier in his reply, the Attorney had said the suggestion that public servants should charge for such speaking engagements 'does not sound like a very bright idea to me'. Mr President, as we know, while it might not have been a very bright idea, it was actually approved by the Attorney-General. On Friday, Mrs Tiddy—

The Hon. C.J. Sumner interjecting:

The Hon. R.I. LUCAS: The Attorney is disagreeing with the Commissioner for Equal Opportunity by way of interjection.

Members interjecting:

The Hon. R.I. LUCAS: Well, let him say so in the House then. On Friday, Mrs Tiddy went on radio and stated clearly that not only had the Attorney-General known of the proposal to charge fees but also in fact approved the plan. The Attorney, in a subsequent press statement, admitted:

> Cost recovery measures were included in the Equal Opportunity Commission's budget management plan which formed part of the budget.

He went on to say that the commission's budget estimated that it would:

> . . . recover $5 000 for the 1993-94 financial year for consultations, training programs and speeches which are currently provided to the public, private, local government and community sectors free of charge.

The Attorney also directed Mrs Tiddy not to charge 'ordinary community groups' (whatever that means), which seems quite incredible given that the commission's budget management plan talks of 'community sectors' being charged. In the *Advertiser* on Saturday, the Attorney also was quoted as saying that there was no general Government policy of charging for public servants to speak, but departments were encouraged to recoup the cost of public servants speaking at conferences and seminars.

Whilst considering this question of whether the Attorney-General has misled the Legislative Council, it should be noted that only last week the Attorney had to concede that he had misled the Council when he said he had no involvement with the issue concerning defamation of the Electoral Commissioner. My questions to the Attorney-General are as follows:

1. As a result of the Attorney-General's inquiries, has he determined how many Government departments and authorities are planning to raise revenue by charging for guest speaking appearances of public servants and officers and, if so, what are the bodies names and how much is each expected to raise in 1993-94?

2. Can the Attorney-General indicate what he understood when he read the section of the budget management plan which indicated that revenue would be collected for 'speeches which are currently provided to the public, private, local government and community sectors free of charge', and is it true that he signed a document approving this proposal?

3. Will the Attorney-General indicate whether it was incompetence, negligence or deliberate intent that led him to mislead the Legislative Council last Thursday in response to my question?

The Hon. C.J. SUMNER: First, an allegation that a member has misled the Parliament is in breach of Standing Orders unless it is made on a substantive motion. But in answer to the last question: it is none of those things. The answer that I gave last week was substantially correct. I do not believe that I misled the Parliament. People may have a different view about that, I suppose. If they want to they can express it by way of a substantive motion. But, certainly, I do not believe that I misled the Parliament in what I said last week.

I made it clear, as has been quoted, that the Commissioner for Equal Opportunity did have an obligation to explore ways of bringing in funds to her office. It is a paraphrase of what I said. I said, to use a direct quote, 'I do know that the Commissioner for Equal Opportunity has the obligation to try to ensure that funds from outside are earned by her commission, but I was not aware that this was her particular way of doing it.'

The Hon. R.I. Lucas: But you were.

The Hon. C.J. SUMNER: Well, I wasn't, Mr President.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Apart from the budget plan to which Miss Tiddy referred—and the honourable member has already referred to that—it included a section about recovering

$5 000 for 1993-94 for consultations, training programs and speeches, which are currently provided to the public, private, local government and community sectors free of charge. That was in the budget plan presented by the Commissioner for Equal Opportunity. There is no document signed to that effect and in fact the—

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: As part of the budget plan; I did not specifically approve of it by signing a document which said, 'That is it.'

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order, the Hon. Mr Lucas!

The Hon. C.J. SUMNER: But I was informed of the general nature of the plan, and that is what I said in the Parliament last week, namely, that there was an obligation on the Commissioner for Equal Opportunity to raise money for the services that she provided. I said that last week; there was not any doubt about that. I said it twice in the Council last week . What I was not aware of was that she intended—or it is alleged that she intended—to charge for speeches to ordinary community groups. That aspect of it certainly was not drawn to my attention specifically.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: It was in the statement—

The Hon. R.I. Lucas: Did you read it?

The Hon. C.J. SUMNER: It was in the statement and I take responsibility for it. But the specific details of charging—and figures of $100 for speeches and $1 000 for seminars were bandied about—were certainly not placed before me. I was not advised of the specific details of the cost recovery plan that was included in that budget management plan.

They simply were not drawn to my attention. I have been informed by the Commissioner for Equal Opportunity that since 1 July 27 speeches have been given. Of these, cost recovery charges were made for only eight, all of which formed part of training programs that met the requirements of a structured training program under the Training Guarantee Act and none of which were presented to community groups. No charges were made for the remaining 19 speeches, of which five were presented to community groups or disability support organisations and one to a service club.

So, since 1 July the charging has been for what I think is legitimate and what I think I said last week was part of what was envisaged, and that is training programs. I said in response to media inquiries last week that, in some circumstances, it is reasonable for the Commissioner for Equal Opportunity to charge for seminars and training programs. The Department of Labour, for instance, puts on occupational health and safety seminars for the private sector and other Government departments. I think it is reasonable—and I would not have thought that members opposite would argue about this—that charges be levied by the public servants who put on those seminars and training programs. Of course, the money received from those goes not to the public servants personally but into general revenue, and I would have thought that members opposite would support that.

So that is the position. I cannot answer the first question that the honourable member asked—I am not sure that I could get that information in any event.

The Hon. R.I. Lucas: Your office made inquiries of all other departments on Friday.

The Hon. C.J. SUMNER: I do not think that is right; I think that is a figment of the Leader of the Opposition's imagination. I certainly gave no instructions for anyone to ring around.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: I do not think I have to because I am pretty sure—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order! The honourable Attorney.

The Hon. C.J. SUMNER: I do not know. I discussed the matter with the Commissioner for Public Employment as to whether or not in his view there was a general Government policy. He said that there is no policy for charging for speeches as such but that agencies are encouraged—and this is what I said last week—to cost recover in appropriate circumstances for seminars and training programs or, in some circumstances, for speeches, where appropriate. However, it is not appropriate, in my view—and I said this last week—for Government agencies to charge for ordinary speeches to ordinary community groups that they should carry out as part of their regular functions. That is, in fact, what I said last week: I did not think it was a bright idea; I still do not think it is a bright idea to charge for speeches in those circumstances.

That is the general position, but there is another general position which says that, where possible, if Government agencies can cost recover for the provision of services in the nature of training seminars and the like—and that could include some speeches—then the Government believes that that is a legitimate thing to do.

LEGAL COSTS

The Hon. K.T. GRIFFIN: My questions are to the Attorney-General, as follows:

1. Is the Attorney-General or the Crown Solicitor handling proceedings issued against the former Premier, Mr Bannon, and, if so, will he indicate the nature of those proceedings and the basis upon which the Crown is handling them for Mr Bannon? Alternatively, is the Government paying Mr Bannon's legal costs in any matter where proceedings have been issued against him?

2. Is the Government acting for or paying costs for any Minister or former Minister in respect of legal proceedings and, if so, is he able to give particulars?

The Hon. C.J. SUMNER: If the honourable member could point me in the right direction perhaps I could answer the question, but it is an at-large question, and obviously I do not imagine that the honourable member would expect me to be able to answer the question without taking it on notice. Certainly, I can have the matter examined if the honourable member has in mind an idea as to what the circumstances are, where this is occurring—

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: I would not necessarily know that Mr President. I do not act as a commissar who sits over the activities—

The Hon. K.T. Griffin interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The Crown Solicitor carries out his duties as the solicitor for the Government. It does not mean that I get involved in everything that the Crown Solicitor does or every course of every proceedings, Mr President, in which the Government gets involved. I do not necessarily know immediately or get involved. The Crown Solicitor is there to act as the solicitor for the Government. Obviously if there are issues of policy, issues where my involvement is necessary in advice to Cabinet or in the direction of particular proceedings, then I have the overall responsibility for them. But it does not mean that on a day to day basis I know every proceeding that

is issued against people in Government, although I would expect matters involving Ministers and former Ministers to be drawn to my attention at some point in time.

However, I am happy to examine whether or not there are any such matters. If there are any relating to the present member for Ross Smith, it would not be illegitimate, in any event, for the Government to act in relation to those proceedings if it related to actions that occurred when the member for Ross Smith was the Premier and a Minister in the Government, and I would not expect the Hon. Mr Griffin would disagree with that—

The Hon. K.T. Griffin: In his ministerial capacity.

The Hon. C.J. SUMNER: Sure; that is right. If he was sued or the subject of proceedings when he was a Minister, then one would expect that representation by the Crown Solicitor to continue after he had retired, and that would apply to any situation where there was a change in ministry or, indeed, a change of Government. It would be chaos if a new Government came in and decided to dump the previous Government in relation to proceedings that might have been taken against those people legitimately acting within their ministerial portfolios. I do not know personally of the proceedings, Mr President, to which the honourable member may be referring. There may be some, and I will certainly check and bring back a reply.

HINDMARSH ISLAND BRIDGE

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Minister of Transport Development a question about the Hindmarsh Island bridge.

Leave granted.

The Hon. DIANA LAIDLAW: In evidence to the Environment, Resources and Development Committee last Wednesday, Mr Bernie Lindner, Assistant Under Treasurer, Infrastructure and Asset Management, stated:

> The possible legal implications for the Government were also borne in mind if it was decided to simply pull out of the bridge and not proceed with it.

Later, following questions as to whether or not Westpac was likely to initiate legal action, Mr Lindner said:

> Yes, that was considered to be the key issue.

These startling revelations confirm what I and many others who have followed the Hindmarsh Island bridge saga have suspected for so long: that is, that in 1991 the Government agreed to use taxpayers' funds to build the bridge in order to bail out Binalong Pty Ltd following moves by Partnership Pacific, a subsidiary of Westpac, to cease funding the marina project, and that subsequently Westpac has had a hold over the Government. At no time, however, over the past 18 months has the Minister or the Premier had the courage or the integrity to tell the Parliament or, in fact, the people of South Australia, through various media reports, the whole truth of why the Government has been so determined that this bridge to Hindmarsh Island be constructed. We have at all times been given half truths.

In fact, Mr Lindner's evidence reveals that the Minister and the Premier have deliberately misled Parliament by withholding critical information about the reasons why the Government decided in 1991 to pay up front the full cost of this bridge. It is important in this regard to remember that, in 1989, the Government on two occasions refused representations from the council to make some contribution towards the cost of this bridge. My questions are as follows:

1. Is the Minister now prepared to confirm, as Mr Lindner has, that the key reason why the Government agreed in late 1991 to fund the full cost of the bridge to Hindmarsh Island was concern that Westpac would sue the Government if it failed to ensure the bridge was built?

2. Why have the Minister and the Premier refused to reveal to date the legal implications for the Government if it did not proceed with the bridge?

3. Will the Minister say what was the Crown Solicitor's advice to the Government about the nature and extent of the legal action that Westpac could take in this matter?

4. Following Mr Lindner's evidence to the ER&D Committee, is the Minister prepared to table in this place, or to ensure that the ER&D Committee receives copies of, the advice from the Crown Solicitor following his examination of the legal implications for the Government, plus all letters exchanged between the Government and Westpac relating to Binalong Pty Ltd, Partnership Pacific and the bridge project and, if not, why not?

The Hon. BARBARA WIESE: The honourable member is quite incorrect in suggesting in this place that the main reason for the Government's decision to fund the bridge up front with contributions being made later was that there was a possibility of legal action from Westpac.

The Hon. Diana Laidlaw: That is what Mr Lindner said.

The Hon. BARBARA WIESE: It may have been a key issue in his mind, but he does not sit in Cabinet, and I do.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order! The Hon. Ms Laidlaw will come to order.

The Hon. BARBARA WIESE: I can assure members that a range of issues were considered by Cabinet before it made the decision to provide initial funding for the Hindmarsh Island bridge with money coming later from Binalong and the Port Elliot and Goolwa Council. There were a number of issues, one of which was the Crown Law opinion that there may be grounds for litigation should the Government not proceed with the bridge. That was one issue amongst a range of issues. But there has never been any legal action threatened by Westpac in this matter, and it is important to note that. The other issue that was taken into consideration by the Government was the financial information that was presented—

The Hon. Diana Laidlaw interjecting:

The Hon. BARBARA WIESE: Would you like to hear the answer, or do you want to give it?

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order! The Hon. Miss Laidlaw will come to order

The Hon. Anne Levy: She asks the question but does not want the answer—she never does.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order! Let us get one thing straight. I am not hard in the Chair and everyone gets a chance for a supplementary question, and there is plenty of time for questions in the proper manner. The interjections across the Chamber are doing nobody any good. I would ask Miss Laidlaw to cease interjecting. The honourable Minister.

The Hon. BARBARA WIESE: The other issue that was taken into consideration by the Government was the financial information that was presented to Cabinet about the cost of building a bridge and the information that was provided with respect to other options that may be available in this matter. As I have stated on numerous occasions in this place and in media interviews, and other members of the Government have done likewise, the financial proposition being presented to us

was a favourable one for the Government. It was in our interests to pursue the building of a bridge rather than carrying on with an inadequate ferry service which at some stage in the near future would have to be upgraded.

The second point that was very important in the decision that was taken by the Government was that, by providing initial funding for the development of the bridge, we would be assisting in facilitating a key development in a regional location which would benefit as far as its local economy was concerned should this development go ahead. It would mean that there would be more housing development, that jobs would be created for people who would be involved in the development and that jobs would be created for people in the local area who would be able to provide services both to the development and to residents, once that development took place.

So, there was an opportunity for the Government, at very little cost, to facilitate a development. It is the sort of thing that Governments around Australia do on a regular basis. There is a provision very often of financial support by way of infrastructure development, in particular, which enables other development to take place. In this case, after planning approval was given to Binalong to proceed with its development, the original proposal from Binalong was that it would build the bridge. As I have indicated here quite openly on numerous occasions, the financial downturn in the economy led to Binalong getting into financial difficulty. It came to the Government, it came to the Premier's Department, and put an alternative proposition that if initially the Government were to fund the bridge it would undertake to pay back money later.

The Government, using information that was given to it by independent consultants and by members of Treasury, resolved that it was a good financial proposition for the Government and for taxpayers and that we should proceed, notwithstanding the fact that there may be grounds for litigation—and we do not know even if there are—if we were not to proceed with the bridge. But our assessment was that there were no good reasons why we should not proceed with the bridge. So, in effect, that is irrelevant as a consideration, because we believed that the bridge proposition was something that we should proceed with in any case.

As I have indicated subsequently, a revision of the financial situation and a revision of the assessments for the building of the bridge as opposed to carrying on an inadequate ferry service that have been undertaken more recently have demonstrated that the position is even more favourable now than it was at the time when the Government took that decision. Over the past 18 months or so the economy has continued to decline, unfortunately, and interest rates have dropped and it means that the proposition is even more favourable as far as the Government is concerned, and it is cheaper to have a bridge than it is to upgrade the ferry. I have presented that information; it is publicly available, and it is the key information upon which Cabinet based its decision. I repeat: I sit in Cabinet, and I took part in the discussions on this matter. Mr Lindner, whatever his view might be of the matter, was not in Cabinet and does not know the basis upon which ultimately the Government took its decision. But the point is that, notwithstanding any question about litigation, this is a financial proposition which is in the Government's interests and in the taxpayers' interests to pursue, and it was on that basis that we pursued it.

URANIUM

The Hon. I. GILFILLAN: I seek leave to make an explanation before asking the Attorney-General a question about police presence at a Port Adelaide Roxby Downs uranium shipment.

Leave granted.

The Hon. I. GILFILLAN: A shipment of yellowcake from Roxby Downs was loaded on board a ship at Port Adelaide last Sunday week, 8 August, between midnight and 2.30 am. It is a regular procedure, although the actual date of the shipments is somewhat irregular. It has been customary that some members of the public who hold views strongly opposed to nuclear energy have a vigil at the time of the loading of these ships. A characteristic of these occasions is that they have been almost entirely peaceful, in the whole of the history of the shipping of yellowcake from Port Adelaide.

On this particular night there were but two people protesting the export of the uranium at the port during the clandestine loading operation. I say 'clandestine' because there was, of course, no publicity or announcement about it.

An honourable member interjecting:

The Hon. I. GILFILLAN: How long has Roxby Downs been going? Roxby Downs has probably been going about as long as the pollution and contamination of Chernobyl and other ill effects of imprudent use of nuclear energy around the world, but I will not be drawn into that.

There was also a major police presence, involving 11 patrol cars, three vans, a tow truck, four motorcyclists and six mounted police with an articulated float. In all, 45 police officers were involved in an expensive security operation aimed at protecting the yellow-cake shipment during loading. I have been informed that many of the officers present were with the shipment all the way from Roxby Downs, making it an extremely costly security operation. My questions to the Attorney are:

1. How much did the police operation cost and who paid for it?

2. In what proportion did Western Mining, the principal company, contribute to the cost of the major police presence at the port?

