LEGISLATIVE COUNCIL

Thursday 17 February 1994

The PRESIDENT (Hon. Peter Dunn) took the Chair at 2.15 p.m. and read prayers.

PAPER TABLED

The following paper was laid on the table:

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

Local Government Association—Report, 1992-93.

AYTON REPORT

The Hon. R.I. LUCAS (Minister for Education and Children's Services): On behalf of the Attorney-General, I seek leave to make a statement about the National Crime Authority. Leave granted.

The Hon. R.I. LUCAS: Yesterday questions were asked in both Houses of Parliament in relation to an opinion by the Acting Solicitor-General for the Commonwealth of Australia to the Joint Parliamentary Committee on the National Crime Authority. The assertion was made by the Leader of the Opposition in the House of Assembly and the Leader of the Opposition in the Legislative Council that the advice by the Acting Solicitor-General, who was also in-house counsel in the Federal Attorney-General's Department in Canberra, was that offences had been committed by the Premier, the Deputy Premier and the Attorney-General in having received the report—

The Hon. C.J. Sumner: Copies.

The Hon. R.I. LUCAS: You can yap as long as you like; they are there, but I am not going to deliver them to you—of Superintendent Ayton—

The Hon. C.J. Sumner: Copies.

The Hon. R.I. LUCAS: Well, speak to the messenger. Press the button: the green one. That is what you do.

Members interjecting:

The Hon. R.I. LUCAS: I held them out. Press your button.

The Hon. C.J. Sumner interjecting:

The Hon. R.I. LUCAS: I do not walk across the Chamber and hand them to you.

Members interjecting:

The PRESIDENT: Order! We do not need an argument this early in the piece. The Leader sought leave to read a statement, and I ask him to please read it.

The Hon. R.I. LUCAS: Thank you, Mr President. It was suggested that offences had been committed by the Premier, the Deputy Premier and the Attorney-General in having received the report of Superintendent Ayton, referring to it in both Houses of State Parliament and tabling it in the Legislative Council. Such assertions are a blatant misrepresentation of the advice.

The Acting Solicitor-General's advice recognises that the reference in the State Parliament to the Ayton report and the tabling of that report in the Legislative Council were both subject to the privileges of the South Australian Parliament. No reference was made in the opinion to offences having been committed by the Premier, Deputy Premier and Attorney-General while they were members of the Opposition.

It is clear even on the advice of the Acting Solicitor-General for the Commonwealth but also on the advice which the South Australian Government has received that no offence has been committed by the Premier, the Deputy Premier or Attorney-General. The Attorney-General, as the first law officer in South Australia, has written to the Chairman of the Federal joint parliamentary committee in response to a letter received from the Chairman, indicating that the action taken by the three Ministers whilst in Opposition was absolutely privileged and that they did not intend to appear before the joint parliamentary committee. That remains the position. The Attorney-General made the point to the Chairman that the document has not been received from a past or present member of the joint parliamentary committee.

GRAND PRIX

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a copy of a ministerial statement made in another place today by the Premier (Hon. D.C. Brown) on the subject of Carlton and United Breweries and the Australian Grand Prix.

Leave granted.

CATHAY PACIFIC

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a copy of a ministerial statement made in another place by the Minister for Industry, Manufacturing, Small Business and Regional Development about Cathay Pacific pilot training.

Leave granted.

QUESTION TIME

AYTON REPORT

The Hon. C.J. SUMNER: My question is directed to the Leader of the Government. Given that yesterday in another place the Deputy Premier said that he received the Ayton submission to the Joint Parliamentary Committee on the NCA 'from a substantive source, as everyone here would recognise', I ask the Leader:

1. Does he know the identity of the source referred to by the Deputy Premier who provided the Ayton report to the Attorney-General, the Premier and the Deputy Premier?

2. Given that a criminal offence has been committed by someone in relation to this matter, that being absolutely clear from the Acting Commonwealth Solicitor-General's opinion, will the Leader cooperate with Federal authorities to ascertain who is responsible for the commission of this criminal offence; and

3. Can the Leader assure the Council that the Ayton document was not provided to the Premier, Deputy Premier, Attorney-General or any other member of the Liberal Opposition directly or indirectly from a current or past member of the Joint Parliamentary Committee on the NCA?

The Hon. R.I. LUCAS: I will take the question on notice and bring back a reply.

The Hon. C.J. SUMNER: As a supplementary question: I repeat this question, which is perfectly capable of an immediate answer. It is asked directly of the Leader of the

Government in the Council. It is clearly within his knowledge now to answer this question. Does he know (that is the question, Mr President; does this Leader of the Government know) the identity of the source who provided the Ayton report to the Attorney-General, to the Premier and to the Deputy Premier when they were in Opposition?

The Hon. R.I. LUCAS: The answer to the first part of that question is 'No' but, in relation to the other aspects of the question, I will take the question on notice and bring back a reply.

HINDMARSH ISLAND BRIDGE

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before directing a question to the Minister for Transport about the Hindmarsh Island bridge.

Leave granted.

The Hon. BARBARA WIESE: One of the Jacobs inquiry terms of reference was 'to report on options open to the Government for the resolution of the present impasse in the broad interests of the people of South Australia and the financial implications of such options.' According to the Minister, Mr Jacobs has put forward three options. In doing so, did he make an assessment of the financial implications of these options; if so, what were his conclusions and, if not, why not? Did he assess the financial implications of these options as compared with the current bridge proposal? If so, what were his conclusions? If not, why not, since it was clearly within the terms of reference and central to the whole matter?

The Hon. DIANA LAIDLAW: The options that Mr Jacobs provided to the Government in his report were for the bridge link at the barrage, a pontoon or a causeway. As I indicated yesterday, it was not within his capacity to provide detailed costings of those matters, and he did not speculate accordingly. It is for that reason that he recommended that there be further investigations of this matter, and that is why the Government has determined that instead of investigating all those matters at length we would look at the option of the bridge at the barrage site. The reason why we would not be exploring the other two options was outlined earlier, but I will state that, because of Aboriginal concerns about the site, the former Government selected for the bridge between Goolwa and Hindmarsh Island. Because of those very concerns with the current bridge proposal, it was considered that it would not be wise to look at other options at that very site and that we would opt to investigate further the barrage bridge site. It was not possible for him to provide detailed costings until these matters had been explored further, and he recommended that they should be. That is what we are doing now.

The Hon. BARBARA WIESE: As a supplementary question, what possible purpose was there in establishing the Jacobs inquiry if it was not to examine financial issues related to the Hindmarsh Island project? Secondly, can the Minister indicate who is now conducting the inquiry into the barrage proposal, and from where have the funds suddenly materialised since the Minister indicated two days ago that previously no such funds were available to Mr Jacobs?