3. Why were so many officers and so much equipment needed, given that there is a tradition of peaceful and very few protesters on these occasions?

The Hon. C.J. SUMNER: I will refer the question to my colleague, the Minister of Emergency Services, and bring back a reply.

EDUCATION POLICIES

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for the Arts and Cultural Heritage, representing the Minister of Education, Employment and Training, a question about Liberal Party policies on education.

Leave granted.

The Hon. Peter Dunn interjecting:

The Hon. CAROLYN PICKLES: Very good. Very brief. The Liberal Party policy document on education is very brief—just two pages—and it is difficult to tell what the Liberal Party proposes for education.

The Hon. R.I. Lucas interjecting:

The Hon. CAROLYN PICKLES: We certainly have a policy that you have already released. What the policy does include, Mr President, is a random selection of good ideas that have already been carried out by this Government. For example,

the document mimics the Government's policies for equal opportunity and assistance for children with learning difficulties. More importantly, it is interesting to note what is left out of the document. There is a Kennett-like silence on early childhood education and higher education. Neither of these important areas are mentioned at all. However, Mr President, the policy does give a much higher priority to vocational education by devoting three lines to support relevant training.

I understand that the Leader has promised to cut education spending by 15 to 25 per cent. Perhaps he will follow the Victoria model and close 50 schools. Perhaps he has another model which closes even more. Who is to know?

Members interjecting:

The PRESIDENT: Order!

The Hon. CAROLYN PICKLES: My question to the Minister is: can she say that the delivery of education services in South Australia will be changed by policies such as those included in the Liberal Party paper on policy directions for education?

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

HINDMARSH ISLAND BRIDGE

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister of Transport Development a question about 'gazumping' the Environment, Resources and Development Committee's report on the Hindmarsh Island Bridge.

Leave granted.

The Hon. PETER DUNN: In last Sunday's *Sunday Mail*, dated 15 August 1993, there was an article headed 'Fast-track move on Goolwa bridge row' which stated:

> The State Government is set to defy opposition to the $6.4 million Hindmarsh Island bridge by fast-tracking approval before recommendations of a special review committee are handed down.
>
> It is understood the favoured tender will be submitted for Cabinet approval as early as next week.

Prior to this article the ERD committee was dealing with the matter referred to it by this Council. One of the requests made to the Minister by the ERD Committee was that the Minister not approve tenders for the construction of the bridge until the ERD Committee had reasonable time to peruse the evidence. The Minister responded in writing, giving the committee an assurance that no tender would be approved until the committee had reported to her. The period in question has not expired, and will not do so for a couple of weeks, yet the newspaper report indicates that tenders will be submitted to Cabinet for approval as early as this week. My questions, therefore, are:

1. Does the Minister know what the ERD Committee is going to report?

2. Is she ignoring outright a report by a Standing Committee of this Parliament, and will this be the Government's attitude in the future?

3. Is the Minister going to submit the tenders for the construction of the Hindmarsh Island bridge to Cabinet for approval this week or next week?

The Hon. BARBARA WIESE: As is so often the case with newspaper reports, the information that appeared in the *Sunday Mail* article this week was incorrect. As far as I know, no-one from the *Sunday Mail* bothered to ring my office to request information about possible dates or timing of the presentation of tender information to Cabinet. If they had, then of course there would not have been any grounds for writing the story.

The Hon. Peter Dunn interjecting:

The Hon. BARBARA WIESE: Well, you can't help it if its true, can you? If the *Sunday Mail* writes an inaccurate article, what do you want me to do?

The Hon. Peter Dunn interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: Mr Dunn would like me to come in here and just pretend that the *Sunday Mail* has written something accurate when it is inaccurate. Well, I am not going to do it. No-one contacted my office about this matter. So no information was provided from a reliable source about what might occur. The fact is, Sir, that, as I understand it, the Department of Road Transport still has the tenders under examination. The latest information I have received is that the process is drawing to a close and that the Cabinet submission that would recommend a tenderer is likely to be available in the next few weeks. I cannot give any more accurate information than that, but that is the most recent information that I have received from the Department of Road Transport with respect to the job that it is currently undertaking on this matter.

The honourable member also referred to correspondence between the committee Chairman and me in which—

The Hon. Peter Dunn interjecting:

The Hon. BARBARA WIESE: Well, whoever it was—the Secretary to the committee—whoever. An appropriate spokesperson for the committee wrote to me some time ago requesting that the Cabinet decision on the letting of tenders for the Hindmarsh Island bridge should be postponed until after the committee's deliberations. If I recall correctly, the letter from the committee indicated that it was expected that a report would be available by a particular time. I wrote back, as the honourable member has stated, indicating that I did not believe that the matter would have proceeded to a decision making stage prior to that time. That is still my view, given the information that was provided to me by the committee. If the committee does not stick to its side of the arrangements, then it is something that I will have to take into consideration at the time. However, I have no information before me to suggest that the committee will not complete its inquiry by the time that it indicated it would, and I am operating on that basis.

The Hon. PETER DUNN: I have a supplementary question. In response to my third question, will or will not the Minister be approving those tenders for Cabinet submission in the next week or two weeks?

The Hon. BARBARA WIESE: Mr President, I have just answered that question and I do not think I need to say any more.

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Transport Development a question about Hindmarsh Island Bridge.

Leave granted.

The Hon. L.H. DAVIS: In May, as Transport Development Minister, the Hon. Barbara Wiese claimed that the Government's decision to build the Hindmarsh Island bridge was purely commercial, arguing that it was cheaper to build a bridge than to maintain or upgrade the ferry service. Also in May, the Hon. Barbara Wiese claimed that the Government had no desire to assist Binalong or to prop it up. However, the information which has become public in the past 24 hours shows that the Minister has told two falsehoods. It is now evident that Partnership Pacific, a subsidiary of Westpac Banking Corporation—

The Hon. ANNE LEVY: I rise on a point of order, Mr President. The honourable member is commenting and making allegations against a member which under Standing Orders is not permitted and can only be made by means of a substantive motion.

The PRESIDENT: That is true. I ask the honourable member to withdraw that particular remark.

The Hon. L.H. DAVIS: I will withdraw the word 'falsehoods', if that is what the Minister is claiming is unparliamentary. I will rephrase it and say that the information which has become public in the past 24 hours shows that the Minister has clearly misled the public of South Australia.

The Hon. ANNE LEVY: I rise on a further point of order, Mr President. To suggest that a member of Parliament—

Members interjecting:

The PRESIDENT: Order! I uphold the point of order. The honourable member has not rephrased it well enough at this stage.

The Hon. L.H. DAVIS: With respect, I seem to be striking a fairly sensitive note over there. The information that has become public in the past 24 hours is a matter of grave concern. It is now evident that Partnership Pacific, a subsidiary of Westpac Banking Corporation, may take legal action against the State Government if the bridge to service the Hindmarsh Island marina project is not built.

Mr Noel Roscrow, spokesman for Friends of Hindmarsh Island, has claimed that detailed discussions with senior Highways Department personnel revealed that the second ferry option has not been seriously considered. Highways Department costing of the second ferry option for Hindmarsh Island was based purely on estimates rather than on detailed costings.

The Hon. Barbara Wiese: Based on what?

The Hon. L.H. DAVIS: Purely on estimates rather than detailed costings. That has been confirmed in discussions Mr Roscrow has had with senior Highways Department personnel. Mr Roscrow claims that there are two ferries in Morgan not in use and that a second ferry is only required at peak times for Hindmarsh Island, that is, just 20 days a year for about 10 hours a day; that for less than $500 000 an earthmoving contractor will construct additional ramp and road approaches; and that the operation costs of a second ferry would amount to only about $7 000 a year, because the stacker could drive the second ferry.

As is the case with many ferries overseas, a toll could apply to vehicles, other than vehicles owned by island residents, leaving the island on Saturdays, Sundays and public holidays. The emerging facts show a massive cover up of the truth about the Hindmarsh Island bridge. My questions to the Minister of Transport Development are:

1. Why did the Minister mislead the community when in May she said that the decision to build the bridge was purely commercial when in fact no adequate costings of the second ferry option had been undertaken by the Highways Department?

2. Will the Government now postpone awarding a tender for the Hindmarsh Island bridge construction until the Environment, Resources and Development Committee has concluded its public hearings and deliberations on the subject? Will she give that unequivocal assurance?

3. Will the Government now admit that the second ferry option is a cost effective and environmentally attractive option given this State's commitment to ecotourism?

The Hon. BARBARA WIESE: The approach that has been taken by the Opposition on this matter is really quite appalling. This Opposition spends every day of the week attacking this Government because we do not support development or because we frustrate development or something else.

Members interjecting:

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

The Hon. BARBARA WIESE: It always has some beef with the Government because it alleges that it is not supporting development. This is an occasion where the Government is supporting a development that will incur virtually no cost for the taxpayer. In fact, it will be cheaper for the taxpayer. By taking the steps that we are in supporting a particular development, we are facilitating development at a price which is very favourable to the taxpayer. Yet, what do we have? The Opposition lines up bleating against the Government because it is supporting development. Members opposite cannot have it both ways.

Some members on the other side have opposed just about every development that has been mooted in South Australia in the past few years and then they have the gall to put out what they call a 'Vision' statement, which lists all these proposals which they say did not go ahead. They were chief amongst the opponents to those developments in our community. They were passionate opponents to these same developments and then they come in here and bleat because nothing happens.

Well, if there is going to be development in South Australia there has to be a few people with a bit of profile and standing in our community who are prepared to stand up and back the developments that are proposed by people. Members of the Liberal Party have been playing nothing but an opportunistic game during the past few years in opposing things from which they thought they might gain some political mileage. They have not stood up and backed people who were prepared to have a go. Well, this Government has been prepared to back people who will have a go, and on this occasion—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —it so happens that this bridge proposal, which has been estimated to cost $6.4 million—and I think we will find when the tenders come in that the figure is probably even less than that—is a cheaper proposition than upgrading a ferry service to Hindmarsh Island.

I do not know from whom Mr Roscrow gets his information, but the information that I have had from the Department of Road Transport I believe is reliable and has been properly estimated. So, I think we can rely on the financial information that we have been given in this matter. The decisions that were taken by the Government, as I have indicated on numerous occasions, were based on those financial assessments that have been undertaken not only within Government but also by independent consultants—in the first case by Connell Wagner and more recently by another consultant who has revised those figures in the light of current economic information.

The fact is that, whether or not members opposite like it, this is a proposition that is in the taxpayers' interest and, the sooner they get around to acknowledging that and providing some sort of level of support instead of pursuing their own personal vendettas against people they do not like, the better it will be.

The Hon. L.H. DAVIS: As a supplementary question, in her rhetorical flourish the Minister simply did not answer any of the questions, but I will ask her just to answer the—

The Hon. ANNE LEVY: I rise on a point of order, Mr President. A supplementary question can only be a question under Standing Orders and not have an explanation.

The PRESIDENT: That is right. Are you asking for an answer to the questions?

The Hon. L.H. DAVIS: Yes. Will the Government now postpone awarding a tender for the Hindmarsh Island bridge construction until the Environment, Resources and Development Committee has concluded its public hearings and deliberations on the subject?

The Hon. BARBARA WIESE: I have already answered that question when Mr Dunn asked me a similar question. I have given this Council my response to that question.

ABORIGINAL SITES

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for the Arts and Cultural Heritage, representing both the Minister of Aboriginal Affairs and the Minister of Environment and Land Management, a question about Aboriginal sites south of Adelaide.

Leave granted.

The Hon. M.J. ELLIOTT: I have been contacted by the Southern Districts Environment Group, which is extremely concerned about the proposed development of the Moana sands area which it feels could endanger Aboriginal sites belonging to the Kaurna people.

Group Vice President, Mr Rudi Schuetzc, says that archaeologists have found Aboriginal sites and artefacts throughout the Noarlunga area with new findings having been made recently in the Onkaparinga estuary. Some of these are located in the Moana Sands Conservation Park, but Mr Schuetzc believes that Aboriginal sites in Ochre Cove, Tjilbruke Trail, Pedler Creek and the whole Moana Sands area are in danger of being lost if development proceeds.

I have been told that the land that is causing the greatest concern is a privately owned area between Moana and Moana South immediately west of Commercial Road on which I am told there is evidence of Aboriginal heritage, but I believe that despite revisions to the Heritage Act the landowners were given an undertaking by the previous Liberal Government that they could develop the site. Mr Schuetzc fears that any housing development will destroy the Aboriginal heritage in an area that is already experiencing a great influx of people owing to surrounding housing developments, such as the nearby Seaford Rise project. He has proposed the regeneration of the dunes and the hinterland and the development of a green belt of coastal landscapes to save the area. He noted that this is one of the few remaining areas anywhere near Adelaide where dunes are still in place and have not been built on. My questions are:

1. Has the Minister's department received reports on the Aboriginal significance of the privately owned land between Moana and Moana South immediately west of Commercial Road?

2. Are there any development plans for that area and have any development approvals been made?

3. Will the Minister consider offering compensation to avoid the development of that land or at least to allow some of it to be regenerated as a buffer zone along the existing reserve with any housing development to be of lower density to decrease the impact?

The Hon. ANNE LEVY: I will refer those questions to my two ministerial colleagues for their respective contributions and bring back a reply.

SOUTHSTATE INSURANCE PTY LTD

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Attorney-General, representing the Treasurer, a question about Southstate Insurance Pty Ltd.

Leave granted.

The Hon. J.F. STEFANI: In answer to a question that I asked the Treasurer on 4 March 1993, I was advised that between 1988 and 1990 Beneficial Finance paid $9.4 million in insurance premiums to Southstate Insurance Pty Ltd, a company which was operating in Singapore and in which Beneficial Finance was the sole shareholder. One could assume that those premiums would have been claimed as an operating expense and, therefore, as a tax deduction by Beneficial Finance. The company went into voluntary liquidation and distributed an amount of $1 083 040 in cash and a distribution of $10 079 397 was made in specie. These amounts were distributed on 29 June 1992. My questions are:

1. Will the Treasurer say which company or entity received the benefit of these distributions and what kind of specie the distribution of $10 079 397 consisted of?

2. Was any Australian tax paid on the capital gain made on the original investment by Beneficial Finance and, if so, what was the amount?

3. Did Beneficial Finance as the sole shareholder pay the differential rate of tax between Singapore and Australia to the Australian Taxation Office on the profits generated by Southstate Insurance Pty Ltd and, if so, what was the amount?

4. Will the Treasurer provide full details of the risks covered by the premiums paid amounting to $9.4 million?

The Hon. C.J. SUMNER: I will refer those questions to my colleague and bring back a reply.

SUICIDE

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health, Family and Community Services a question about the increase in rural teenage suicide.

Leave granted.

The Hon. BERNICE PFITZNER: There was a recent article regarding suicides of teenagers in rural areas in a medical magazine reporting on a conference on occupational stress and trauma. The figures showed that in New South Wales the suicide rate of males aged 15 to 19 years was stable between 1964 and 1986 in city areas; however, in rural areas during the same period the rate of suicide increased from one to six per 100 000 per year. There was no such increase for females aged 15 to 19 years. I understand that a similar trend exists in South Australia.

We need to investigate the full extent of the problem as to whether the contributory factors are due to the recession, a growing sense of isolation or a change in the country's attitude toward the rural section, etc. My questions are:

1. What are the actual statistics for teenagers in South Australia relating to this period?

2. If the increase is similar will the Minister investigate its cause?

3. What strategies will the Minister put in place to address the levels of depression amongst rural youth?

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

HOSPITAL TELEPHONE NUMBERS

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health, Family and Community Services a question about toll-free telephone numbers for public hospitals.

Leave granted.

The Hon. CAROLINE SCHAEFER: It is well-known that one of the difficulties of living in rural areas is the lack of cheap communication facilities. Frequently, doctors need to confer with city-based specialists, particularly those in teaching hospitals. More acute patients are often referred on and then become the patient of that specialist. The only effective communication between patient and doctor then becomes the telephone, usually during business hours and at peak rates. Inpatients, who are sent from rural homes to city hospitals, are also isolated from family and friends except for contact by telephone. The lack of cheap communication facilities to public hospitals places additional stress on rural families with loved ones who are patients in public hospitals. My questions are:

1. Why are there no toll-free telephone numbers for the Royal Adelaide Hospital, the Queen Elizabeth Hospital and the Flinders Medical Centre?

2. Will the Minister take immediate steps to have 008 numbers installed at those hospitals?

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

OFFICE OF FAIR TRADING

In reply to **Hon. K.T. GRIFFIN** (5 August).

The Hon. ANNE LEVY: A report has been prepared for the Chief Executive Officer of the Department of Public and Consumer Affairs on the implementation of recommendations contained in the Tilstone Report. Some of the recommendations have already been implemented such as greater delegations to managers and greater controls in the Residential Tenancies Division.

While the Tilstone Report may have been critical of some aspects of the operations of the Office of Fair Trading, it also acknowledged a number of very positive aspects of those operations, including:

- 87 per cent of customers were satisfied with the speed of response of the office;
- 58 per cent of consumers received full or partial resolution of their complaints;
- staff were rated highly for their competence, courtesy and communication;
- 87 per cent of consumers would use the services of the office again.

The reclassification of some managers in the office was not related to the Tilstone Report but was a consequence of the introduction of award restructuring and the structural efficiency principles applicable throughout the Public Service generally. These decisions were based upon industrial principles and the proper application of classification criteria in consultation with the Department of Labour. Ministers have no involvement in this process.

It was determined that the officers involved had been performing duties above the level at which they had been classified and, consequently, it was appropriate that their positions should be reclassified and that their salary be adjusted back to the date of implementation of award restructuring, namely 1 October 1991. Four senior managers received salary adjustments ranging from $3 054 to $8 954, i.e. not the $20 000 quoted by the honourable member.

I am disappointed that the honourable member has chosen to attack, through innuendo, the public servants in the Office of Fair Trading. If he was particularly interested in the operational matters occurring in the Office of Fair Trading, either I or the Commissioner for Consumer Affairs would have been more than happy to provide him with any details or personal briefings. To use public servants in an attempt, and not a very successful one, at political point scoring is contemptible.

Details of organisational changes in the Office of Fair Trading based on the findings of the Tilstone Report and the implementation report will shortly be conveyed to staff by the Chief Executive Officer, following which I would be happy to provide the honourable member with information on those changes.

ADELAIDE FESTIVAL

The Hon. DIANA LAIDLAW: My questions are directed to the Minister for the Arts and Cultural Heritage and relate to the Adelaide Festival, as follows:

1. Is the Minister aware of comments made on radio today by the Director of the Adelaide Festival, Mr Christopher Hunt, that spending cuts risk reducing the 1994 Festival from an international event to a national or local event?

2. Does the Minister agree with this assessment and the comment by Mr Hunt that there is a real danger over the next two or three weeks of losing the eminence of the Festival, the very things and combinations which would have helped to bring us large numbers of international visitors and opinion makers?

3. Is the Minister prepared to speak with Mr Hunt and the board to assist in ensuring that we have a successful Festival in 1994?

The Hon. ANNE LEVY: I have only two minutes to respond to this question. I point out that the Government has considerably increased its funding to the Adelaide Festival. For the 1992 Festival the Government provided a total of $2.2 million. For the 1994 Festival the Government is providing a total of $2.5 million; that is a 13.5 per cent increase. We must take into consideration the difficult economic circumstances and the fact that most budgets are not increasing; in fact, they are more likely to be static or decreasing. So, the Government's commitment to having a truly international and worthwhile Festival cannot be doubted in any way. Neither the board nor Mr Hunt in any way criticise the Government for its funding contribution to the Festival. The Chair of the board of the Festival had a letter published in the *Advertiser* only a couple of weeks ago in which he thanked the Government and recognised the generous increased contribution that the Government has made to the 1994 Festival.

I understand that some of the problems with regard to Festival funding come from the fact that the board has not been as successful as in previous years in raising sponsorship money. Certainly, the Board of Governors of the Adelaide Festival has publicly recognised the contribution and the increased assistance given to the Festival by the Government. As I understand it, sponsorship has fallen, and Mr Hunt's comments are probably designed to encourage members of the private sector to contribute to the Adelaide Festival as they have in the past, and it is very much hoped that the private sector, along with the Government, will recognise the importance of the Festival to Adelaide and South Australia, both from a cultural and an economic point of view. I have not had detailed information from the board as to the amounts that it is trying to raise or the amounts by which it has a shortfall. I understand that the board will be meeting very soon to discuss this matter in detail, but I do not have any detailed information in that regard. As the honourable member will know, I have only one representative on the board of the Adelaide Festival, out of a board of 18 possible members. I do not have that information. I can only suggest that the honourable member contact the Board of Governors of the Festival if she wishes details of that information.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.
(Continued from 12 August. Page 136.)

The Hon. K.T. GRIFFIN: Mr President, I am pleased to support the motion for the adoption of the Address in Reply. I take the opportunity yet again to reaffirm my loyalty to Her Majesty the Queen—the Queen of Australia—and to the Governor. I have already expressed my condolences in the condolence motion at the commencement of this session in relation to the late Sir Condor Laucke, and merely reiterate the admiration which I and all South Australians had for a very great South Australian and Australian, and I reaffirm my sympathies to Lady Laucke and her family. At the time of the condolence motion in relation to the late Hugh Hudson I did not make any contribution.On this occasion of the Address in Reply I want to put on record, along with other members, my condolences, and extend my sympathies to the late Mr Hudson's family. As my colleague the Hon. Robert Lucas said, I knew Mr Hudson as a political opponent, having stood against him in 1970 in the seat of Brighton, and although I was not successful we did make some inroads into his 8 per cent majority.

On that occasion I do not think he believed that he had anything to fear from me, but towards the end of the campaign he was certainly out on the road doorknocking and doing the usual things that members of Parliament do towards the end of an election campaign. I always related well to Mr Hudson. He was certainly one of the stronger members of the Labor Government of the time, and he made an important contribution to that Government, even though I did not always agree with the initiatives that he may have been promoting.

Whilst it is not usual to refer to non-members of Parliament at the time of the Address in Reply, I do want to make a special reference to the late Jack Guscott, and I do so because he was an Electoral Commissioner, the principal electoral officer responsible for overseeing State elections. He held that office for a number of years and discharged the duties with great diligence and ability. In later years he continued to play an important part in Governmental activities through his long service as a lay observer to the Legal Practitioners Complaints Committee, and also as a member of the Lotteries Commission. Mr Guscott was a very able man who made a significant contribution to South Australia, which he had adopted as his home, and was held in very high regard by many people—particularly members of Parliament and candidates—for the way in which he was able to maintain an impartiality as Electoral Commissioner, yet still assist them in understanding some of the finer points of the electoral process and the Electoral Act. I want to extend my sympathies to his widow and family.

There are several matters that I want to touch on in this Address in Reply contribution, but perhaps not with as much detail as one should probably provide. The first is in relation to an issue that a number of my colleagues on both sides of the Chamber have touched upon: the republican debate. The Hon. Jamie Irwin and the Hon. Terry Roberts have, from different perspectives, made observations on that issue, and it is an important issue for Australia, and particularly for South Australia, because not only does it relate to the issue of a head of State but it relates to the whole system of government: the Federal government system and the system within the States and the Commonwealth.

Whilst the issue of a republic has been a topic for discussion with varying degrees of intensity over the years, it really grabbed the headlines immediately following the Prime Minister's One Nation statement prior to the last Federal election. For those who closely watched the Federal political scene, it became obvious that the One Nation statement was not a particularly moving policy initiative, and was not likely to excite the imagination of the community. It was in fact a reaction to the Fightback package that the Federal coalition had been pronouncing. The One Nation statement, in economic terms, was not seen to be a particularly significant contribution to economic recovery.

But it became obvious also that, if the Prime Minister was to make some impact with this One Nation statement, it had to have some non-economic focus. It needed a focus on the nature of Australia and on the perception of Australia from overseas. What better way to achieve a distinct and emotive focus than to criticise our history, our tradition and our flag? What better way to achieve a focus than to demean our past, to forget the contributions of Australians overseas in the Great War and in battles prior to that, and in other significant contributions in the fields of science, academia and Government? What better way to achieve a focus than to attempt to ingratiate ourselves with Asia, or at least to create the impression that Asia would have a greater respect for Australia if Australia changed its system of government? What better way to achieve a focus than to undermine the system which presently relies upon a constitutional monarchy, to suggest that we are still tied to the apron strings of the United Kingdom, to complain about the appearance of the Union Jack in the corner of our flag and then, to cap it all, to prostrate oneself on the Kakoda Trail and to kiss the dirt, pronouncing that this was Australia's moment of nationhood when Australia achieved its new identity?

As I said, that ignored the very significant contributions which Australians had made in a variety of fields, and if one is to focus upon military battles, then it ignored the contribution of many Australians overseas, whether at Gallipoli, in other theatres of the Great War or in the earlier parts of the Second World War, whether as airmen, sailors or soldiers, or of women who played their part overseas, in a variety of theatres and in a variety of roles, as well as in Australia. So, the Prime Minister, in promoting the One Nation statement, pursued the politics of division through the establishment of a debate on the subject of the republic.

The Hon. Terry Roberts did make some observations about how Australia, as a democratic constitutional monarchy, is regarded in Asia, but I would suggest to members that he is quite mistaken about the perception which Asia has of Australia and its system of government. In fact, there are many people, not only from Asia but other parts of the world, who clamour to come to Australia because it is a stable country politically and, whilst there are economic hardships, nevertheless, it provides a better lifestyle and a better prospect for the future for families and for children than remaining in one's own country overseas. So, there is a considerable interest in coming to Australia because it is democratic and because it has a stable system of government.

I have travelled extensively in Asia and have met ordinary people along with leaders of Asian communities, whether in India, Singapore, Malaysia, Indonesia and other places. I must say that in none of those countries have I met with any adverse comment about Australia's constitutional structure. There have been, of course, criticisms about some of Australia's attitudes which have been expressed through government leaders, but that is a different matter from the issue to which the Hon. Mr

Roberts referred. There was no suggestion in any of those countries that Australia ought to make a change so that it could be more readily accepted within the Asian-Pacific area. There has been no suggestion that it is not accepted because it has a constitutional monarchy as the basis of its democratic system. Rather, Australia is more acceptable and accepted for the leadership it can give and for some of the principles which it has enshrined in its constitutions. So, I would join issue with those such as the Hon. Mr Roberts about the perception of Australia in the eyes of Asia in so far as it relates to our constitutional system.

Of course, in the debate we have a range of views being presented in support of a republic. We have those who promote what is described as the minimalist position, where you merely change the name of the Governor-General and the method of appointment to that of a President. It is not clear how that appointment would be made but the theory is that, by changing from Governor-General to President, the conventions, traditions and customs associated with the role of Governor-General would merely translate to the President. The best constitutional advice, particularly from the academic arena, is that that would just not work, because the change from Governor-General being appointed by the Queen on the advice of the Prime Minister would require a change in the nature of the office as well as the basis of the appointment, and that in itself would be insufficient to translate the reserve powers and other customs, traditions and practices from Governor-General to President. It would not be possible, with a so-called minimalist position, to in effect maintain the *status quo* with all the safeguards that that involves.

I would suggest that when he adopted the minimalist position, which at one stage the Prime Minister (Mr Keating) really had in mind, there should have been something more dramatic than merely translating Governor-General to President. The perhaps hidden objective, though, was to seek to remove the conventions which had resulted in the dismissal of Mr Whitlam as Prime Minister in 1975. The argument for a minimalist position comes to a certain extent from those who seek to downgrade the role and responsibility of a head of State to something no more than a ceremonial head.

There are not very many of those in the world, as I understand it. For example, Ireland has a ceremonial head of State who is not even permitted to travel outside of Ireland without the approval of the Government, is limited in the exercise of the powers of the office, and cannot do anything more than refuse to grant a dissolution to the incumbent Government. There may be some others where there are heads of State who are mere ceremonial figureheads without any power at all. The difficulty in moving from that position to a more powerful position of President is a determination as to the method of selection, whether it should be by way of a majority of both Houses of the Federal Parliament, involvement of the State Parliaments and the Federal Parliament, or popularly elected.

But in whatever way those who propose a republic would seek to chose a president, there is no doubt that that is likely to become a politically sensitive office and the President is likely to become more politically orientated. There is the issue of the reserve powers. I notice from an article in the *Australian* within the last day or so that the Australian republic movement has been suggesting that the reserve powers of any future president should be codified to avoid any uncertainty in times of political turmoil. The Law Institute of Victoria suggested, in the same newspaper, that they should not be codified. The difficulty with codification, if that was ever an issue, is that it immediately brings the High Court into the role of interpreting the powers and to give rulings about the scope of those powers and even to intervene. So the High Court would be even more controversial than it is at present. There are some difficulties in respect of that.

More importantly from the perspective of the State of South Australia is the issue about the States and their continuation. They presently have a right through their Premiers to make representations to the Queen for the appointment of a State Governor. The Commonwealth has no power to become involved in that—in fact, that power was clarified in 1985, with the Australia Act, where it was quite clearly provided that the States have a right to go direct to the Queen for the appointment of a head of State, and the Queen acts on the advice of the relevant Premier. But it is clear from what Mr Hawke has been saying that abolition of the States is the goal.

The Hon. T.G. Roberts: That is only his goal.

The Hon. K.T. GRIFFIN: That's his goal, but it is also the goal of the Prime Minister. The Prime Minister has given very clear hints about where he would like to go. His regard for the States is at a very low level, and that is very largely because the States have endeavoured to frustrate some of the excesses of the Federal Labor Government. The States stand between a proper balance of State and Federal powers, a hurdle which stands between a Federal Government acting responsibly and a Federal Government acting as though it were an elected dictatorship. Although the abolition of the States is the dream and also the objective of a number of Labor members at the Federal level—and it may also be at the State level—the fact of the matter is that that would be a distinct disadvantage for South Australia. If that ever occurred, all the power would be vested and exercised in the more populous centres of Melbourne and Sydney, with little regard to the needs of places such as South Australia, or even Western Australia. A Government in Canberra, with control of both Houses would then, where it was dedicated to pushing through controversial policies, be virtually unrestricted.

I do not see the need for the dramatic push to abolish the States. I do not think I have ever made a secret of the fact that I am very much supportive of the rights of the States, of the need for the States and of the responsibility of the States to attempt to act as a check against the excessive exercise of power by the Commonwealth. Regrettably, though, we do have Commonwealth Governments which seek to use the powers of the Federal Constitution to acquire more power rather than to devolve more power to the States. What we have seen in the past 10 or 15 years is the development in Canberra of an extensive bureaucracy to duplicate some of the functions which are better exercised at the State level, namely, education, health and mineral resources, and even in the legal and business area.

A lot of the Federal Government deficit could be eliminated if it were to get out of some of those areas where really it has no place. In the United States, where there are 50 States, there are significant barriers to interstate trade and commerce, and there are a variety of attitudes on various issues between States which do create problems at the Federal level in the United States of America. But they have learnt to live with that and we see that there is an effective balancing of power between the States and the Federal Government in the United States of America. Whilst in Australia we should seek to eliminate those areas which cause unnecessary impediments to daily life and the conduct of business, I do not believe it is wise for us to rush headlong into uniformity in every area, regardless of the impact upon the States or the benefit or disadvantage which such a move might promote.

In relation to the republic issue, I have a view that there is no great haste with which to address the topic. The Constitution is something which has evolved and developed over the past 90 or so years and has served us well. The mad rush to put it into so-called plain English, to make dramatic changes to it and to change the head of State is not something in respect of which there has been any demonstrated need, and I put it to those who suggest that there ought to be radical change that the onus is on them, rather than on those who wish to maintain the *status quo*, to demonstrate that change is necessary, desirable and something with which the community can comfortably live, without giving increased powers to Governments.

So it is a matter to evolve: it is not something which needs to be pushed dramatically. There is no economic or political advantage in the headlong rush which is being promoted by Mr Keating at the present time. The republican issue is only one of the many issues which confront Australia and particularly South Australia at the present time. After tonight's budget, some of the issues will become even clearer. We will see—and certainly we have seen it in the lead up to the Federal budget—that the Federal Government is largely a rudderless Government. It won the last Federal election by running a fear campaign and without policies and, having been successful, is now making policy on the run.

It has been said that in the area of public sector reform the Government's role is to steer and not to row. I would suggest that at the Federal level, as well as at the State level, the Government is not steering; it is not even rowing, and no-one in the community is really rowing because most ordinary people are desperately treading water to try to maintain what standards they presently have. The Federal Government is obviously breaking election promises that it knew at the time it could not keep. It is bringing forward some income tax reductions.

It is extending out the next batch of proposed income tax cuts for several more years. But, at the same time, what it is giving with one hand it is taking away with the other by imposing more taxes to recoup the costs of income tax reductions. That is political sleight of hand, and there is no element of good government in such a policy.

All Labor Governments have difficulty in coping with the principle that, if you give people incentive by taking off taxes, charges and controls, people will be more inclined to take initiatives, take risks and work hard. The classic Labor reaction to hardship for Governments is to impose more controls, exercise more compulsion, impose more taxes and charges and attempt by that means either to balance the books or develop some particular Government initiative.