The Hon. DIANA LAIDLAW: The honourable member has asked a number of questions. The first is: what possible reason was there for the Jacobs inquiry to be established? There was plenty of reason.

The Hon. Barbara Wiese interjecting:

The Hon. DIANA LAIDLAW: It did.

The Hon. Barbara Wiese interjecting:

The Hon. DIANA LAIDLAW: We have plenty of answers and I gave them at length in the ministerial statement, as you are aware.

The Hon. Barbara Wiese interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: That is why we are having this feasibility study.

The Hon. Barbara Wiese interjecting:

The Hon. DIANA LAIDLAW: The Jacobs inquiry was asked principally to look at the funding and contractual arrangements in relation to the current bridge proposal. He did that at length, as the honourable member knows, and it was outlined in this place by me on Tuesday. Those funding and contractual arrangements, as I indicated, are monstrous if we do not continue with the bridge proposal, and now we know to some extent what that liability would be.

In terms of the further investigation, I have asked the Road Transport Agency to prepare a brief, and I have received an outline of that brief. It is proposed at this stage that the contract with Connell Wagner, the contracting manager, be extended to incorporate this further investigation.

The Hon. C.J. SUMNER: As a supplementary question, is there anything in the Jacobs report about the cost benefit analysis of proceeding with the bridge to Hindmarsh Island compared with the cost benefit of continuing with or supplementing the ferry service? It is a simple supplementary question: is anything on that topic dealt with in the Jacobs report?

The Hon. DIANA LAIDLAW: I recall that there is some reference. I do not have the report with me, but I can provide that answer to the honourable member.

The Hon. C.J. SUMNER: As a further supplementary question, will the Minister provide the relevant extract from the report on this topic given that the excuse about potential legal proceedings cannot be used as an excuse for not providing that information at least to this Council?

The Hon. DIANA LAIDLAW: That question is unnecessary. I indicated to the earlier supplementary question that I would provide that information to the honourable member, and I will.

The Hon. C.J. Sumner: You will provide me with an extract from the report? That was the question: an extract from the report.

The Hon. DIANA LAIDLAW: Yes, and I will do so if, in the terms of that extract, there is no reference to any legal liability on the part of the Government. I undertake that if there is no reference in that area to any legal liability, I will certainly provide that information to the honourable member.

WOMEN, VIOLENCE

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about violence against women.

Leave granted.

The Hon. CAROLYN PICKLES: As the Minister would be aware, the National Strategy on Violence Against Women was launched by the Prime Minister at a Commonwealth-State Ministers' conference on the status of women on 30 October 1992. In so doing the Prime Minister announced a $3.5 million community education campaign and the Commonwealth Government's full support for ongoing work to address this unacceptable aspect of our society. The previous Minister for the Status of Women (Hon. Anne Levy)

also vigorously pursued the national strategy seeking a response from each department through each Minister.

I note that, in his maiden speech to the Council, the Hon. Mr Redford referred in quite some detail to his views on domestic violence. They are to be commended. However, he did say that the previous Government's approach in the area of domestic violence was to set up specialist squads. I am not quite sure what he meant by that but I thought I ought to set the record straight and advise him that the former Labor Government introduced legislation to make stalking a criminal offence—which I notice that the present Government has taken up—implemented a community policing strategy, placed an emphasis on victim support services, established child protection services to combat child abuse, established a special domestic violence resources unit to develop policy and training for workers in this area, established three police domestic violence units, supported 13 emergency women's shelters, and ensured speedy access to housing for domestic violence victims, among many other strategies. My questions to the Minister are:

1. Does the Minister support the national strategy on violence against women?

2. What is she doing to ensure that the strategy is implemented at all Government levels?

3. What resources is the Minister prepared to commit to the implementation of this very important strategy for women?

The Hon. DIANA LAIDLAW: During the election campaign the Liberal Party released its specific policy on domestic violence. It believes that domestic violence is the ultimate betrayal within families. I think that is a view shared by all members in this place. One of the commitments that we made at that time was that we would be introducing a domestic violence Act and, because of the priority we place on this issue, that Act will be introduced during the first session of this Parliament.

The stalking legislation has already been reintroduced by the Government and, of course, there is a private member's Bill on the same matter. In terms of funding, we are continuing to work within the funding provided by the former Government for the year 1993-94. The national strategy has been endorsed by all political Parties at all levels, Federal and State. It will be progressively implemented and, in terms of the resources, as I indicated earlier we are currently functioning within the resources that were provided for by the former Government and voted upon in this place.

In terms of the council that was established at the national level by the Federal Government, the latest advice I received—and I must admit it was in January—was that the Federal Government had allowed the membership of that council to lapse. There is great interest to see whether that will be reinstated.

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking a question of the Minister for the Status of Women.

Leave granted.

The Hon. A.J. REDFORD: In the recent case of *The Queen v Taylor* heard in the Supreme Court, where a woman pleaded guilty to the manslaughter of her husband, evidence was given in relation to an incident which occurred prior to the death of Mr Taylor. Evidence was given to the effect that there had been a fight between Mr and Mrs Taylor and their daughter. The police were called and attended the scene. After some discussion the police did not want the father charged and the wife merely sought assistance from the police for the purposes of obtaining a restraining order and organising accommodation for that evening, preparatory to organising longer term accommodation. This occurred on a Friday evening.

On the following Monday, Mrs Taylor obtained a restraining order and thereafter stayed with a cousin in small and unsuitable accommodation. In fact, they slept on the floor. Mrs Taylor, in leaving her husband, did not have the opportunity to take anything with her. After obtaining the restraining order they went to the Department of Social Security. They spoke to someone at the desk. They were not sure about the benefits that were available, but they were told that they would have to complete six forms.

They did that and were told to wait. Shortly after, a senior woman from the Department of Social Security approached them and spoke with them. The circumstances which led to Mrs Taylor and her daughter leaving home were explained to her. She was told that they had left with nothing and, in fact, that they were sleeping on the floor of their cousin's place. They told the officer that they lacked clothing and that they had taken very little with them at all having regard to the circumstances leading to the separation.

The Department of Social Security officer asked for identification. Mrs Taylor did not have the appropriate identification. Apparently a Medicare card, a key card and a Harris Scarfe account card were not sufficient. She was required to have a driver's licence or a passport. Evidence was given to the effect that that was not good enough and as a result of there being no proper identification the department could do nothing. They were told that they would have to wait a period of six weeks for any assistance in any event. My questions to the Minister for the Status of Women are as follows:

1. What assistance through the State Government is available to women who are confronted with situations similar to that which confronted Mrs Taylor and, in particular, through the Family and Community Services Department?