It is obvious, in relation to savings, that there have been complaints that Australians are not saving as much as they should be and therefore the answer is to increase the superannuation guarantee levy and in other ways to compel people to save. But, of course, what the Government at the Federal level has not been able to come to terms with is the fact that savings are down because most people do not have the money to save and must spend what they do have in order to meet the ordinary day-to-day costs of living, even if that is living at a lower standard than that to which they have been accustomed.

At the State level, whenever the Government gets into difficulty with its budget because it is spending too much, it always bumps up the charges—at least by the rate of inflation—even though in the community people cannot automatically put up their prices or their wages by the amount of inflation, and costs in many areas are increasing more rapidly than the rate of inflation.

The Government does not exercise the same constraint which it expects of ordinary South Australians. In the business area we find that regulation is used much more by Labor Governments as the answer to particular problems rather than looking at whether or not a regulation ought to be imposed.

The Federal Government's rudderless approach is, I suggest, reflected in the way in which it has been responding to the Mabo High Court decision. The Premier of South Australia, in his responses, is somewhat muted, has made a commitment that there will be some legislation if something cannot be agreed at the Federal level or, even if it can be, that will be later in the session. However, he has given no indication as to the way in which the State is proposing to address this very complex and difficult issue. So the Premier hangs on to the coat-tails of the Prime Minister in relation to this issue without showing leadership to South Australians.

There is no leadership in this State. There is no leadership at the Federal level. At the Federal level it is crash through and be damned. At the State level it is holding back to see what the Commonwealth is going to do. We cannot even get a disclosure of submissions, reports and advice to the Government as to the effect of the Mabo decision on South Australia.

There was part of a report, which came off the back of a truck last week, which identified some advice to Government in relation to the difficulties of the Mabo decision. But I would have thought that this is an issue that ought to be debated in the public arena, that it is not an issue that can be resolved behind closed doors—

The Hon. M.S. Feleppa: And so it should be debated in this Parliament.

The Hon. K.T. GRIFFIN: Yes, and the debate in this Parliament should be open as well. I agree with that, and that is why I want to make a few observations about it. But Mabo goes to the heart of our title system and to the heart of the interests of most South Australians, whether they be black or white.

The Mabo decision does have some very far reaching consequences for all South Australians, as well as all Australians. Those issues, because they do affect every South Australian, ought to be debated publicly in the Parliament, through the media and otherwise and there ought not be an attempt to conduct discussions behind closed doors and then present the community with a *fait accompli*.

The Mabo case does raise some fundamental questions about title and, of course, it has raised a whole range of possible interpretations, from those of Premier Kennett, who says that every backyard title will have to be validated, to those of the Premier of Queensland who said only in the last day or so that it will be necessary to validate all titles issued after 1788, when Australia was established, and to the proposals by Premier Court that there should be a referendum nationally with a view to clarifying the issue of titles through an amendment to the Federal Constitution.

Then there are claims over the central business district of Brisbane and the central business district of Sydney. There are claims over vast areas of Australia, sometimes by more than one Aboriginal interest. There are competing interests between Aboriginal people as well as between Aboriginal people and other Australians. Then there is the claim in Queensland by the Wik people in respect of Comalco's mining leases at Weipa. That particular claim raises even wider issues because it depends upon establishing that the Queensland Government, when it enacted legislation in 1957 and issued a mining lease

to Comalco in 1957, was acting in breach of a fiduciary duty which the Government had—and the Parliament also, because it passed the Act—and which it owed to the Wik people.

In relation to the issue of the Comalco lease and the passing of the Comalco Act in 1957, there is some controversy, particularly related to dispossession. In that case, as I said, the Comalco Act was passed in 1957—well before 31 October 1975, when the Federal Racial Discrimination Act came into operation. But if the claim for the Wik people succeeds, then it gives credence to the suggestions of Premier Kennett that freehold titles issued even before 1975 will have to be validated.

In relation to the Wik people's claim, the Federal Attorney-General has said that this is an issue which can be dealt with by Federal and State legislation, without discriminating against the Wik people and overriding their rights to take the issue to court, but at least to validate the lease and the Queensland Act of Parliament of 1957. But, of course, as a demonstration of how *ad hoc* the Prime Minister might be, and how rudderless the Federal Government is on this particular issue, the Prime Minister overrules the Queensland Attorney-General. Yet we see on the front page of the *Australian* today that Mr Keating has backed down on his refusal to consider Commonwealth legislation to validate the Weipa leases. So, we really do not know where we are.

In relation to general legislation, we saw the Prime Minister produce some Commonwealth drafting instructions for the recent Council of Australian Governments meeting only a few days before the meeting. So, there was no time to consult between Governments in relation to those issues. The Premiers, the Chief Ministers and the Prime Minister met and there was a showdown. Quite rightly, some States said, 'We think the problem is more serious than the Commonwealth has recognised.' The Commonwealth threw some mud around and then said, 'We will go ahead and legislate anyway, and you can take it or leave it.' There was no attempt to compromise or even to work through some of the issues.

They were important issues such as whether Commonwealth legislation would be enacted after agreement with the States or whether the Commonwealth would go ahead without consultation. Whether the Commonwealth could validly legislate to validate State titles was an issue that had not been properly explored. There was also the question of what happens to mining leases, which were to be treated differently from pastoral leases, and even those issued prior to 31 October 1975 were not adequately addressed.

There was a whole range of issues that the Commonwealth, through the Prime Minister, was not prepared to consider, because the Prime Minister was seeking to use the Mabo claim as part of a broader process of Aboriginal reconciliation when in fact the issue was of more pressing urgency than the Aboriginal reconciliation process would allow.

I think it is important to recognise that a great range of views about Mabo is held in the academic community, in the legal-professional community, in the mining industry, in the development industry, among farmers and within Governments. Whilst some Governments say that certain of the interpretations are nonsense, I would suggest that that might be a politically effective description but not necessarily the most prudent observation about some of the opinions that are being expressed. The High Court case is difficult to apply in respect of native title, which may range from fishing rights to the rights to go on to property to conduct ceremonies but not necessarily be equated with freehold title, but in some instances it may be. So, as a result, the whole issue requires careful but urgent consideration.

Incidentally, what the Commonwealth wanted to do was treat mineral leases differently from other leases. Whilst it is correct to say that mineral leases create a different interest in a component of the land than do pastoral leases, the fact is that they do last for some considerable time and do allow the extraction of minerals to the detriment of the surface of the land, recognising that under our Mining Act all minerals are vested in the Crown and they were so vested before 1975.

The Commonwealth also wanted to provide for a separate system of State or Federal tribunals to hear claims. However, the problem with that was that there was a much more flexible approach but an approach which did not necessarily properly address the legal issues or, for that matter, the factual issues relating to the criteria for establishing native title.

The other difficulty is that there were inadequate rights of appeal on facts and law on issues which could involve the establishment of title, the removal of rights of both freehold title owners and leasehold owners in some instances as well as dealing with issues of native title.

Of course, another problem with the way in which the Prime Minister sought to deal with this was that non-native title holders had very few rights and certainly could not initiate a claim, whether it be before the courts or before the specialist tribunals, to establish whether or not there was a native title existing in relation to a particular piece of land. So, there was a great deal of dissatisfaction with the way in which the Federal Government proposed to deal with that issue.

I think it is important not to get into an exercise of bashing the High Court. At this stage that will not help anybody. But we should recognise that the High Court has made a decision relating to title. One also has to make it clear that it is not an issue of wanting to deprive Aboriginal title holders of what they may fairly and legally hold as their entitlement, however that title is described.

There is no doubt that the whole issue is creating a great deal of uncertainty in Australia and overseas. There is doubt as to which legislative regime may adequately address the issue. In some instances there are concerns that even State and Federal legislation together may not be able to overcome all the problems without an amendment to the Federal Constitution going through the referendum process.

But, to put all issues beyond doubt, certainly the Commonwealth cannot act alone and nor can the States, in my view. They must act together in a genuine desire to resolve all of the legal issues and do that quickly. Therefore, I take this opportunity of suggesting to the State Government that it ought to be involving the Opposition as well as the Australian Democrats openly in the discussion process and that it ought to develop a very strong will to have the issue resolved. It ought to be resolved fairly with a view to putting native title issues into a proper legislative format so that they can be resolved with proper regard to the rights of all parties.

However, beyond all things, the issue must be dealt with quickly because it is creating a significant disadvantage for Australia and for South Australia, both here and overseas, in relation the sorts of developments that are necessary in moving towards South Australia and Australia overcoming some of the lethargy that is presently obvious in their economic environment.

Australians need hope, whether they be Aboriginal Australians or non-Aboriginal Australians. There is at the present time little which can generate that hope, with Governments at both the State and Federal level not being

prepared to show appropriate leadership with clear views as to where this issue and a number of other issues ought to be going.

This will obviously be the last opportunity for members to speak in an Address in Reply debate before the State election. I would hope that we do not have a system where there is adhockery in Government but that the people of South Australia do finally make a decision that it is time to make a change for the better. I support the motion.

The Hon. J.C. BURDETT: I support the motion. I thank Her Excellency for the speech with which she saw fit to open this session of Parliament. I reaffirm my allegiance to Her Majesty the Queen. I had previously taken the loyal oath, but the first time that I took it in this place was on 21 August 1973. I join with Her Excellency and other members who have spoken in expressing my sympathy on the death of the former Lieutenant Governor, Sir Condor Laucke, and other former members of Parliament. Sir Condor was a most gracious and distinguished President of the Senate and later Lieutenant Governor of this State. He was previously a member of the House of Assembly, of course.

I had the privilege of serving in this place with the late Dick Geddes. He was an upright and courteous man and I valued his friendship very much. I did not serve at the same time as the late Bert Teusner, but I knew him personally. His ability and fairness as Speaker of the House of Assembly are legendary. I did serve for part of the period of service of the late Hugh Hudson. He was a most able Minister and made a significant contribution to the Government of this State. I extend my sympathy to the relatives of past members.

Members will know that I am not seeking re-election at the next election. I hope to have the opportunity to make some more personal remarks at a later date, but I will take this opportunity to express a few views about parliamentary government. A subject of public debate at present, which has also been adverted to by my colleague the Hon. Trevor Griffin, is the question of whether we should have a constitutional monarchy as against a republic. This subject has been well and truly raised publicly, especially by the Right Honourable the Prime Minister, and its having been raised it should be debated in full.

The Prime Minister has tried to direct public contribution to the debate into the channel of in what form we should have a republic instead of whether we should retain a constitutional monarchy or make the change to a republican form of government. This is a shameful manoeuvre aimed at diverting attention from the real subject of debate and having everyone running around racking their brains about the minutiae of the appointment and powers of the President and what detailed changes would have to be made. My Party, the Liberal Party, both State and Federal, has supported public debate on the real issue; namely, that of retaining our constitutional monarchy on the one hand or making the change to a republic on the other. I strongly support that position.

I note that many members of the public want to take an intelligent and informed interest in the issue, but at present they feel that they have no knowledge of what is involved. Instead of taking the issue for granted and seeking public input into the mechanics of making the change, the Commonwealth Government would be much better advised if it sought to promote information about the issue from both points of view. Leaders of my Party have very properly taken the position of not expressing their personal views so that they will not impose any constraints on the loyalty of members of the Party who may have a different point of view from their own. However, I do not think that anyone will feel restricted by any personal views that I might express.

The monarchy has been a constitutional vehicle that has served Australia very well. We have not had serious constitutional problems, including and specifically in the head of Government area. I am not opposed to change as such, but there has to be a reason for change. As the Americans say, 'If it ain't broke, don't fix it.' The Prime Minister's push for a republic started as a diversionary tactic to divert public attention from the state of the economy for which he was largely responsible. The change would cost money and would not produce another job or another export dollar. I refer to an article in the *Australian* of 7 June 1993 headed 'Remove the Queen and the whole structure could fall', being an edited version of a speech by Sir Harry Gibbs, as follows:

> There is no weakness in our Constitution that would be cured by making Australia a republic. Australia would not derive any material benefit from abolishing the monarchy. It now seems to be accepted by those who are urging that Australia should become a republic that the only possible advantage of the change would be purely symbolic.
>
> Many of those who have been most vocal in their advocacy for the establishment of a republic seem to be unaware that the proposal raises serious constitutional questions. Their lack of understanding is shared by some sections of the media. The present catch-phrase is that the change should be 'minimalist', by which I suppose is meant that the least possible change should be made.
>
> For example, it has been said that the effect of a republic on the State Constitutions could be dealt with after Australia had become a republic. It has even been suggested that some States might retain their relationship with the Queen even if Australia had become a republic.
>
> It is difficult to take seriously the suggestion that Australia should become a republic only in part. The position of the States is a question that will need to be addressed before any proposal to create a republic is submitted to a referendum.

The author of the article states further:

> A critical question that would arise if Australia were to become a republic is what should be done about the powers which the Governor-General and the State Governors at present possess. It is important to remember that the constitutional conventions which govern the manner in which these powers are exercised are not laws, and according to the legal authorities which have so far considered the matter they are not enforceable by the courts. The conventions are observed because they are regarded as binding, in England by the Queen and in Australia by her representatives. The reason they are regarded as binding is that a tradition of political impartiality has developed around the monarchy. The Queen's representatives observe the same tradition, and if they did not they could be removed by the Queen, acting on the advice of her Australian Ministers.

This brings us to the most critical question: who would the head of State be; how would he or she be chosen, and what would be the consequences? This question is addressed by another distinguished Australian judge, Michael Kirby. In an edited report of a speech delivered by him in Adelaide in the *Adelaide Review* of May 1993 he states:

> The second argument of principles relates to the dangers of fundamental constitutional change. There is a danger that an elected republican President (or one appointed by elected politicians) would conceive that he or she had the separate legitimacy which came from such election or appointment. At the moment there is—and can be—no such legitimacy in the Queen's representatives apart from the popular will. One of the reasons why the events of November 1975 shocked many Australians was precisely because of the perceived lack of popular legitimacy for the Governor-General's actions. It is this perception which puts a severe brake upon the use by the Governor-General of the prerogative powers. It is a brake I strongly favour. But there is no doubt that, without specific and detailed constitutional amendment, the prerogative powers of the Queen would pass to a President elected or appointed by the minimalist formula of constitutional change. That this is so has been demonstrated in Pakistan and in other countries where a Governor-General has merely been replaced by a President.

In short, there is a much greater risk that a local head of State—especially one enjoying the legitimacy of a vote into office—would assert and exercise reserve powers which henceforth, I believe, would be most unlikely to be used by an appointed Governor-General or State Governor.

George Winkerton, Professor of Law at the University of New South Wales and a member of the Prime Minister's Republic Advisory Committee, has produced a document entitled 'A Constitution for an Australian Republic', which is very well prepared and which is based on the so-called minimalist approach. It takes the existing Constitution as its starting point and makes the deletions and insertions. On this vital issue, the suggestion is that the President be elected by both Houses of Parliament sitting separately, provided that to be elected a person must receive the vote of at least a two-thirds absolute majority of the members of each House.

There has been no suggestion of political bias by the monarch in Australian politics. The fact that he or she does not live in Australia may even be an advantage in this regard, but the model I have outlined above from Professor Winkerton throws the election of President right back into the political bear pit. I refer to the comments of Michael Kirby which I have quoted on this matter.

The election is for five years. How much political time, which could be spent on the unemployment disaster and other problems, will be taken by the Houses of Parliament severally let alone between themselves in sorting out this matter? How many 'scumbags' will be thrown around during this process, to stick on our future head of State? I acknowledge that Professor Winkerton's model is only one of many potential models, but all models will have their problems at least as great as this one.

What are the reasons that have been advanced for change in a debate which has not really even started about the reason for change? The principal one appears to be along the lines that we need to sever our last links with the United Kingdom; that the monarchy is such a link; that we need to establish our own identity; and that we now are a multicultural society. Mr President, we severed our last constitutional links with the United Kingdom some time ago, and a Bill was passed by the South Australian Parliament to give effect to this. The position of the Queen as Head of State is in her capacity as Queen of Australia, and has no relevance to her position as being also Queen of the United Kingdom and other Commonwealth countries.