2. Will the Minister consider writing to the relevant Federal Minister requesting that the guidelines given to the Department of Social Security be reviewed, so that women in Mrs Taylor's position can be adequately and appropriately looked after by the Department of Social Security?

3. What proposals does this Government have to alleviate the enormous problem that is created in the South Australian community in the area of domestic violence?

The Hon. DIANA LAIDLAW: I thank the honourable member for his questions. As the Hon. Ms Pickles noted earlier, the Hon. Mr Redford has a keen interest in this area having practised through his law a specialty in protecting victims and defending their interests. He has often been quoted and applauded amongst women's groups I understand for his defence in terms of the battered wife syndrome. I am pleased that I have been asked this question because I heard an interview with Mrs Marie Shaw, who in this instance was Mrs Taylor's lawyer, and was appalled to learn over the radio, and then to have it confirmed, that earlier Mrs Taylor had left home and had sought assistance from the Commonwealth office for social security.

Any member who has taken an interest in this matter would know that after years of beating and humiliation women do not have a great deal of confidence or courage, and it does take enormous courage in those circumstances to leave home. In this instance, Mrs Taylor had been beaten, the

police had been called, and there had been discussion between the police and Mrs Taylor. She had decided to leave with her daughter. It is hardly surprising in those circumstances that she would not have thought of taking her passport. She did not even think of taking a spare set of clothes let alone her passport or driver's licence. So, for a Federal officer, a couple of days later, to deny the assistance—

The Hon. Anne Levy: She might not have had one.

The Hon. DIANA LAIDLAW: That is an extremely good point. She may not even have a driver's licence or a passport, or that form of identification which the department then sought before it was prepared to provide the assistance that Mrs Taylor clearly needed. Even if she did, it is hardly surprising in the circumstances that she would not have thought of taking with her what the department thought were such essential items. I am certainly prepared to respond to the honourable member's question by writing to the Federal Minister in this regard. I would have hoped that all officers in Commonwealth departments by this stage would have been trained, if they did not have it naturally, to have sensitivity towards this issue of battered wives and general victims of domestic violence. It is apparent that this is not the case and I think that the Federal Minister should be addressing that matter as a matter of urgency.

I do know that, in terms of South Australia, great efforts were made by the former Government and will continue to be made by this Government to alert not only people who work within the Department of Family and Community Services but also within the police to ensure that they have the training and sensitivity in this area. More can always be done and that is certainly our objective through some of the decisions that will be taken by this Government in the next few months, including ensuring that domestic violence is treated as a crime.

The Hon. ANNE LEVY: As a supplementary question, will the Minister for the Status of Women, in following up this question, ensure that the newsletter of the National Clearing House on Violence Against Women in future contains reference to what is happening in South Australia? I received an issue recently which gives information on New South Wales, Queensland, Victoria, the Northern Territory and the Commonwealth, but there is no mention of activity in South Australia, although there is a great deal of reference to training being implemented in Social Security starting November 1993.

The Hon. DIANA LAIDLAW: I will certainly bring that matter to the attention of the National Clearing House. The same point was noted by officers in my ministerial office and we will be acting upon it.

The PRESIDENT: I point out that a supplementary question should not require an explanation. The honourable member's supplementary question was totally different from what the original question was about. If members are going to ask supplementary questions, please just ask the question.

EUTHANASIA

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister representing the Minister for Health a question about voluntary euthanasia.

Leave granted.

The Hon. SANDRA KANCK: During the recent State election campaign, the South Australian Council on the Ageing approached all political Parties seeking their position on the re-introduction of the Medical Treatment and Palliative Care Bill. The then Leader of the Opposition (Dean Brown) replied, 'I would expect the Bill to be introduced into the Parliament early in the life of a Liberal Government.' When will the Minister be introducing the Bill?

The Hon. DIANA LAIDLAW: This matter has been discussed. It will be a Government Bill and it will be introduced in this place. As Minister representing the Minister for Health in this place, I will be responsible for that Bill and it is my understanding that the introduction will be sooner rather than later.

LEGAL COSTS

The Hon. T. CROTHERS: I seek leave to make a statement before asking the Minister representing the Attorney-General in his absence some questions pertaining to the legal costs structure which currently exists in South Australia.

Leave granted.

The Hon. T. CROTHERS: Like our new member the Hon. Mr Lawson, I was drawn to the comments on the front page of the *Sunday Mail* dated 6 February this year and attributed in some instances as direct quotes from Mr Justice Olsson. When I heard the honourable member ask his question, I said to one of my colleagues, 'Great minds think alike,' to which he replied, 'Fools seldom differ.' You can imagine, Mr President, that this brought me back to earth with a resounding crash! I do not know what effect these sorts of comments will have on my learned colleague, the Hon. Mr Lawson. The Hon. Mr Lawson's question dealt with that part of Mr Justice Olsson's statement that centred on truth in sentencing.

My questions relate to that part of Mr Justice Olsson's comments when he said, 'He feared for the future of justice as we know it if it was not brought within the access of all South Australians.' He also implied that true affordability of the law now rested with either the very rich South Australians or the very poor South Australians. Many people I know would say that, if this particular situation were to continue, within a short period Mr Justice Olsson's statement will prove to be right and that the law as we know it will become totally inoperable here in South Australia. In the light of what I have just said, I direct the following questions to the Minister representing the Attorney-General:

1. Does the Minister believe, as Mr Justice Olsson also implied in the article, that the current system of legal charges needs to be reformed so as to accommodate every South Australian in regard to having access to the law?

2. If the Minister's answer to my previous question is in the negative, why does he hold that view?

3. If the Attorney's answer to my first question is in the affirmative and he does agree with Mr Justice Olsson, what does the Minister propose to do in order to restore affordable availability of access to the law for all South Australians?

I conclude by requesting that, as these are serious and genuine questions, the Attorney not hide his true beliefs behind the wig and cravat of his profession and that he do his absolute best to phrase his replies by leaving out the 'hereinbefores' and the 'theretofores', etc, thus allowing a poor layman such as I to fully comprehend his answers.

The Hon. R.I. LUCAS: I trust that all questions asked by honourable members are genuine—not only the questions that the honourable member has asked this afternoon in this Chamber. I shall be delighted to take those questions, and I

am sure that the Attorney will bring back a reply in due course.

BILINGUALISM

The Hon. M.S. FELEPPA: I seek leave to make a brief explanation before directing a question to the Leader of the Council, representing the Minister for Multicultural and Ethnic Affairs, about bilingual skills.

Leave granted.

The Hon. M.S. FELEPPA: Yesterday's *City Messenger* carried an article by Joanne Hider which is headed 'Bilingual skills of SA workers ignored, wasted', and which states:

> SA employers, including the State Government, are wasting a huge resource by ignoring their staff's bilingual skills, says the South Australia Multicultural and Ethnic Affairs Commission. Commission Chairman Paolo Nocella said SA was lagging behind other States and countries by not promoting and using foreign language skills in its work force. He said he found it surprising SA, especially the Public Service, had not tapped into the resource because it was a multicultural society and was eager to boost tourism.
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> Mr Nocella said the NSW and WA Governments had recognised the merit of speaking several languages and their police officers wore on their uniform a national flag symbolising the language they spoke. He said health and welfare was another area where staff speaking different languages should be easily identified, as a communication breakdown could be disastrous. Many countries saw providing and promoting multilingual services a common courtesy, especially if they received many tourists. He said there was a Government language allowance of about $1 000 annually for staff who used different languages at work. Mr Nocella said Adelaide exporter Sola Optical was one of the few examples of companies to realise 'linguistic skills equal additional business'.

The importance of a language other than English in a society that wants to export to the rest of the world, that wants to attract tourists and that wants to deliver appropriate services to a multi-cultural and multilingual community is well understood. Therefore, in view of the stated policy of the Liberal Party regarding the employment of bilingual staff by Government agencies, can the Minister inform the Council:

1. What steps has the Minister taken to direct Government departments to identify staff members who are fluent in languages other than English?

2. What method has he devised in order to visibly indicate to the public the language spoken by a particular public servant, especially counter personnel, health workers and police officers?

3. What allowance, if any, would be payable to public servants who are identified as fluent in a particular language other than English and tested for their proficiency?

The Hon. R.I. LUCAS: I am advised that some action along the lines suggested by the honourable member is in train. However, final decisions and possible announcements have not yet been made, but we hope that they will not be too far away. I shall be happy to refer the specific details of the honourable member's question to the Minister and bring back a reply.

TRAFFIC ACCIDENTS

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Minister of Education, representing the Minister for Emergency Services, a question about traffic accidents.

Leave granted.

The Hon. G. WEATHERILL: In South Australia each year we have about 50 000 traffic accidents. About 40 000 of these involve damage to motor vehicles. If damage exceeds a minimum of $600, one has to notify the police. An officer makes a report, which is sent to a superintendent who puts it on computer. From there a copy goes to the Registrar of Motor Vehicles, SGIC and Adelaide University for statistical purposes. The driver also notifies the insurance company and provides the same details. The provision of these reports costs South Australia about $1 million a year.

The other 10 000 or so accidents involve injury or death, and a long and involved investigation into these cases is undertaken, creating large files. The same process is followed, with notification to SGIC, the Registrar of Motor Vehicles and Adelaide University for statistical purposes, and that process costs between $500 000 and $750 000. Why do people have to notify the police of accidents involving damage of more than $600? What is the magical figure of $600, especially when such reporting takes much police time and when such reporting is duplicated by persons also reporting to insurance companies. As to the 10 000 injuries and deaths to which I have referred, the files result from much investigation over long hours by police officers. How, therefore, can legal people who have been given the job of challenging some of these cases obtain a copy of these files for about $30 or $40, when it costs hundreds of dollars to make up such files?

The Hon. R.I. LUCAS: I shall be pleased to refer that question to the Minister and bring back a reply.

RECYCLING

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for the Environment and Natural Resources, a question about recycling.

Leave granted.

The Hon. M.J. ELLIOTT: South Australians have long been promised an effective recycling scheme by previous State Governments. I know in the eight years I have been in this place I have asked questions on a number of occasions, and we have been told that something would happen soon. However, the current system seems in danger of collapse, and members of the public are becoming frustrated that their attempts to do the right thing are sometimes ending up in landfill. I have been made aware that several depots in our metropolitan area no longer take plastic film, including plastic shopping bags, due to the inability of recyclers to find markets for the plastic.

I had a phone call a couple of weeks ago now from a woman who lives in Tea Tree Gully and who gave me a rather long list of her attempts to dispose of things as simple as her plastic milk bottles, which we were told would be relatively easy to dispose of. I will not go through the litany of attempts that she made, but she found that ringing local government was a waste of time and that many places were not accepting it. I know this from my own experience; only yesterday my wife set off with the recyclables in the back of our van, as happens about once a fortnight, and she found that our local marine store no longer took plastic bags as it used to do, because nobody wanted to take them. They no longer took cardboard, which they used to do, because again there was no market. My wife therefore proceeded to the Marion recycling depot, which is a very good operation in terms of at least taking material, and found that they no longer take plastic film or plastic bags. Although they took the other materials, there was some question whether they would continue to take them as well.

I have received telephone calls from other people reporting that truckloads of newsprint are going straight into landfill at rubbish dumps. Excuses have been offered when my researcher made some phone calls that the material taken had been contaminated or that the processing machinery had broken down. However, the people who have spoken to me report that that is not the case.

Local government has so far borne the brunt of our recycling system and cannot do this job on their own. A joint local government and State Government board to administer the Metropolitan Recycling and Waste Management Board is expected to come into operation in March, and the people to whom I have spoken have said it is time that the rhetoric of State Governments was replaced with action. My questions to the Minister are:

1. What is the Government doing to explore new markets for recyclables, because it is the absence of markets that is causing the major problem; and

2. Will the joint committee ensure that comprehensive collection depots are sited throughout the metropolitan area to ensure easy access for people recycling their household waste? People in South Australia who are trying to do the right thing are being frustrated.

The Hon. DIANA LAIDLAW: The Liberal Party has made commitments that we would strongly support enhanced recycling efforts in this State, and we have damned the fact that there was a lot of discussion but little action on this matter in the past few years. Considerable funds—millions of dollars—have been committed in our policy statements to this effect, but I will gain the details for the honourable member and bring back a reply shortly.

The Hon. M.J. Elliott: Are there time scales in those promises?

The Hon. DIANA LAIDLAW: There were time scales. I will bring back all that information for the honourable member.

AYTON REPORT

The Hon. C.J. SUMNER: I seek leave to make a brief explanation before directing a question to you, Mr President, on the subject of the Joint Parliamentary Committee on the NCA.

Leave granted.