I have suggested that there can be an advantage in having the head of State completely removed by her place of residence from local politics. In my view the removal of head of State from local politics is an essential of the constitutional process. It does not appear to me that the monarchy—that is, having a King or Queen of Australia, who happens to be English—is seen as a problem by our friends in the multicultural community. There is no need, or even possibility, at this stage of establishing or cementing an Australian national identity separate from that of the United Kingdom. That happened long ago, even before federation. In this year of an Ashes contest, it is worth recalling that in 1882 when Billy Murdoch's Australian team beat an English team at the Oval by seven runs, Australia had established its identity. That was the year when the *English Sporting Times* published an obituary notice stating that the body of English cricket would be cremated, and the ashes sent to Australia. We have established a fiercely individual and national identity. This has been established in all walks of life: in successive wars in which we have unfortunately had to be involved; in science and the arts; industry and commerce; in industrial relations; in grazing and agriculture; and in education—you name it. We have had the Dame Joan Sutherlands, the Dame Nellie Melbas, Sir Marcus Oliphant, Sir Howard Florey and many others. Even in the political field we have had Billy Hughes, Sir Robert Menzies, John Curtin, Ben Chifley and many others. We have been blessed with a distinguished judiciary. Our Australian identity has changed with our changing community, and has brought into it the contributions of our Australians from many ethnic and cultural backgrounds.

Mr President, an area where Australia has not done well has been in our relations with our Aboriginal citizens, and I strongly believe that this is an area which we must, together with our Aboriginal brothers and sisters, address urgently, but I do not believe that this has anything to do with the constitutional monarchy versus a republic issue.

One reason advanced for a republic is that we would be better understood by our Asian trading partners. This is not a sound argument. Three major trading partners are Japan, Thailand and Malaysia—all of which are monarchies. Looking more widely, we see that there is our great trading partner, the United States, which by virtue of its history is necessarily a republic. The political and constitutional history of the United States does not convince me that this is a pattern to follow. I have often got the impression that many Americans have a secret regret that they cannot have a monarchy.

We ought to be, and are, getting closer to our trans Tasman partners, New Zealand. New Zealand is unlikely to become a republic in the foreseeable future, and it would be a retrograde step if we took any action which would move us away from, instead of towards, that country without a good reason. While in Canada there have been moves towards a republic in the past, it is my impression that, at the present time, there are other problems which are pre-occupying their minds, and that they are unlikely to move into the republic direction for some time, if at all. Europe is a mix of monarchies and republics and the Europeans understand and tolerate both systems.

Much has been made of a change to a republic being a minimalist change. It is said that the only changes will be in regard to the head of State. I do not believe this. I believe that many other things either overtly or covertly in the Labor Party bag will come in at some stage, such as abolition of the States and establishment of regional governments, abolition of Upper Houses, and others. In regard to the abolition of the States, the Rt Hon. Bob Hawke has already blown the gaff.

I am not satisfied that the change to a republic would be as cheap or as simple as has been suggested. Look at all of the names, coats of arms and so on that would have to be changed. To start with there are the armed services. In the new telephone book issued recently, there are somewhere over 30 public bodies with the title 'Royal' in the name. A few well known examples are the Royal Adelaide Golf Club; the Royal Adelaide Hospital, where I have been receiving very good caring treatment recently; the Royal Adelaide Show; the Royal Australasian College of Radiologists, which concerns me very much at the moment; the Royal Automobile Association; the Royal District Nursing Society of SA Inc.; the Royal Flying Doctor Service; and the Royal Society for the Prevention of Cruelty to Animals. Some corporate change will be required in these cases, and I believe that there are many members and supporters of those organisations who would not wish the change.

Over the weekend I was looking for a set of coasters, and came across a set which had been presented to me at some time with a coat of arms for the City of Canberra bearing the motto, 'the Queen, the Law and the People'. Then there are the Black

Rod in this place, and the Mace in the House of Assembly as well as Acts of Parliament referring to the Crown. The change would reach into more areas of life than are at first apparent.

Mr President, I next refer to the concept of federalism as in the Australian Constitution, a concept I strongly support. Australia has grown up with many differences between the formerly six colonies, now States. They have different backgrounds and interests. In particular, there are the highly populated wealthy and highly developed commercial States on the eastern seaboard, and the less populous States of Western Australia, South Australia and Tasmania with different interests. Even with a federation it has been difficult enough for these States to get a fair go, even with their strong representation in the Senate. There is no evidence of the Eastern States being magnanimous and looking after their poorer less powerful relations. If the States were abolished I have no doubt that the interests of Western Australia, South Australia and Tasmania would become sacrifices on the altar of the Eastern States.

The plausible sounding alternative offered is regional government offered as a form of local government. I am sorry that the local government movement, for which I have the greatest respect, has been seduced by the lure of greater power and largely supports the abolition of the States and the establishment of regional government. The regional governments would have no legislative power, no voice in the Parliament and would be puppets of Canberra. In the move for regional government there is not only the question of the abolition of the States, which I regret, but also the abolition of small, especially rural, councils which in my view are necessary to represent people in small communities. In my view the strength of local government is that it is just that—local—and that would be destroyed if it became regional.

Mr President, I support the bicameral system of parliamentary Government. It is necessary to have two looks at legislation. It is also necessary to have a delaying procedure so that a steamrolling Government cannot rush legislation through before interest groups and other interested people can have a look at it. Even now, and in the last session, it happened several times that groups having a legitimate interest in a Bill knew nothing about the Bill until contacted by a member of this Chamber for their views about the Bill, after it had already passed the House of Assembly. It is objected that this Council is just a mirror image of the House of Assembly. Anyone who has this view has not sat in either Chamber or read *Hansard*. One of the factors, but by no means the only one, that prevents this being the case is the presence of the Australian Democrats in this Chamber. It is common to speak of the Legislative Council as a House of Review. That is a fair general description of one of its roles, but by no means its only role.

The Constitution Act does not use the term, but in fact emphasises the equal powers of both Houses of Parliament except in the matter of money Bills. I think there should be Ministers in both Houses as at present, apart from anything else in the interests of legislative efficiency. I also think that this Chamber ought to have a voice in Cabinet. I was in this Chamber before the change to its franchise. I was here in the 14-6 days. I might say that I support the present franchise. The role and *modus operandi* of the Chamber has changed, but the two Chambers have continued to operate independently. I think it is true to say that the change in franchise has caused this Chamber to operate more Party politically. I support the proper use of the parliamentary committee system. The exact *modus operandi* has always been controversial, but I think that the present system does need overhauling.

Finally, I refer to the concept of the separation of powers between the three functions of government, the Legislature, the Executive and the Judiciary. It is essential that none of these trespasses into another, and I believe that this concept is one of the bastions of our freedom in our democratic system. In my ignorance, I had supposed this to be a purely British concept, but in my study tour last year, I found that this concept is espoused on the Continent. In particular, I found that Italian members of Parliament spontaneously invoked the concept without any prompting from me. It may be that the interpretation is different, but the concept is certainly there. The principal danger to the concept is the temptation to a Government of either political persuasion to trespass on the powers of Parliament largely by putting into regulation matters which ought to be in Bills and debated in Parliament. Legislative principles ought to be dealt with in Bills. Regulations, even with the powers of disallowance which we have, ought to be reserved for the nuts and bolts which would bog Parliament down. Dennis Pearce, in his book, *Delegated Legislation in Australia and New Zealand*, says at page six:

> A good example of delegated legislation on a scientific matter was the inclusion in the Weights and Measures (National Standards) Regulations 1968 (Commonwealth) of the definition of 'a second' in time. The definition reads, 'The second is the duration of 9, 192, 631, 770 periods of the radiation corresponding to the transition between the two hyperfine levels of the ground state of caesium—133 atoms.' It is difficult to think of the Parliament being able either to debate or amend this constructively.

The need for parliamentary scrutiny of regulations made by the Executive Government makes the role of the Legislative Review Committee most important. Some fairly recent amendments to the Subordinate Legislation Act have enhanced the review process. The principal amendment needed at the present time is to enable Parliament to disallow one in a set of regulations. I can see problems in enabling Parliament to amend regulations but it may be possible to devise a power for Parliament to refer back to the relevant Minister amendments to be considered. I support the motion.

The Hon. I. GILFILLAN: I rise to support the motion that the Address in Reply as read be adopted. In doing so, I congratulate Her Excellency the Governor on her address in opening this session of Parliament. I would like to express acknowledgment and recognition of the service of Sir Condor Louis Laucke, Richard Alexander Geddes, Berthold Herbert Teusner and Hugh Richard Hudson, all of whom I knew to a certain extent and I admired and respected all of them. I extend sympathy to the relatives of those former members.

I want to speak briefly on two matters: first, the issue of electricity, ETSA, and solar hot water, and, secondly, the issue of unemployment and the expectations of economic growth in South Australia, particularly as foreshadowed by the economic development authority. In relation to solar hot water and ETSA, I refer to a large one-page advertisement which appeared on page 16 of the *City Messenger* of 18 August this year, with the heading 'Power and water for the future.' It is an amazing advertisement. For a Government which is cash-strapped, two authorities—which one would assume would have better use for their money—have spent an estimated $2 500 on this advertisement. The advertisement states:

> Alternative energy $9 million plan.
>
> A new $9 million, five-year plan on alternative energy—one of the most extensive programs by an electricity authority in Australia—was announced by the Minister of Public Infrastructure, Mr John Klunder recently.
>
> 'ETSA is showing that it has a serious commitment to deliver responsible management of resources and the environment,' he said.

'By investigating and evaluating alternative energy technologies, the plan will put ETSA in an informed position to decide on the most efficient and appropriate means of future power generation.'

This shows the first revelation of what a farce this advertisement is. All this money, over a period of five years, will be going towards testing and investigating, in a most superficial way, processes which are already in place, already proven. It is a remarkably shallow statement to be putting forward to a presumably gullible public by this particular Minister. The advertisement continues:

The alternative energy plan includes three major programs comprising the technologies which have the greatest potential for application—fuel cells, wind and solar thermal. Fuel cells operate by directly converting the chemical energy in a fuel to electrical energy through an electrochemical process and are likely to be the generation technology of the future. Fuel cells are one of the most efficient technologies for converting fuel energy into electricity.

They need to use a fuel, and the current indications are that that fuel will be fossil fuel based. So, although it is an alternative, and fuel cells do have some advantages, there is nothing too radical, dramatic or environmentally responsible in this aspect of the alternative energy proposals put forward. I would be much more impressed if in fact this advertisement said that ETSA is planning to install or that it had installed a fuelled cell. It is so fatuous and vacuous that really when I first read it, I thought it must be a joke. The advertisement continues:

The Chief Scientist, Dr Eric Lindner, says wind power, already in operation in Coober Pedy, is one of the cheapest renewable energy technologies available today. Wind turbines, as they are known, are different from the traditional windmill as they use fewer blades and an electrical alternator.

If this were being targeted to grade 1 or even kindergarten, there may be something of some interest. What a pointless and nonsensical remark to make about wind turbines, that they are different from windmills because they have less blades. What value has that to ETSA or to the public, and $2 500 worth of advertising? How hypocritical! They have just spent some time testing '. . . one of the cheapest renewable energy technologies available today' on Kangaroo Island and turned down any scope of putting it in place. They keep trumpeting about this one unit up at Coober Pedy, and that was more or less a gesture to try to get something big and visual in place, because Coober Pedy is not a good wind regime area for wind power. Anyone who has taken any interest in wind power would realise that this statement by ETSA really is an insult.

The Hon. T.G. Roberts: Put one over in your corner!

The Hon. I. GILFILLAN: It would have to be over there. The advertisement continues:

Solar energy can be harnessed using solar thermal technology. Solar thermal power stations operate on the same principles as traditional fossil-fuelled power stations except the energy source is the sun rather than burning coal or gas alone.

It is a joke. How pathetic! It continues:

The five year plan also covers a number of smaller programs on remote area power supply systems, mini-hydro power, landfill gas as wave energy resource assessments, as well as studies on possible future energy business ventures.

Landfill gas has been used for years by Falzon—no thanks to ETSA, I might say. It has shown a total indifference to anything other than producing power from fossil fuel, probably quite a lot of it from the dirtiest coal available in the Southern Hemisphere.

The Hon. Peter Dunn: That's not right.

The Hon. I. GILFILLAN: Well, in the Southern Hemisphere—

The Hon. Peter Dunn: No, that's not right. Look at Morwell and Moe—they're all that much worse than this.

The Hon. I. GILFILLAN: Worse than Leigh Creek?

The Hon. Peter Dunn: Much worse, you know that. You've been up there.

The Hon. I. GILFILLAN: I respect the correction from the learned Hon. Peter Dunn, that there are dirtier coals. But it is pretty dirty, and the proposals for the alternative brown coals that he and I looked at would match the worst in the Southern Hemisphere, and I rest my case. Further, the document states:

The plan involves a significant level of collaboration with Australian and overseas organisations. 'We aim to keep the community informed about the progress of our research projects and smaller programs regularly,' Eric said.

Then they have the gall to put on the side of it a large, quite spectacular, solar thermal dish based in Canberra, the technology for which was developed by the Energy Research Centre in Canberra. I will not read the total of the input from the E&WS. Under the heading 'Port Road mixer', the article refers to a propeller installation underneath the Port River bridge to keep the water stirred up to minimise toxic algal blooms. I am amazed that any authority could have seen that this was reasonable material to put forward as a public advertisement, and it points out to me the lack of any clear initiative—certainly with ETSA—for genuine alternative energy planning and implementation. If this is the best the E&WS can do, the blending of the two, if that ever comes into effect, will not see any better performance.

Fortunately, the whole analysis of solar power is not left to ETSA. I will refer to two other documents in this vein, one is the Australian/New Zealand Solar Energy Society small pamphlet: 'Solar hot water. A high return investment for the '90s'. I will quote from the latter part of that document, which actually addresses the typical form of estimating a cost but which does not accurately reflect the benefit of solar hot water. This is particularly relevant to South Australia, because SA Brewing Holdings is one of the biggest, if not the biggest, hot water manufacturer and wholesaler/retailer in the world, holding vast hot water interests in the United States.

The Hon. J.F. Stefani: Of the hot water units.

The Hon. I. GILFILLAN: Yes, and it was taking some interest in solar hot water. But with the misleading form of the cost calculations and the lack of incentive from the Governments involved, and in particular the South Australian Government, it has not shown much enthusiasm for promoting it and expanding the use of solar hot water. This small brochure provides more factors in relation to showing how much money can be saved by using solar water. It states:

Will I save money if I buy solar?

Definitely! Traditionally, the economics of solar HWSs have been evaluated using a simple pay-back system [to the mathematical formula, Payback Period equals Extra Cost of Solar divided by Annual Savings with Solar, amounting to approximately 5.7 years].

This method is very simplistic and does not reflect the rate of return on the investment in solar.

We will look at the rate of return for a solar HWS over a period of 15 years. We will examine the economics of a constant pressure solar unit, using current interest rates on earnings which are about 5 per cent p.a. and assume that real costs do not change, that is, in 15 years time costs as a ratio of your yearly wage do not change.

The running costs of a J-tariff electric HWS are taken from figures supplied by the Energy Information Centre in their brochure 'Water heating cost guide', for a four person home.

There are three ways to invest in a solar HWS. These are:

1. If you have all the necessary cash to pay for a solar HWS—collector panels, tank and plumbing.

2. If you are already taking out a mortgage to build a new home or if you are planning to take out a home equity loan for renovations.

3. If you are taking out a personal loan or using a credit card facility to replace a failed hot water service.

Let's look at each of these in turn.

1. You have cash in hand.

If you had kept in the bank the extra $1 200 it costs to install solar, you would have earned compound interest at 5 per cent p.a. but you would have paid tax at a marginal rate of, say, 39 per cent, leaving an average of 3.8 per cent p.a. or $46 p.a.

Solar costs $90 p.a. compared with an electricity cost of $300 p.a. without solar—a saving of $210 p.a.

Maintenance is minimal with a constant pressure system. All you may have to replace is a valve which controls the temperature of the water. This costs about $80, which is about $5 p.a. for 15 years.

Taking these things into account gives the net rate of return: [Actual annual cost ($210) less interest loss ($46), less the amount for valve replacement ($5), a total of $51, divided by $1 200, amounting to 13.25 per cent p.a., tax free].

The Hon. T.G. Roberts: Does that take into account cloudy days?

The Hon. I. GILFILLAN: Yes, cloudy days are taken into account in this excellent calculation. It continues:

2. You borrow money for a solar HWS as part of a bigger package.

Typically, the interest you pay on your loan is about 9.25 per cent p.a.

Over 15 years, you pay $960 interest on the $1 200, which is $64 p.a. average. Hence, net rate of return equals 7.9 per cent p.a.

3. You borrow the extra $1 200 by extending your credit card facility.

The interest rate on this [at this time] is 16.95 per cent p.a. If you borrow this for two years, you will pay $394 in interest, which is $26 p.a. average over 15 years. Hence, net rate of return equals 11.1 per cent p.a.

So, members will be able to ponder over those figures when they are studying *Hansard*. It continues:

The savings with a mains pressure solar until are about the same as with a constant pressure unit, although the latter generally lasts longer than the former, depending on the quality of unit selected.

A new mains pressure solar tank costs about $1 100 to replace.

The savings with a constant pressure unit can be summarised as follows—

Case 1: 13.25 per cent p.a.

Case 2: 7.9 per cent p.a.

Case 3: 11.1 p.a.

(The average net rate of return for various financial options versus a non-solar money in the bank option.)

All of these returns are much higher than current rates.

Solar hot water is the high return investment for the '90s!

Those figures support that argument and make solar hot water even more attractive for those of us who want to use solar hot water for environmental reasons.

The Hon. T.G. Roberts interjecting:

The Hon. I. GILFILLAN: The problem is that the hot water would be so cheap that you would tempted to use more and, therefore, there would be a problem with your excess.

The Hon. L.H. Davis interjecting:

The Hon. I. GILFILLAN: Wind energy would do that. 'Minimum energy performance standards', a discussion paper of August 1993, prepared for the Energy Management Conference of the Australian/New Zealand Minerals and Energy Council, a very well researched document, also refers to hot water and the provision of electricity to the residential sector.

I will pick out a couple of statistics to highlight how much the delivery of electricity is significant in residential energy use, as follows:

Electricity supplies about 42 per cent of residential sector energy . . . and most of the energy for each end use, with the single exception of space heating. About two-thirds of all water heaters and cookers are electric; the rest are mainly natural gas or LPG with some solid fuel use. About 4 per cent of water heaters are solar with electric boost.

That is Australia-wide, and in South Australia it is less than that—a very low percentage. However, in the table 'Residential sector electricity consumption by appliances, Australia, 1992'—the total percentage of electricity used in the residential sector—31.1 per cent is used by electric storage water heaters.

So, Mr Acting President, we have an extraordinary situation here where it is shown to be economically an advantage to have solar hot water. It is known to be environmentally an advantage to use solar power to heat water. But what is not recognised is that the potential for employment and industry, although I have raised the matter previously in this place, does not get picked up, promoted and pushed. So we are still left languishing at a very low per head, per household use of solar hot water in the State—arguably the best position in Australia and probably one of the best positions in the world for widespread use of solar hot water.

I do not understand why, as a State and as a community, we have not taken measures to insist and ensure that there will be a much wider acceptance and installation of solar hot water. Not only would it be a domestic market, with the work and the industry involved around that, but also through that larger throughput the overhead cost per unit would come down and export potential is there waiting for a good quality product to be marketed and serviced.

That leads on to the second subject that I wanted to deal with in my Address in Reply contribution, that is, a paper entitled 'Regaining prosperity' which was put out by the Economic Development Board. On page 2 it states:

The Challenge. South Australia needs to become again a society which offers a sustainable high standard of living and quality of life for all its citizens, a society which embodies the concepts of justice and social diversity and where every citizen is free to determine his or her own future.

It is almost like a credo for the revival of the wonderful dream, but when we look at how that can be achieved it is quite clear that to make any dent on the current unemployment levels there will be the most extraordinary requirement for increase in the gross State product.

On page 3 of this document there are two graphs, one indicating the actual employment movement with varying levels of GSP growth (gross State product). Obviously, with no State product growth the chart shows a decline of employment in South Australia from approximately 620 000 down to marginally above 500 000 by the year 2000. Two per cent GSP growth holds it level; a 4 per cent growth sees a rise up to approximately 720 000 to 730 000 persons employed. I will not go through the percentages, but it is clear that a 4 per cent growth would make an impact on the unemployment level, but even then would not wipe it out.

However, the unfortunate and I think the deceptive aspect of this is that the 4 per cent, I put it, is unachievable. The best we can do is somewhere nudging 2 per cent. How on earth are we going to double that? Not only must we double it, but also we must have an employment ratio linked in equivalent terms with the increase in the gross State product. All the trends are to minimise the employment attached to levels of productivity or any increases therein.

So I believe that this document is deceptive and that the promotion that South Australia will achieve a 4 per cent gross State product increase until the end of this century, to the year 2000, is cruelly misleading a lot of people that unemployment will be cured and there will be jobs for all. There will not be

jobs for all. I believe that in the ratio there will probably be fewer jobs in the year 2000 than there are now.

I believe that one of the biggest challenges that we confront between now and the end of the century is how to absorb constructively into the way our society is run, managed, cared for the factor that there will be thousands of people in our community who will not have formal jobs in the sense that we have regarded them to date. Certainly, there is no reason why we should not strive to increase job opportunities and productivity and to have exciting challenges to rise to as a State. But, having risen to those challenges, we will still have the immoral, dangerous and socially destructive evil of large percentages of involuntary unemployment at the end of this century marring the advantages and benefits that may come from stimulated and substantially increased gross State product.

Unfortunately, this is not a subject which is addressed politically in the public forum. It is not a subject which demands policy statements from parties that are campaigning for State elections. Unfortunately, too, it is not a subject that the media is prepared to treat seriously, other than to highlight the superficial aspects of it. But, win or lose the State election, whoever is in this Parliament after the next State election will be duty bound to address in a radical, new, innovative and enlightened way that our society should face the challenge of the unemployment levels. The document is rather vague. It has some good points, but one which I find unacceptable, talking about the economic aim is sustainable, is on page four, as follows:

> It must be inherently economically sustainable and not dependent on support which can be withdrawn by others.

I asked Mr Robin Marrett, the Chief Executive of the authority, 'What about environmentally?', because that is an argument that we have had previously when debating development and sustainability in this place.

If it is not environmentally sustainable the position of the State will deteriorate economically over that period of time, and it still seems as though that lesson has not been learnt by the people formulating the economic aim for the State over the next decade.

Further, the document refers to environmental compatibility and the fact that growth needs to be compatible with evolving environmental standards. What a nonsense. Surely the aim is that it must be environmentally sensitive and constructive. Just to meet evolving environmental standards is like paying lip service. We do not want to be prosecuted or fined because we have had some infringement of regulations that a Parliament has deemed to be worthwhile. It seems as though those who are drafting and promoting this particular document are still light years away from understanding how intrinsically and profoundly we are part of our environment, economically, socially and physically.

Various points are listed in relation to the principles for achieving growth. Some of them are so patently obvious that it makes me question whether the EDA will do more than recycle platitudes of the past. I think it is an unfortunate feature of this dying Government that it has tended to try to prop up structures that look as though they are going to pick up the game and create a new scenario, but when one penetrates through the titles and salaries of the top executives tragically there is very little of substance to be found. For example, the document states:

> The plan to achieve the aim needs to be based on the following set of principles. They are essentially hierarchical and interdependent.

That should give a good lead to all of us. The document goes on to state:

> The relative competitive advantages of different locations in South Australia will be the central basis of regional development.

That is not a great contribution to the debate. The document further states:

> Small businesses development offers relatively higher potential to generate employment growth.

Has anyone heard that sort of statement before? If it is to be put forward let us see the small print as to how small business will actually be expanded and strengthened.

There are strategies and actions. For example, two strategies are:

> Develop an integrated facility to provide international business and market intelligence information to the business community.
>
> Develop networks of excellence between South Australia and other States and countries in areas such as education and training, science and technology, and business management and marketing.

One pauses just to look at what the ramifications of that would be. What is a network of excellence? The document refers to the development of such a network between South Australia and other States and countries in areas such as education and training, science and technology, and business management and marketing. It is not just in the South Australian community but with other States and in other countries. Who will do that? And where does South Australia benefit?

The fifth action is as follows:

> Reorientate the education and training system in South Australia to support the development of international business focus in the work force and community.

Heard that before? The document then refers to other actions and states:

> Review the State's taxes and charges in order to further improve the competitive position of South Australia.

Maybe the subset to that is: hold your breath until Thursday 24th and all will be revealed.

This is a sad document; it is an attempt by some bureaucrats to put something on what looks like recycled paper—which is effective—to imply that there is a pattern or plan to turn the State around. I am sorry it is in this form, because there are some suggestions which come in—and I think they are worth supporting—but they are camouflaged in so much recycling of the waffle that it puts people off approaching Government departments or having any trust that any bureaucracy will offer anything distinctly to sharpen up South Australia's performance.

As I said previously, the third action is to develop a business environment conducive to investment. The document refers to setting up a process for expediting the workplace reform process to create a distinct competitive edge for the State.

The Hon. T.G. Roberts interjecting:

The Hon. I. GILFILLAN: I want to pick up part of that interjection about getting cynical. Certainly, I am getting cynical because if the best that this Government can offer for a change of heart for the environment conducive to investment in South Australia is what is listed here in action No. 6, I would not hold my breath for a great turn around. Action No. 4 states:

> Introduce into the South Australian Public Service best practice in organisational design, management and processes to create the most strategic and responsive Public Service in Australia that is committed to maintaining a competitive business environment.

So, we will have a Public Service that will be the most strategic and responsive in Australia, but it is committed to maintaining a competitive business environment. Wow!

I would actually urge members to get a copy of this document—I imagine it is freely available from the Economic

Development Board—and look through it to see whether indeed this is the blueprint for turning around the State's economy. There are—and I do not want to be too mealy-mouthed about it—some suggestions that are worth pursuing. There is one strategy that would interest the Minister who is present in the Chamber, namely to improve the economic infrastructure. The document lists the following strategy:

> Establish Adelaide as a national inter-modal freight centre over the next two years.

Is that a new idea or has the Minister been proposing that for a while?

The Hon. Barbara Wiese interjecting:

The Hon. I. GILFILLAN: You have been proposing it for a while. So, 'over the next two years' is the formula that we have here for a national inter-modal freight centre.

The Hon. Barbara Wiese interjecting:

The Hon. I. GILFILLAN: That is great to hear. So, we could have that as part of the achievement. I do not intend to take up more time of the Council going through this document. I referred to it in part because I found it so disappointing as the lead to where the turn around and uplift would be in the State's economy. On both counts it is deceptively optimistic.

There are some interesting statistics on page 14, which contains a graph entitled 'Desired Industry Performance: Selective Examples'. Where value added came into industries such as wine, processed food, tourism, machinery and equipment, back offices functions—that is, head office development—automotive and mineral processing, there could be quite a significant boost in percentage employment and a boost in international exports.

If this chart is indeed accurate one quite dramatic example is that in back offices functions (consultancy services) the 5 per cent value added to that particular activity would increase employment by 3.5 per cent and international exports by 40 per cent.

That is quite a dramatic rise as far as export potential is concerned. The desired industry performance indicator they have chosen regarding employment is wine: value-added 10 per cent, employment 7.5 per cent, international exports an increase of 19 per cent. On page 17 the need for a plan is pointed out. I have no argument with this. The report states:

> A plan enables the South Australian community to respond in a concerted way to the economic challenges facing it. Setting a direction, objectives and goals for the South Australian economy creates a sense of purpose and enables the focusing of the energies of the South Australian stockholders on achieving sustainable outcomes. Thus an economic development plan for South Australia is more a guiding framework (indicative) rather than being prescriptive.

I am sorry to say that I believe it does have to be prescriptive otherwise it is just recycling the waffle. Under the heading 'Growth imperative', the report states:

> Unless the community shares the plan's growth/employment objectives and is committed to participating in value-adding activity and driving economic change, high unemployment will persist.

This is probably the most relevant portion of the report as far as I am concerned. This will result in:

> A widening of the gap between the 'haves' and the 'have nots' and, hence, polarisation of the South Australian community; increasing the plight of disadvantaged groups with current and future young generations facing a bleak economic and employment environment; increased social distortion and social unrest; placing increasing pressure on the already strained finances of the State to alleviate community hardship; a fall in standard of living and general quality of life.

I could not agree more. That is the fear that we must address in ways other than pie in the sky unrealisable 4 per cent gross State product rises in order to find a cure. First, it is unachievable; secondly, it will not cure these problems that we have in our society. We must be innovative and think of twenty-first century ways in which to deal with these social problems. That is the only way. On page 19, under the heading 'Urgency for action' the report states:

> The gap between South Australia's current economic performance and that required to meet the plan's vision and objectives is continuing to widen. With each passing month the challenge becomes more formidable, opportunities in the fast growing Asian markets are being lost to competitors, and the social costs to the South Australian community continue to escalate. There must be a sense of urgency to commit to and implement a plan—rather than excessive debate and fine tuning to get the 'perfect' plan.

I agree wholeheartedly with that statement. We do have a sense of urgency and we must take this challenge to look for the markets to increase the strength of the economy, but more urgently we must address the social disease that is already in the body of South Australian society. We cannot afford to, and we must not, wait. Our conscience should not let us wait until some mythical dawn appears by way of an increase in our gross State product. It is a challenge, one that we have the resources in this State to handle. Under the heading 'Unemployment' on page 20, the report states:

> A primary goal of the plan is to reduce the unacceptably high level of unemployment in South Australia. As well as the high cost to the individuals affected, unemployment is a serious threat to the long-term viability of the community. Despite the plan, in the short term conventional economic strategies will not solve all the problems, particularly of the long-term unemployed. It is vital that community self-help, vocational education and other bridging programs continue to be supported.

I congratulate and endorse Robin Marrett and others who wrote this part of this document, because it contains the most significant message to come out of these 23 pages of recycled paper. This is the new vision in this document—nothing else is. All the rest of it is recycled waffle with a few figures thrown in, with the sort of bureaucratic tendency: if you get down a few dot points you have the answer. My cynicism says that that is not the answer; it is not even half a step towards the answer. A whole range of other initiatives must be taken that I do not intend to address today, such as the morale of the State, the drive and initiative of the leaders of our industry, and our opportunities.

The people in the workplace and the unions have enormous areas of varied stimuli which can be used to turn around the malaise that has settled over the State. It is dangerously and immorally wrong to say that we cannot address our social problems because we are in an economic decline. We have the resources. This is a wealthy State. Therefore, at the same time as we stimulate and promote activities to increase our gross State product, we must address, with an urgency that cannot wait even until the next State election, the problem of the tens of thousands of unemployed South Australians and the families that are linked to those human tragedies. We ought to be addressing them now on an individual basis by making personal contact with the people. It is within our capacity to do that, and others must do the same. We must encourage and support structures and organisations that will service this human need. The rewards will be enormous and quantifiable in dollar terms. There will be a reduction in health costs and domestic violence and an increase in productivity. The real riches of the community will be there, but we are blind to realising that the solution is a human one and not a dollars and cents one.

I am grateful for having had the chance to pick my way through this document entitled 'Regaining Prosperity'. I hope I have not been too unkind, but I believe that its real value is in the fact that it identifies the desperate need to do something about unemployment. Its trap is that it poses the solution as a totally unrealisable expectation of an increase in gross State product, which will lull people into a false sense of security, into believing that they do not have to do anything personally, that they can wait until the economy turns around. We cannot wait. That is the call I make in this Address in Reply debate. We are a community; South Australia is a community, and all the human beings within this community are interlocked. It is our responsibility individually and as members of Parliament, and it will be the Government's responsibility, to face the human challenge of unemployment. If we do that dynamically we will find that the rewards and riches that flow back to the community will be enormous and will once again turn South Australia into a prosperous and happy State. I support the motion.

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

STATUTES AMENDMENT (ABOLITION OF COMPULSORY RETIREMENT) BILL

Adjourned debate on second reading.
(Continued from 4 August. Page 34.)

The Hon. K.T. GRIFFIN: The Opposition supports the second reading of this Bill, although some matters will need clarification and several will need amendment. The age discrimination amendments to the Equal Opportunity Act suspended the operation of a provision which abolished retiring ages in employment. After considerable debate in the last session, the Bill which passed the Parliament provided for an extension of the suspension to 31 December 1993. After that date, in the private sector age will no longer be a criterion for determining the termination of employment. That of course will not apply in the area of Commonwealth awards and legislation which is not specifically amended by this Bill or under Commonwealth legislation.

The original legislation that we dealt with last session does not deal with public sector employees under the Government Management and Employment Act, such as police, teachers, statutory office holders and many others, but the Bill before us does deal with some of those. The Government appointed a working party after the passing of the age discrimination amendments to the Equal Opportunity Act, and that reported on its review of these various areas. While the Bill addresses a number of areas, there are other age limitations that may need to be addressed in the future.

There are certainly some recommendations in the working party report that are not specifically age related, but according to the working party are indirectly related to age rather than to experience. As I said last time we debated the Equal Opportunity Act in relation to age discrimination, I have some difficulty with some of the recommendations. The working party suggests a logical extension of the removal of age discrimination, particularly in things like the appointment of members of a tribunal, where a member, for example, is to be a legal practitioner of not less than seven years standing. The working party is proposing that that be repealed, and that some other criteria be established for determining competence. That will be very difficult to achieve, and I would like the Attorney-General to identify what is the program for consideration by the Government of the other matters in the working party's report on these sorts of issues.