The Hon. C.J. SUMNER: Yesterday I raised with the Attorney-General the question of the illegal disclosure of a submission made by then Superintendent Ayton to the Commonwealth Joint Parliamentary Committee on the National Crime Authority. This disclosure, which is a criminal offence, is being examined by that committee and may be examined by the Commonwealth Privileges Committee, the Commonwealth Director of Public Prosecutions and the Commonwealth Police. As there is a criminal offence involved, access to the document tabled in this place by the Attorney-General on 4 March 1993 may assist inquiries through either fingerprints, photocopy marks or in other ways determined by the Commonwealth authorities. You, Mr President, have already agreed to provide documents relating to the allegations regarding Mr Gilfillan's claims for country travel and accommodation allowances, and my question to you, Sir, is: consistent with that decision, that is, the decision relating to Mr Gilfillan, will you cooperate with any Federal authorities investigating the illegal release of documents from the Commonwealth Joint Parliamentary Committee on the National Crime Authority?

The PRESIDENT: The question is one over which I really have no jurisdiction. Those instruments I understand belong to the Attorney-General.

The Hon. C.J. Sumner: He tabled them.

The PRESIDENT: I withdraw that. If those instruments were tabled, you would have access to them.

The Hon. C.J. Sumner: Not I; the police.

The PRESIDENT: If they are tabled they cannot be; they are privileged.

The Hon. C.J. Sumner: So the police cannot get them?

The PRESIDENT: No.

The Hon. C.J. Sumner: You just said the public could get them.

The PRESIDENT: If the public have them, and if you have them, and if they are tabled they are public documents and they can read them as such.

The Hon. C.J. Sumner: And the police can read them?

The PRESIDENT: Yes. If they are public documents, certainly.

The Hon. C.J. Sumner: Okay, I am just clarifying.

The PRESIDENT: There is no requirement for me to make a judgment on that.

The Hon. C.J. Sumner: Okay; that is all right. The police can have access to them?

The PRESIDENT: Of course they can.

SEXUAL HARASSMENT

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about sexual harassment.

Leave granted.

The Hon. ANNE LEVY: During the month of January the Minister made a number of comments on a report which had been prepared by the Education Policy Unit and presented at a conference in Melbourne and which indicated a number of (as he stated) disturbing facts about Government schools in South Australia. He is reported as having often quoted the fact that the report suggested that about 25 per cent of students had literacy or numeracy difficulties. However, I have not seen any comment from him or from anyone else in the media that this same report indicated that 70 per cent of South Australian schools have no strategy for preventing sexual harassment and no policy on sexual harassment, despite its being (as I thought) understood that the Education Department had requested all schools to develop policies to prevent sexual harassment within schools.

The Hon. Diana Laidlaw: What was your Government doing about it?

The Hon. T. Crothers: You're the Government now. Answer the question.

The Hon. Diana Laidlaw: We've had 10 weeks; you had 10 years.

The Hon. T. Crothers: You're the Government now.

The Hon. ANNE LEVY: Yes.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: I have indicated that the Education Department, under the Labor Government, had certainly instituted a policy that all Government schools should develop policies to prevent sexual harassment occurring, either between students or between students and staff—

Members interjecting:

The PRESIDENT: Order! There is far too much background noise.

The Hon. ANNE LEVY: Thank you, Sir; I think it is a very important question also.

The Hon. R.I. Lucas interjecting:

The Hon. ANNE LEVY: So are your front bench colleagues.

The Hon. R.I. Lucas: Only under provocation.

The PRESIDENT: Order!

The Hon. ANNE LEVY: I was very disturbed on reading that 70 per cent of South Australian Government schools were not implementing any policy against sexual harassment. While I realise that doubt has been thrown on some of the figures in the paper referred to, I have not seen any suggestion that doubt has been thrown on this particular figure which indicated that 70 per cent of schools were doing absolutely nothing about sexual harassment. I am sure I do not need to tell the Minister about the distressing and disturbing effects of sexual harassment on female students. Numerous studies have clearly indicated that—

The Hon. L.H. Davis: Or male students.

The Hon. ANNE LEVY: Or male students, but its incidence with male students is very low compared with female students. Many studies have been carried out on the incidence of sexual harassment and its effects on the educational performance of the students who have to cope with such harassment. I have yet a further report on the effect of sexual harassment on female students by male students from the same school. I am sure that the Minister will not need convincing that it considerably affects the educational performance of the girls concerned and puts them at an educational disadvantage compared with male students who are most unlikely to suffer such harassment.

Is the Minister concerned about the disregard of the previous policy that each school should develop not just a policy on but procedures for dealing with sexual harassment? Will he undertake to ensure that all South Australian Government schools regard sexual harassment of any student as a very serious matter? In the educational interests of those students, will he develop policies and procedures to prevent it occurring?

The Hon. R.I. LUCAS: First, I acknowledge the seriousness of the issue. Whether it be sexual harassment or another issue which has gained publicity over the past two months relating to bullying in schoolyards and in schools, which is not necessarily specifically one-gender based, these issues need to be addressed.

I should indicate that it was the Education Review Unit rather than an education policy unit that looked at this issue. In relation to this document, the debate about the extent of literacy problems in schools was the result of a Commonwealth parliamentary committee called the House of Representatives Standing Committee on Employment, Education and Training and its report 'The Literacy Challenge'. I think that the *Advertiser* in its article combined the results of the Education Review Unit's work with some of the results on literacy from 'The Literacy Challenge', and that is where confusion arose in the public debate on this issue.

As the honourable member would know, it is not true to say that schools in South Australia do not have a policy in relation to sexual harassment. Under the previous Government and Ministers there was a policy in relation to sexual harassment which was system-wide. Therefore, a system-wide policy applies to all schools. The misinterpretation of the results of that report related to judgments about the effectiveness of practices as a result of that policy and whether the practices were effective or ineffective.

The Hon. Anne Levy interjecting:

The Hon. R.I. LUCAS: Very ineffective, as the honourable member will concede. It ranged right across the continuum. The honourable member would also have to concede that this review unit's report was the result of three years of analysis of the 650 schools in South Australia during the last three years of the Labor Government. It was not a snapshot in time at the start of this year; it was an aggregation of the work that that unit had done over three years. Therefore, it is a statement over three years about what has occurred in schools.

The department has advised me that some policy changes, such as the social justice action plan, for example, were not implemented system-wide until some time in 1992. We do not have any figures on this, but it is possible that the figures might not be as bad as the ERU claims, because there might have been some improvement in practices towards the end of the period that led up to the State election. Nevertheless, whatever the figure, whether it is 70, 50 or 40 per cent, it does not really matter. It is a semantic point, because it is still an issue that needs to be addressed, and I have certainly taken it up with the department. We will assess the final ERU report when it becomes available some time later in term 1 of this year and consider what procedures, practices and improvements will need to be implemented to ensure that the department's policy is appropriately and properly implemented.

STATE ECONOMY

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, representing the Deputy Premier, a question on the State's economy.

Leave granted.

The Hon. T.G. ROBERTS: In today's *Advertiser* and on last night's television the Deputy Premier was announcing that, surprise, surprise, he found that the State's coffers were a lot worse off than the Liberals imagined prior to the election and some of the promises that were being made were unable to be kept. We saw the same tactic used in Victoria and in Western Australia, and now we are seeing it in South Australia. After my Address in Reply speech yesterday, which appealed to a broad cross-section of the community determining the future economic direction of South Australia in conjunction with the new-found promise that was being put forward by the incoming Government that there were would be broad consultation, I was disappointed and let down because, within 24 hours, we had two separate statements being made by community leaders in this State saying that they offered some advice and caution to the Deputy Premier in relation to how he was going to treat the problem of the blowout in the budget deficit, as described in the *Advertiser*.

The two community leaders appealed to the Government on the basis that they did not want taxes to rise unnecessarily because it would put us at a disadvantage in our economy compared with the rest of the States in dealing with the national economy, and it would also disadvantage us presumably in being able to keep down costs to maintain an export profile.

The second warning came from the PSA, which said that it would prefer caution to be shown in relation to cuts in jobs in the public sector. Most of the advice being proffered was

that the economy was turning around and that the receipts would increase and the budget deficit would be lowered by the natural growth in the economy. They were issuing warnings that, if there were to be further job cuts, they would be detrimental to this State and would exacerbate the already difficult problem of unemployment.

Will the Deputy Premier heed the sound advice offered by community leaders that no further cuts in Government sector services and/or jobs should occur, and will he rule out any further tax increases?

The Hon. R.I. LUCAS: That is a great question coming from a member of a Party and Government that has helped preside over the biggest financial and budgetary catastrophe that this State has ever had to endure in its history. The honourable member is but one voice and one vote in a Party and a former Government that has left not only us, but our children and grandchildren, with a debt of more than $8 000 million as a result of its financial and budgetary incompetence.

The Hon. C.J. Sumner interjecting:

The Hon. R.I. LUCAS: It is interesting to hear the shadow Attorney-General seeking to defend an $8 billion debt as a result of decisions that he and other members of the former Labor Government took in recent years. I do not think that will carry much weight with members of the South Australian community, as was well evidenced by voting patterns at the recent State election.

Today, the Treasurer advised me that no decision has been taken by the Government to make changes in the public sector employment targets announced in the 1992-93 and 1993-94 budgets. As the member will know, they were the public sector employment targets as outlined by his Premier, his Party and his Government in both of those budgets. Let me make that quite clear: that is advice that I have received today. No decision has been taken to change those targets.

Yesterday, the Treasurer said that there were clearly some underlying concerns in relation to the State's financial position. I refer to the $120 million surplus that was supposedly in the 1993-94 budget. When one looks at the one-off payments that have been incorporated into that budget document and budget surplus, it masks an underlying serious budgetary position. Instead of there being a $120 million surplus, potentially there is now a deficit of approximately $200 million.

I am also advised that the Government still needs to achieve a further 1145 targeted separation packages to even meet the public sector employment targets that were outlined in 1992-93 and 1993-94 by the former Labor Government. There is still a significant job ahead even to achieve the targets that the honourable member supported in his caucus and his Government.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: The honourable member didn't support it; is that right?

The Hon. T.G. Roberts: That's right.

The Hon. R.I. LUCAS: That is interesting. There is a frankness from the backbench these days, from the convener of the left, that he did not support those public sector reduction targets that his Premier, his Government and the Attorney-General in this Chamber supported and advocated by way of vote over the past two budgets.

In relation to the other aspects of the honourable member's question, I will certainly refer those to the Deputy Premier and Treasurer—in relation to the question on tax in particular—and bring back a reply. As the honourable member knows, there were a number of clear commitments that were given by the then Leader of the Opposition, the now Premier, and the now Treasurer, in relation to taxes. As he knows, the statements that they put on the record prior to the election and during the election campaign period were that there would be no new taxes and no increases in the rates of existing taxes. The now Premier and the now Treasurer made those commitments on a number of public occasions during the election period. Nevertheless, I will be happy to refer the honourable member's question to the Deputy Premier to see whether there is anything further that is useful for the honourable member and, if that is the case, I will bring back a reply.

AYTON REPORT

The Hon. C.J. SUMNER (Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

The Hon. C.J. SUMNER: Mr President, I claim to have been misrepresented and clearly have been. In the ministerial statement given by the Leader of the Government in this place earlier today, he said:

> The assertion was made by the Leader of the Opposition in the House of Assembly and the Leader of the Opposition in the Legislative Council that the advice by the Acting Solicitor-General, who was also in-house counsel in the Federal Attorney-General's department in Canberra, was that offences had been committed by the Premier, the Deputy Premier and the Attorney-General in having received the report of Superintendent Ayton referring to it in both Houses of State Parliament and tabling it in the Legislative Council.

That statement, in so far as it relates to me, is completely wrong. I did not make such a statement and I have never made such a statement in this Council or in press interviews that I gave about this matter. I will remind members of what I said so there can be no doubt about it (this is from yesterday's *Hansard*):

> It is clear from this opinion that a criminal offence has been committed, in particular, an offence against section 13 of the Commonwealth Privileges Act regarding the illegal publication or disclosure of *in camera* evidence. . . In addition to the principal offence, other offences may have been committed by those who provided the document and those who received it.

I referred to the possible offence of conspiracy. I further said:

> The opinion makes it clear that the provision of the document to a member of State Parliament is an offence under section 13 of the Privileges Act, even if it was intended by both the provider and the recipient that the document be tabled and read in the State Parliament.
>
> These are serious matters. A clear breach of the law has been committed by the illegal release of the Ayton submission.

That cannot be disputed. I then said:

> It is clear that the Attorney-General, the Premier and Deputy Premier, at the very least, will have information that will assist the inquiries being conducted by the Joint Parliamentary Committee on the NCA.

Then followed my question, which asked whether the Attorney-General would cooperate in the investigation of what undoubtedly is a criminal offence committed by someone.