Under the provisions of the Bill before us compulsory retiring ages will be retained for judges, masters and magistrates, presidents, deputy presidents and commissioners of the Industrial Commission, as well as a variety of statutory office holders such as the Ombudsman, Electoral Commissioner, Valuer-General and Auditor-General. There is no disagreement with those exceptions, because with judicial officers it is very difficult to identify other criteria which, if applied, will not detract from the principle of judicial independence. With respect to the statutory office holders whose retiring ages are to be retained, again it is difficult to identify other criteria, because these office holders hold office until a particular age, and may only be removed prior to that by resolution of both Houses of Parliament. It is very difficult, if one removes the retiring age, to identify by what criterion those office holders, who are in fact officers of the Parliament and responsible to the Parliament, may be removed from office, other than by resolution of both Houses, which carries a connotation of malpractice.

It is important to run through the legislation that is addressed by this Bill. Many of the provisions relate to the removal of age limits for members of the boards of statutory corporations, and the Liberal Party has no difficulty with those. The Adelaide Festival Centre Trust Act is amended to remove the 70 years retiring age of members of the trust. Those members are appointed for terms of office up to three years. The Construction Industry Long Service Leave Act is amended in section 17 to abolish the reference to a worker reaching a retiring age, and thus requiring an immediate payout if more than 84 months has been worked. The Employers Federation's immediate response to that was that it did not think that had been done correctly; that there were in fact two operative dates, and the first of these should not have been repealed. I have had a look at that and, as far as I can see, the amendment is necessary to achieve the goal of removing the reference to retiring age, but leaving in the entitlements after 84 months has been worked. However, it may be that the Attorney-General will give some consideration to that to check that there is no difficulty with the amendment. The Co-operatives Act in section 29 is amended to remove the mandatory retiring age of 72 years for directors. That is very much in line with the Associations Incorporation Act and the Corporations Law.

The Correctional Services Act is amended to remove the 70 years retiring age of members of the Parole Board. One of the members of the Parole Board is a retired judge who has not attained the age of 70 years, and this removes that age provision so that it will be that any retired judge who is appointed may be the member of the Parole Board. I have no difficulty with that. The Dentists Act is amended in three sections. Section 6 relates to the Dental Board, section 23 relates to the tribunal and section 29 to the Clinical Dental Technicians Registration Committee. In each case members are appointed for three years and retire at 65 years of age, and this provision removes that retiring age.

The Education Act is a much broader amendment because section 25 allows teachers holding office in the teaching service to retire at 55, but they must retire at 65. Only the 65 year limit is removed, so that the option to retire at or after 55 is retained. This amendment will undoubtedly create some management issues for the Government, whether it is in relation to teachers or other Government employees referred to in other legislation. It is important that there be in place an appropriate mechanism

for reviewing performance, and to provide for the identification of those who, through that performance mechanism, are not suitable to continue. That is really the principal focus of the removal of age discrimination in employment—that the focus is on merit.

One of the difficulties that employers in the private sector have drawn to my attention—and it will be relevant in the public sector as well—is that there may well be some dispute about the application of performance criteria and the way in which the assessment is made of the suitability of an employee to continue in employment. That may raise not only the prospect of challenge under the Equal Opportunity Act if there is some hint of discrimination on the basis of age or other areas covered by the Equal Opportunity Act, which may result in action before the Equal Opportunity Tribunal, but also the very real risk of action being taken for unfair dismissal. That is one of the major problems. The unfair dismissal provisions of the Industrial Relations Act are very difficult provisions to address, and frequently employers want to avoid the costs likely to be incurred and the uncertainty of action in the Industrial Commission for wrongful dismissal, and tend to settle out of court, rather than incur those costs and face that uncertainty.

So, with the Education Act as well as with other legislation to which I refer, that application of merit principle and the adequacy of performance reviews will be a continuing problem. The Equal Opportunity Act is amended, and this is an area where the Opposition is not prepared to support the Bill.

Section 92 of the Equal Opportunity Act allows the Equal Opportunity Tribunal to grant exemptions from any provisions of the Act relating to discrimination on the grounds of sex, sexuality, marital status, pregnancy, impairment and race—and, presently, as to age. The Bill seeks to provide that no exemption may be granted if the effect would be to permit an employer to impose a compulsory retirement age with respect to employment. One should ask seriously: why should this aspect of the law be treated any differently from other areas of the Equal Opportunity Act? Why make an exception to this and prevent the tribunal from considering applications for exemption? My understanding is that exemptions are not granted lightly, anyway, and grounds for exemptions have to be established. Rather than removing the present flexibility of this provision, it is the Opposition's view that it ought to remain. The removal of the exemption provision, as I said, removes flexibility. It is of concern to a number of groups.

I did raise the issue when we were debating the extension of the suspension of the relevant provisions of the Equal Opportunity Act relating to employment. I made the point at that stage that universities had made representations, as well as other employer groups such as the Chamber of Commerce and Industry, the Employers Federation and others, that the whole concept of age discrimination in employment was a particularly difficult one to resolve, and that in the universities, because they have tenured positions, with Commonwealth legislation as well as Commonwealth awards, it would become a nightmare to deal with employees who continue after what has presently been a normal retiring age of 65, and then have to be dealt with on the performance based assessment system.

The universities and other employer groups sought a longer period of time in which to address this issue. The Opposition made the point that we were sympathetic to their concerns but we did not feel that some specific exemption could be granted because, on the other hand, there were lots of ordinary people in the community who did want to work beyond age 65, who had made their plans for retirement or for continuing work on the basis of what the law was up until the last session, and we did not feel that we ought to be disfranchising those people. We took the view that, if there were special cases for exemption from the principal Act, then the employers—universities and others—ought to be able to make their application to the Equal Opportunity Tribunal and test the validity and merits of their particular cases, so orders could be made where the merit of the situation required an exemption, whether on condition or not, to be granted. Therefore, we take the view that this area of equal opportunity ought not to be treated any differently from all the others dealt with in the Equal Opportunity Act and we will therefore be opposing this particular clause.

The Government Management and Employment Act will be amended by the Bill to remove the mandatory retirement age of 65 years for public sector employees. A provision which allows a retirement option after age 55 will remain. This amendment, as with the one relating to the Education Act, will create some management difficulties for Government, but a proper approach to performance reviews will largely overcome that particular difficulty, provided there is a sensible approach to unlawful or unfair dismissal provisions of the Industrial Relations Act. I should say in relation to this amendment that a Parliament, having imposed the age discrimination provisions upon the private sector, would be quite wrong and unprincipled not to apply them equally to the government area of employment.

The Institute of Medical and Veterinary Science Act is amended to remove the 70 years retiring age for members of the board. The Medical Practitioners Act is amended to remove the retiring age of 65 in respect of membership of the Medical Board and the Medical Practitioners Professional Conduct Tribunal. The Nurses Act is amended so that the retiring age of 65 years for Nurses Board membership is removed. In each of those bodies, membership is for terms of up to three years, as it is for the Optometrists Board. The Optometrist Act is amended to remove the 65 years age limit, and the same applies to the Optical Dispensers Registration Committee.

The Parliamentary Joint Services Act is amended to remove the mandatory retiring age of 65 years for anyone in the joint parliamentary service. Again, that will require the Joint Parliamentary Services Committee to set up proper review processes for employees to assess performance and to enable employees of whatever age to be properly assessed as to their performance and their continuing suitability for the task.

The Bill seeks to amend the Police Act. The Commissioner and Deputy Commissioner presently retire at age 65, and that mandatory retiring age will continue, even though the working party report recommended its removal. The Commissioner is a statutory office holder, although not removable by the Parliament, but nevertheless has a special place in the range of statutory office holders. The age of 60 years is the present mandatory retiring age for police officers.

The Bill seeks to remove that 60 years age limit. The Police Commissioner and the Deputy Police Commissioner, as well as the Police Association, all oppose the removal of the 60 years maximum age for serving police officers. The Opposition supports their view and will be seeking to oppose this particular provision in the Bill. The arguments which the police have made in support of their position that the 60 years limit should remain were set out quite extensively in the working party report, but they fall into a number of categories.

First, policing places special demands on police officers for mental and physical fitness. Repetitive exposure to the physical and emotional demands of unpredictable offender

contact policing leave their marks on a majority of police to such an extent that their total fitness could not be regarded as adequate for the unrestricted duties of an operation or patrol officer by the age of 50 to 55 years. That is a view which I understand is also supported by the police medical officer.

Community expectations, the police argue, require police to respond to a variety of incidents, but generally they demand a vigorous, healthy and active approach. Promotion on merit demands that there be a vacancy to which an officer can be promoted. The removal of compulsory retirement could, in theory, cause stagnation in the promotional system if people choose to remain in the force. This may result in well-suited personnel either not joining or leaving early as a result of disenchantment with promotional prospects.

I should say that the working party did make the observation that, on the information which it had, only two officers each year sought to continue beyond the age of 60. But that is in the present regulated environment, and there is no evidence as to what the position may be if the age limit is removed. The police also argue that the costs of subjectively testing all police officers on a regular basis will require extensive restructuring and administrative costs. That probably should not be a significant reason for resiling from the proposition to remove the mandatory retiring age, but nevertheless it is a factor which does have to be taken into consideration in an environment where the community is calling for a more visible Police Force, where a greater range of duties is being placed upon police officers and where crime is increasing.

The police also suggest that reverse discrimination is likely to be a consequence of the removal of the 60 year retiring age. They say that 75.2 per cent of all positions are operational. Of the 24.8 per cent remaining, these will be reduced by civilianisation. There will be a limited number of non-operational positions available. As the number of older police increase, so there will be inadequate, non-operational positions available. It would be discriminatory in any event to reserve all these non-operational positions for older police. The point has been made that in New South Wales the Anti-Discrimination Act exempts police from the removal of the mandatory retiring age legislation in that State. On the basis of the submissions which the Opposition has received, and also relying to some extent upon the position in New South Wales, as I have indicated, we believe there are good reasons to not move to remove the police from the present age limit.

The Police Complaints and Disciplinary Proceedings Act will be amended. The retiring age of 65 years is to be repealed. The authority is appointed for a fixed term of seven years. What this will have the effect of doing, if the retiring age is removed, is that, if a person is appointed for seven years whose period expires when that person is, say, 62 or 63, it will then enable that person to continue until 70, regardless of any subsequent deterioration in health or capacity to undertake the work. It is a fact of life that capacity to undertake a task can in some instances deteriorate the older a person gets. So, I merely flag to the Attorney-General that the seven year period is a particularly long period of time and, whilst the authority does have to be independent of Government, there may be an argument for retaining the retiring age, although we are not proposing an amendment to that. It is an issue that we ought to discuss in the Committee stage consideration of the Bill.

The Renmark Irrigation Trust is amended. This Act has a curious provision that a person who is qualified to serve as a member of the trust is compellable to serve but after 60 years of age the person may serve but is not compellable. What the Bill does is to repeal that 60 years. At the moment, an eligible member after 60 years of age has a choice. If the amendment is carried what it will mean is that every member of the Renmark Irrigation Trust will be compellable to serve as a member of the governing body at any age. I do not think that that is reasonable. The Renmark Irrigation Trust has suggested to me that there is no reason to remove the right of choice after the age of 60, and it suggests that the amendment is not necessary. I would suggest that to oppose it will not be in conflict with the general principles relating to age discrimination.

The South Australian Health Commission Act is to be amended. The terms of office of members are up to five years. The maximum age for a full-time member is 65. The maximum age for a part-time member is 60, and we have no difficulty with the removal of those limits. The Star Bowkett Society Act provides an age limit of 72 years for directors. Consistently with the Cooperatives Act amendment and Corporations Law and Associations Incorporation Act, that 72 years of age is removed, and we support that.

The Supreme Court Act seeks to repeal section 13b. That deals with the conditions of service of certain masters of the Supreme Court, in respect of long service leave, superannuation and other benefits up to the age of 65 years. That was a transitional provision when we amended the legislation which provided for the appointment of masters to take them out of the Public Service and to make them officers of the court. That provision is to be amended. I would like to know whether that provision does apply to any presently serving members of the court who are masters. If it does, can the Attorney-General indicate what the consequences of removal may be when in fact their terms and conditions of appointment at the time did allow them to carry over certain entitlements as former public servants?

The Technical and Further Education Act removes the 65 year mandatory retiring age and leaves in place the optional retiring age of 55 years. As I have said in relation to the Education Act, the Government Management and Employment Act and the Joint Parliamentary Services Act this will mean that any employee or officer will be able to serve without having to retire at age 65, but it will require appropriate performance review mechanisms to be put in place and a conscientious attempt to resolve the dilemmas which arise if a person seeks to take unfair dismissal proceedings as a result of having been assessed by appropriate performance review mechanisms as being unsuitable to continue in employment. But, again, we do not oppose that amendment.

The Veterinary Surgeons Act is amended. The board membership terminates at age 65, and that is to be removed. The Workers Rehabilitation and Compensation Act is amended only in so far as it relates to the appeal tribunal where membership presently ceases at 65 years of age. Amendments may be made on a permanent or an acting basis. But I draw the Attorney-General's attention to the fact that, as far as I can see, no term is prescribed. So they are not there for three or five years: they are there for an indeterminate period. Because there is no term of membership, I would suggest that it is akin to the Industrial Court and other courts where there has to be an age limit; otherwise they can serve virtually until they die.

On the basis of my interpretation of the provisions of the Workers Rehabilitation and Compensation Act I think it is inappropriate to remove the age limit unless there is some other argument to the contrary that is persuasive, or that I have not correctly read the provisions of the Act, in which case I would oppose this particular clause.

In relation to the Workers and Rehabilitation Compensation Act, I make the point that concern has been raised from time to time by the WorkCover board about the removal of the retiring ages and the effect that will have on WorkCover liabilities. As far as I can see, that is not an issue that has been finally resolved, and I would like to have some clarification as to where that issue is in the light of the passing of that legislation in the last session and this Bill, and in the light of the observations made by the working party review on page 29.

There are several other matters to which I wish to refer. The Council on the Ageing has raised questions as to why the relevant universities legislation and CFS legislation has not been dealt with in the same way as other legislation incorporated in this Bill. I know that the working party makes some recommendations about removal of mandatory retiring ages in the universities legislation, and I think also in the CFS legislation, but that has not been addressed.

Can the Attorney-General during the reply indicate what the reasons are for that not having been addressed? I am certainly not proposing amendments at this stage, but it would be helpful to know where the Government stands on those particular issues, as well as on the other matters which have not yet been addressed and which arise out of the working party review. So on that basis I indicate support for the Bill.

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

EMPLOYMENT AGENTS REGISTRATION BILL

Adjourned debate on second reading.

(Continued from 5 August. Page 57.)

The Hon. L.H. DAVIS: The Liberal Party indicates support for this Bill, but gives notice that some amendments will be placed on file. The Bill seeks to establish a new Act to cover employment agents. It is interesting to note that it replaces the Employee Registry Offices Act 1915. This Bill recognises the broadening nature of employment agents in the 1990s in this State and the changing industrial environment, which has meant that there have been different work arrangements put in place. Also, of course, there has been a proliferation of casual workers, part time workers and employers taking people on contract rather than on a permanent basis.

The scope of the Bill is very wide, and the definition of 'employment contract' is a matter best left to debate in the Committee. However, it seeks to increase the scope of the legislation much more than was previously covered under the 1915 legislation, which curiously limited the operation of that Act to the metropolitan area and only to those who found work for employees.

In this Bill we see that freelance personnel and contractors are brought within the definition of the 'employment contract'. So 'employment contract' under the legislation now before us seeks to cover the contract of service between two people, an employer and an employee, and also a contract, arrangement or understanding between a worker and an employer, provided that that work is not ancillary to the supply of goods by the person performing the work; for example, the installation of a washing machine would be an example, as would be 'the use of goods that are the property of the person performing the work; or the conveyance of goods by means of a vehicle provided by a person other than the employer; or if the contract, arrangement or understanding is of a class excluded. . . by the regulations.'

But in our society we have a whole host of employment contracts entered into where a company might hire a firm to cut the lawns surrounding the company headquarters. Someone may ring 'Dial an Angel' to hire a window cleaner on a permanent or casual basis; someone may hire a chimneysweep.

The Hon. T.G. Roberts: I am glad you explained that one.

The Hon. L.H. DAVIS: 'Dial an Angel'? They wouldn't come looking for the honourable member. But I guess that in most cases we tend to think of an employment agent in the more conventional sense of a relationship involving a contract of service in an office setting. Quite clearly, in the 1990s it extends well beyond that traditional definition.

There are organisations that act as umbrella bodies for people involved as employment agents. I include the National Association of Personnel Consultants, which has some 15 members at least in South Australia; and also the Labour Hire Association of South Australia, which has at least 10 members. Some of the wellknown names in this area involved with the National Association of Personnel Consultants include Centacom, Manpower, Morgan and Banks and Western Personnel. In the Labour Hire Association we have firms such as Western Personnel, Morgan and Banks, Quality Staff and State Labour Hire.