It is clear from that that at no stage did I make the statements referred to in the Leader's Ministerial statement

today. In particular, I specifically said that I was not dealing with the question of parliamentary privilege or contesting the issue of privilege. There has been a clear misrepresentation in the statement by the Leader of the Opposition. What is undoubtedly true is that those officers of this Government—

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: I am not debating it—have information which should be provided to assist the investigation of these criminal offences. They have a civic duty to cooperate in the investigation of these offences. From what I have said clearly, and depending on the facts, there remains a question of whether or not a criminal offence may have been committed in the circumstances of the receipt of the document. I claim to have been misrepresented. I clearly have been misrepresented. The statement that the Leader said I made yesterday in Parliament was not in fact made by me.

PASSENGER TRANSPORT BILL

The Hon. DIANA LAIDLAW (Minister for Transport) obtained leave and introduced a Bill for an Act to reform public transport services within the State; to repeal the Metropolitan Taxi-Cab Act 1956 and the State Transport Authority Act 1974; to make related amendments to the Local Government Act 1934, the Road Traffic Act 1961, the Superannuation Act 1984, the Tobacco Products Control Act 1986 and the Wrongs Act 1936; and for other purposes. Read a first time.

The Hon. DIANA LAIDLAW: I move:

That this Bill be now read a second time.

The introduction of this Passenger Transport Bill in the first week of the first session of the new Parliament confirms the priority the Government places on the need to revitalise passenger transport services in South Australia. The Bill honours undertakings made over the past 18 months that a Liberal Government would regard the delivery of passenger transport services as one of four basic areas for service delivery, together with education, health and personal public safety.

The Bill provides the framework for implementing the detailed, innovative passenger transport strategy released by the Liberal Party in January 1993—a strategy designed to provide more South Australians with more access to more passenger transport services for every dollar spent by customers and taxpayers. The Bill also reflects extensive consultation over a number of years and intense consultation in recent weeks—with all sectors of the industry, owners, operators, deliverers of services, consumers, conservationists, lawyers and trade unions, etc.

The Government, together with the industry at large, is determined to reverse the perception that buses, trams and trains, also taxis and vehicles for hire, are a transport option of last resort. We are determined to reverse the drift to ever higher costs and ever less relevance that has characterised our public transport system for too many years. In essence, this Bill heralds the start of a long haul to win back public confidence in public transport by providing a comprehensive customer-friendly service that is safe, reliable, relevant, affordable, clean and cost effective. When considering the initiatives in this Bill I ask members to consider the following facts:

1. That over the past 11 years alone the State Transport Authority (STA) has lost 30.3 million passenger journeys.
2. That over the same period the Government has poured nearly $1.3 billion of taxpayers' funds into subsidising the operations of the STA, with subsidies increasing from $55 million in 1981-82 to about $140 million this year.
3. That a further $250 million of taxpayers' funds has been spent since 1981-82 for fare concession reimbursements on top of full fares that are already heavily subsidised.
4. That this financial year the STA estimates it will lose a further 800 000 passenger journeys.
5. Today, the STA caters for only 6 per cent of daily passenger journeys in the Adelaide area while taxis provide only .4 per cent of all trips in the Adelaide area.

Today, patronage on STA services is lower than it was in 1970—24 years ago—despite a 30 per cent increase in our population over the same period. I pose the following challenge to members: do we as a Parliament continue to tolerate the haemorrhage of both passengers and taxpayers' funds that has characterised our public transport system over the past decade, or do we act decisively—and act now—to stop the rot?

For its part, the Government is determined to stop the rot. We embrace this challenge because we believe efficient public transport is vital to a society that cares about its physical environment and services available to its citizens. We also maintain that with growing environmental problems and an ageing population the need for a cost effective and well designed public transport system has never been more apparent. I am pleased to confirm that this view—this challenge—is shared overwhelmingly by the industry at large, including the STA, in its responses to this Bill to date.

Background

In 1974 the Government of the day thought the answer to public transport was to buy out the private operators and place their operations, along with those of the Municipal Tramways Trust and the metropolitan railways, all under a single, heavily subsidised body, the State Transport Authority. In essence, the approach relied on Government control and heavy public subsidy. With the benefit of hindsight we could see that this strategy could provide temporary relief only. Patronage did turn around—but not for long, while the level of subsidies skyrocketed from practically no subsidy in 1974 to $144 million last year.

Why has all this money been spent for so little apparent effect? One answer lies in the inefficiency of a Government monopoly. During the 1970s every extra dollar spent by way of subsidy brought only 16¢ in extra services, that is, extra kilometres on the road. Admittedly, this was a time of new depots and of fleet refurbishment. But even if we exclude such factors, the increase in tangible services still represented well under half the increase in subsidy. The rest was swallowed in higher head office costs and inefficient work practices.

But lest this be seen as a damning indictment of the managers of the time, it should be noted that a similar situation applied in practically every city which adopted the strategy. It was the strategy that was at fault, not the people. A second answer lies in the way our public transport system has failed to adapt to the changing travel patterns of Adelaide's population. The radial network caters for the dwindling proportion of people who work and shop in the central business district. The increasingly localised and cross-suburban nature of our travel has not been catered for. In

other words, our traditional public transport system has become more and more irrelevant, catering only for the relatively few commuters who find it convenient and for those who are forced to use public transport because they do not have access to a car.

The STA itself recognised this problem. In 1990 it produced a corporate plan which would have the Authority concentrating on longer distance mass transport services, while entering into agreements with a variety of non-STA service providers to complement mass transport with local area and low patronage services—those services for which the STA felt itself ill-fitted to provide. The corporate plan provided for 10 per cent of its services to be provided by non-STA operators in 1994. It was this strategy that produced Transit Link. But while the STA has been quite able to shift resources into mass transit, the experience since 1990 has demonstrated how difficult it is for an operating authority to be able to change its nature to the extent necessary for a genuine partnership in the provision of public transport to occur. Apart from one or two small projects there are no complementary services.

Former Governments also recognised the need for reform. In 1987 Professor Pete Fielding was commissioned to provide solutions. His main recommendation was to separate the policy and service delivery functions of the STA and to make much better use of competitively contracted services. He proposed a Metropolitan Transport Authority to determine needs and procure services to meet those needs. The MTA would also have responsibilities for taxis, hire cars and private buses. This approach was endorsed by Dr Ian Radbone, commissioned by the former Government to report on how to deal with the mess of conflicting policies relating to taxis, hire cars and mini-buses. Doctor Radbone recommended however that the policy body would be responsible for passenger transport throughout the State and not just the metropolitan area.

The Government Strategy to Reform Public Transport

The Government has adopted the Fielding and Radbone reports as a basis for our proposed reform to the State's public transport system. Evidence from the United States, Scandinavia and London has bolstered our belief that the reintroduction of private bus companies through competitively tendered contracts is the most efficient way to arrest both the decline in patronage and the steady increase in taxpayer commitment.