The Liberal Party has consulted with these groups and the Chamber of Commerce and Industry in determining its position on the legislation. As I said, we will certainly be examining the definition of 'employment contract' during the Committee stages. We support division 1, the licensing of agents provision, which seeks to tighten up the awarding of licences for employment agents. The professional people operating in this area understandably have had concern that there are people who perhaps do not necessarily have the qualifications, the experience and in some cases the integrity to be an employment agent.

So an application mechanism is built into the legislation where character references must be provided where the Director of the department which is administering the Act can have the right of veto of granting an application.

There is also a right of appeal against the refusal to grant an application for a licence. The Liberal Party supports those proposals. We see them as sensible and quite appropriate. This measure, which is a strengthening of the existing legislation, is also supported by the governing bodies of employment agencies.

However, we do raise our legislative eyebrows at the provisions applying to employment agents set out in part 3 of the Act. Clause 19 is totally unrealistic. It provides:

> (1) An employment agent must maintain in a conspicuous place at any registered premises a notice clearly showing the scale of fees for the time being chargeable by the agent in respect of his or her business.

That scale of fees must be lodged with the director. This is yet another example of the Government's being blissfully unaware of how the marketplace operates, because the simple fact is that almost all employment agencies charge a fee not to the applicant but rather to the client. The person seeking work is not the person who is charged the fee, although there may be exceptions to that, particularly, I understand, in the nursing area.

The point has been made in one of the submissions that this measure is against the ILO Convention: that to charge a fee to the applicant is contrary to the ILO Convention. A suggestion has been made in the past by the National Association of

Personnel Consultants that fee-charging by employment agencies to prospective employees should be banned in accordance with that convention.

Indeed, the National Association of Personnel Consultants, in a letter commenting on this Bill, repeated that point. It stated that:

> An applicant is a person registering with the agency for permanent and/or temporary work. Under the National Association of Personnel Consultants code of ethics our members do not charge fees to any applicants.

That is the peak body for personnel consultants in South Australia. It is a national body and its membership in South Australia is forbidden to charge fees to any applicants. Fees are therefore only charged to clients, that is, employers.

Even the Hon. Terry Roberts, who comes from the timber industry, would be well aware that in that situation, where people are being employed on a temporary or casual basis through a personnel consultant's arrangement, they may well come to the office seeking work, but the client rarely comes to the office. Most of that business would be done on the phone—people ringing up and saying, 'We have people away sick. We would like a stenographer, a computer operator and a part-time accountant for the next two weeks.' On the other hand, a fax could come in with the request.

So, to suggest, as clause 19 does, that there should be a scale of fees maintained in a conspicuous place at any registered premises is just a nonsense, because the fees are charged to the client rather than the employees. In addition, to compound the error of the Government way—something to which we on this side of the Council are quite accustomed—the scale of fees will vary from situation to situation.

Quite clearly, if one has an arrangement with a big company such as BHP at Whyalla to supply temporary staff—a contract that might operate over 12 months or longer—the scale of fees applying to that company will be quite separate from that applying perhaps to a one-off situation involving a receptionist for the local dentist.

Also, of course, the scale of fees will vary depending on the skill involved in the job, the length of time of the job, or whether it is a permanent or temporary position. There is no end to the combinations and permutations of the fees that will be charged by personnel consultants.

For them to have to set down one scale of fees in a prominent place is a nonsense on two counts, the first of which is that generally speaking the scale of fees is not seen by the client in the office, anyway. The scale of fees is a contractual arrangement made at the time or on a regular basis between the employment agent and the employer, who is the client.

Secondly, as I have explained, the applicant for the job putting their name down as seeking work on a permanent or casual basis will not generally be charged a fee. Certainly, none of the 15 firms that are members of National Association of Personnel Consultants would levy such a fee. So, the Liberal Party will be seeking to gut clause 19 because it is at odds with commercial reality.

A further point to underline the strength of the argument is that if we reflect on other professions in society we see that they are not required to set down their scale of fees in a conspicuous place. In this respect, I refer to lawyers, service station operators, share brokers, accountants, real estate agents and dentists, and we on could go on. None of them is required to set their scale of fees in a conspicuous place. Of course, if one were required to set down one's scale of fees in a conspicuous place, as the National Association of Personnel Consultants points out, that could lead to industrial espionage and undercutting of fees or, conversely, to price fixing. So, the scale of fees argument in clause 19 is quite unrealistic and to make such a demand is simply stupid.

Clause 20 deals with responsibility to the workers. An employment agent must provide adequate information to the employee setting out the name and business address of the employer, prescribed information relating to taxation and insurance matters and any other such information as required by regulations. There are also matters of WorkCover and so on. Again, I think that will be a matter of clarification in the Committee stage of the Bill.

Clause 21 sets out responsibilities to employers, and the Opposition will be seeking a consequential amendment because, again, reference is made to the scale of fees and a demand that an employment agent must not charge an employer a scale of fees which exceeds the rate of payment set out in the fees displayed. That, of course, is antiquated thinking. The Minister is well behind the times when he makes that proposition.

The requirement for records in clause 22 meets with no objection from the Liberal Party. However, the final matter I want to address is in clause 23, which seems, again, not to recognise that the world has changed. It provides that:

> An inspector may. . . at any reasonable time enter and inspect premises.

Of course, many businesses these days are operated out of a home office, and I suspect that some employment agencies would be in this position. So, it is quite improper to allow an inspector to enter a domestic premises 'at any reasonable time', because he may find that the two people are not engaged in discussing a contract of employment. Therefore, it seems reasonable to modify clause 23 to provide that an inspector is not entitled to enter a private premises used for residential purposes except with the consent of the occupier and under the authority of a warrant issued by a magistrate. The Liberal Party, as I see it, supports the second reading of the Employment Agents Registration Bill but gives notice that amendments will be placed on file to cover its objections to certain elements of the legislation.

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

CORRECTIONAL SERVICES (CONTROL OF PRISONERS' SPENDING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 August. Page 57.)

The Hon. J.C. IRWIN: The Opposition supports this measure; indeed, it welcomes it as being long overdue and indicates the obvious: owing to the winter recess we have not been able to speed its passage through from when it was introduced last April. We hope that the hold-up of two or three months will not be detrimental. The Bill amends the Correctional Services Act to provide a more flexible and appropriate pay scheme for prisoners and ensures that those prisoners who refuse to work are not able to have access to moneys brought into the prison from outside for the purpose of buying tobacco and other personal goods. The aim is to provide a financial incentive for prisoners to work by ensuring a significant difference between the income of prisoners who work and those who choose not to work.

The Opposition realises that this would mean little if the manager of the prison could not lawfully control the spending of trust moneys by prisoners who for reasons known only to

themselves choose not to work within the prison system. The Bill ensures that the purchase of tobacco and other personal goods by prisoners is limited by the amount earned in prison industries regardless of the moneys paid into the trust from outside sources.

The Government previously faced two major hurdles with respect to prisoners' income. First, a large number of South Australian prisoners are not gainfully employed in the prison system, and the Government has continually claimed that little could be done to establish prison industries as they would compete with the private sector. Interstate experience has proved these claims to be unfounded. Nevertheless, if industry and employment opportunities are made available we will have some opportunity through this Bill to vary rates of pay and entitlements.

It has also not been possible for the department to ensure that prisoners work when such work exists within the prison. The system proposed by the Government is similar to systems used in prisons in other States, particularly in private systems that have recently been introduced in Queensland and New South Wales. However, under the Act as it presently stands it is possible by regulation to limit expenditure by all prisoners in a prison, but the manager of the prison cannot validly be given a discretionary power to regulate to restrict expenditure of a particular kind by one or some prisoners. Prisoners who are prepared to work will under this legislation be able to have access to more funds than those who choose not to work. It is an incentive measure and I support it.

I believe that I now have a reasonable grasp of the prison system in South Australia and, indeed, in other States and the United States. Some of that experience comes from my participation in the long-running saga of the select committee set up by this Council to look at the penal system in South Australia. I have never been able to understand why any choice is available to a prisoner in the system in this State or anywhere else. In my opinion, all prisoners should work, and there should not be an option. I suppose I should qualify that by saying that you can take a horse to water but you cannot make it drink. However, when I visited Yatala and asked prison officials why certain prisoners were in their cells, they just shook their head and said, 'They choose not to work; so they do not have to do anything other than sit in their cell.'

I have never accepted that. I have seen prison systems in other parts of the world and interstate where that does not seem to be a problem. Although it might not be compulsory to work within the system, elsewhere in other systems people want to work. That must be good for the system and for the individuals within it. In his second reading explanation, the Minister stated:

> The aim is to maximise the opportunities for the training of prisoners in good work habits and educational skills and so as to enhance opportunities for prisoners to obtain paid employment upon release. . .

I emphasise the words 'educational skills'. That is the only reference to education that I can find in the second reading explanation. So, I am not sure whether peer educational work in the schoolroom will qualify for a higher amount of payment equal to those who choose to be engaged in physical type education or work skills that come under the broad heading of 'education'.

I support the Government's desire to promote joint ventures between prison industries and the private sector. That is mentioned as a problem where there has been some hold-up, because the authorities do not want prison industries to compete in a heavy-handed way with private industry, but the Minister in his second reading explanation states that there will be more joint venture work between the prison industry system and the private sector. He refers to the 'private sector entrepreneurs'. I do not like that phrase much after the experience of the 1980s. I would like to stick to the private sector and leave the word 'entrepreneurs' to wither away slowly on the vine.

The Hon. T.G. Roberts interjecting:

The Hon. J.C. IRWIN: Yes. Because of my involvement with the penal select committee, which has been meeting now for nearly three years and which is trying to write a report with recommendations, I will refrain from using the wealth of evidence that has been made available to the committee to enlarge on my contribution to this debate. Hopefully, there will be plenty of opportunities before this session is finished for the select committee to report and for its members, including myself, to make comments. Some of those comments will be very much directed at this area of prison industry and providing an incentive for prisoners to work and to be better educated.

One only has to look at the statistics regarding deficiencies in literacy and numeracy, for instance, which magnify the position within the community. Up to 50 per cent of prisoners within our systems are deficient in literacy and numeracy. That is a sad enough aspect of every-day community life but, when it is magnified by the people who are deficient in those areas congregating within the prison system, it is obvious that the first thing that needs to be done is to try to offer education to those people to at least enable them to learn how to read and write and to do simple calculations so that when they leave the system they will be better equipped to get a job and to get on with their life without resorting to crime.

That might be naive thinking, but they are certainly some of the thoughts coming through to me. Even if it were possible to use the evidence of the select committee, I would refrain from using it at this stage. However, it is sufficient for me to say that, without preempting the select committee, the amendments before us are not compromised by the evidence available to us, and in fact they are probably supported by it. So, with that said, Mr President, I indicate the Opposition's support for this Bill.

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

ENVIRONMENT PROTECTION (SEA DUMPING) (CONSISTENCY WITH COMMONWEALTH ACT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 August. Page 35.)

The Hon. DIANA LAIDLAW: The Liberal Party supports the second reading of this Bill, which simply brings South Australian legislation into line with Commonwealth legislation. This matter was first legislated at Commonwealth level in 1981 in order to recognise the Commonwealth Government's obligations as signatory to the international convention on the dumping of wastes at sea. The South Australian Act was passed in 1984, but for some years, according to the Minister's second reading explanation, was never proclaimed because of continuing difficulties and negotiations with the Commonwealth Government concerning administrative arrangements and concern about the placement of artificial fish reefs. The provisions of the South Australian Act were extended in 1991 to cover the issues of increased penalties—and there are

substantial penalties for dumping under this legislation—and also to address the issue of the ambit of the Bill, so that it extends not only to coastal waters but to our gulf waters: St Vincent Gulf and Spencer Gulf.

This specific Bill, which the Liberal Party supports, addresses a number of issues, such as the timing of the imposition or variation of conditions of permits to dump; the publication of information in the *Gazette* relating to permits; and the expansion of the evidentiary provision relating to evidence of analysts. Another provision, which I suspect was the most controversial in the Bill, relates to the removal of any time limit on prosecutions for offences against the Act. There is no clarification of this in the Minister's second reading explanation, and I have not checked the Commonwealth Bill to find out the explanation in that legislation. Recognising the penalties that are associated with this Bill for dumping, I would be interested to learn from the Minister what the potential implications are of this all-embracing new clause, which provides that there is just no time limit at all on prosecutions for offences. Perhaps there is something under the Acts Interpretation Act or Summary Offences Act—I am not too sure—which does say that a reference to 'no time limit' means up to 20 or 50 years or something, but if it is forever and a day I am not sure how that works.

One would certainly want some evidence to prosecute, and how relevant the evidence is after some period of time I am not sure, but I would be interested to learn about the application of that open-ended provision. Most matters that we discuss in this place, although not related to the environment, but certainly related to other penalties, have a time limit on when prosecutions can be laid.

I also note that under the regulations there is an increase in fines for various offences that are not specifically addressed in the Bill. These penalties distinguish between a natural person and body corporate. Currently no distinction is made, and the fine under the regulations is a penalty not exceeding $500. The Bill proposes, and we accept, that the fine for a natural person be increased from $500 to $1 000, and for a body corporate from $500 to $5 000. I recognise that that is a substantial leap in terms of a body corporate, but I note that the distinction between natural person and body corporate is certainly provided for in other penalties in this Bill, and I think that it is appropriate in this case, too. So, it is not a new concept that is being introduced in respect to penalties under the regulations, but rather an extension of current provisions in the Bill, and I suspect that it is one matter that was overlooked when we last dealt with the issue of increased penalties when this Bill was before the Council in 1991. I support the second reading.

The Hon. BARBARA WIESE (Minister of Transport Development): I thank the honourable member for indicating that the Liberal Party supports this legislation. There was one issue that the Hon. Ms Laidlaw raised with respect to the removal of time limits for prosecutions under this legislation. Whether or not any overarching, all-embracing provision is contained in the Acts Interpretation Act or some other piece of legislation that provides for an ultimate time limit in a situation like this, I do not know. However, I can say that, as I understand it, the reason for the removal of the time limit that was previously included in this legislation was that it effectively was working against the authorities in bringing offenders to justice, because in situations such as the ones that are covered by this legislation, it can sometimes take some years to investigate and gather the appropriate evidence that is necessary in order to bring a prosecution.

So, there is a problem with the time limit that was previously imposed. It was for that reason that it was thought appropriate to remove that time limit in order that there is sufficient time to enable evidence to be gathered to bring prosecutions. I will investigate this matter further, and provide further information for the honourable member if there is anything further to be added to that.

The Hon. Diana Laidlaw: Could you also indicate the nature of investigations that may have been thwarted because of this? I am not sure that section 32 has a time limit on it now. Although it says that an offence against this Act is a minor indictable offence, there is actually not a time limit now. Yet, for some reason they have brought one in this Bill, and I just want to know why, and what cases may have influenced that.

The Hon. BARBARA WIESE: I will undertake to seek further information about the situation that has occurred thus far, and what cases may have been a problem in the past. I hope that it will be acceptable for me to provide this information later, and before the matter goes to the House of Assembly, so that this Bill can pass the Council.

However, if that is not acceptable to the honourable member, then I will attempt to provide those responses before the Bill passes.

The Hon. Diana Laidlaw: Could you do it tomorrow before it goes to the Lower House?

The Hon. BARBARA WIESE: I will attempt to do that. So we will hold up the debate today and I hope that I will be able to have answers to these questions by tomorrow when we can proceed with the Committee stage.

Bill read a second time.

MOTOR VEHICLES (DRIVING WHILST DISQUALIFIED—PENALTIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 August. Page 36.)

The Hon. DIANA LAIDLAW: The Liberal Party supports this Bill which simply seeks to provide a distinction between a first time offender and a person who repeatedly and deliberately drives whilst suspended or disqualified from holding or obtaining a licence. The Minister did note in her second reading speech that this has been the subject of comment in recent decisions before the Supreme Court. In his judgment in an appeal by David John Hollands, case number S 3669, heard on 19 October 1992, Matheson J. notes:

> It seems to me surprising that the Legislature [in this case the Legislative Council and the House of Assembly] has not provided for greater penalties for subsequent offences for the offence of driving whilst under suspension. Speaking for myself, I consider that attention should be given to that matter.

I will not go further into that case because of the hour, but I am pleased to see that we are dealing with this matter which seems a logical one and possibly overdue, and I suspect that it will be one time where the Legislature pleases the judiciary and *vice versa* in this State, because we do not seem to have been getting on so well in more recent times. I commend the Minister for bringing this Bill before the Council, and we certainly support the legislation.

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

ADJOURNMENT

At 6.30 p.m. the Council adjourned until Wednesday 18 August at 2.15 p.m.