It is important to note that this approach does not involve the deregulation of public transport. Clearly, some who have criticised this Bill have assumed that the Government had in mind deregulation along the lines taken in the United Kingdom or New Zealand. The UK experience has been very valuable because it has demonstrated the general failure of deregulation while at the same time illustrating the success of contracting services. This is because London was excluded from the deregulation policy adopted in 1985. In that city costs have fallen, services have increased and, most importantly, patronage has increased as well.

Another misunderstanding has been that we intend to return to the situation applying in 1974. While the Government believes that it was a mistake to nationalise the private bus companies in that year, the Government does not plan a return to the old situation. Private bus companies will once again play a significant part in the provision of public transport in Adelaide, but there are three important distinguishing features.

First, companies will have to compete for contracts to provide services. Previously there was very little real competition and an operator could assume that the licence was permanent. Secondly, in 1970 it was expected that both the MTT and the private companies would be financially self sufficient. The Labor Government, elected in that year, began to subsidise the network heavily but did not extend this generosity to the private sector. This Government recognises that public transport in Adelaide can no longer be regarded simply as a commercial operation. It is an important social service, essential to our quality of lifestyle. In future, providers of services will be subsidised where necessary, the actual amount being determined through the competitive tendering process.

Thirdly, for the first time we will have a body, the Passenger Transport Board, devoted to passenger transport services, whether publicly owned or private, whether metropolitan or rural. The Passenger Transport Board will coordinate, regulate and promote public transport. The integrated metropolitan network that has been established since 1974 will be maintained. Furthermore, the board will have an important role in ensuring that the decisions made enhance the role of public transport.

Relieved of operating responsibilities, the Passenger Transport Board will have a clear mandate. The mandate has been expressed as objectives in the legislation itself. I quote from clause 3:

The object of this Act is to benefit the public of South Australia through the creation of a passenger transport network which—

(a) is focused on serving the customer;
(b) provides accessibility and needed services, especially for the transport of the disadvantaged;
(c) is safe;
(d) encourage transport choices which minimise harm to the environment;
(e) is efficient in its use of physical and financial resources; and
(f) promotes social justice.

Members will note that a distinction has been made between providing accessibility for the transport disadvantaged and the concept of social justice. Of course, providing accessibility in this way is an important social justice measure in itself, but the Government also wishes the board to be aware that, if public transport is to result in a transfer of resources from one part of the community to another, it should be from the better off to the worse off and not (as is sometimes alleged about our current system) from the worse off to the better off.

In tendering services the board will be able to call on the resources of a variety of public, community and private sector organisations to meet Adelaide's public transport needs. For example, arrangements may be entered into with local councils to provide mini buses to supplement conventional buses in the morning peak, particularly in inner suburban areas. Such an arrangement will be purely voluntary for the council concerned.

The board will be composed of three persons, plus deputies. In the consultation that has occurred since the draft Bill was released, many people have been surprised at the small size of the board. In the main this is because they have been used to the old idea of Government boards as representatives of special interests, with individual members having no sense of overall responsibility for the board's decisions and activities.

The Passenger Transport Board will be a working board. The board's role will not be token. No member will have a financial interest in a transport operation. Members will be selected on the basis of their ability to contribute to the objectives discussed above. Members will have considerable executive responsibility and the Government will hold them accountable for the performance of our public transport system.

The State Transport Authority will continue in existence as TransAdelaide. Relieved of its policy responsibility, TransAdelaide will be expected to become far more efficient and responsive to customer needs in order to meet the competition posed in the new era. Some improvements in that regard have been apparent in recent months. The Government is pleased to record the goodwill that has been extended to it by the STA management in implementing our mandate.

We are confident that this cooperation will continue in the transitional period, though we also expect TransAdelaide to develop a vigorous competitive culture in order to best serve the people of Adelaide. To do so TransAdelaide itself will need the cooperation of the unions. The Government is fostering this cooperation by guaranteeing no forced retrenchment of existing STA staff and by insisting that all operators of buses, for instance, are accredited and that they comply with the same minimum standard of safety and service.

Regulation of passenger transport

This legislation is not simply about conventional public transport. Like the Fielding and Radbone reports, our passenger transport strategy document highlighted the unsatisfactory, messy arrangements under which small vehicle demand responsive services are regulated. This legislation will cut through this mess, putting all such services under one authority and one Act. When combined with the competitive tendering practices of the Passenger Transport Board, the taxi and hire vehicle sectors will be presented with a wonderful opportunity to broaden their roles and provide a real alternative to the private car.

Currently commercial passenger transport is regulated under the Metropolitan Taxicab Act and Part IVB of the Road Traffic Act. Local councils also have power to regulate taxis outside the metropolitan area and, of course, the State Transport Authority Act provides for the provision of conventional public transport in Adelaide.

The intention under the legislation presented to the Council today is to repeal the Metropolitan Taxicab Act, Part IVB of the Road Traffic Act and the State Transport Authority Act. Those local councils outside the metropolitan area regulating taxis will continue to do so if they wish, but all passenger operators, including the former STA, will be required to be accredited. (Exemption provisions exist for activities such as car pooling and community transport.) Accreditation will be designed to ensure that every body providing passenger transport services to the public is fit and proper to do so. Accreditees will be required to abide by a relevant code of practice covering matters such as their attitude to the customer and their ability to provide a safe and appropriate service. Both operators and drivers will be accredited.

The Government will also require the Passenger Transport Board itself to abide by a charter in its dealings both with the public and those accredited under the legislation. As noted above, this accreditation will apply to all passenger transport operators and drivers, ranging from motor bike tours to stretch limousines, to large buses, whether chartered or running to a timetable. However, the regular timetabled services and services provided by taxis are also subject to special provisions.

The regular services will be governed by a service contract between the Passenger Transport Board and the operator winning the tender. These contracts will cover matters such as service specifications, the Government subsidy, if needed, tickets used, availability of concessions, fares charged and so on. The contract will normally provide exclusive rights to provide the services on a particular route or in a particular area, in order to maintain stability and financial viability.

Taxis, hire cars and mini buses

The Government does not propose the deregulation of the taxi industry. Over the years the public has come to expect that if they get into a taxi they will have a safe, comfortable trip and that the fare will not be exploitative because it is controlled by the Government. This expectation is a valuable feature of our way of life and it will be maintained and even enhanced under this legislation. Codes of practice, developed in association with industry groups, and embedded in regulation will be developed to ensure this outcome.

The other important strategy is to require industry itself to take an active role in policing the regulations. For the first time the companies providing radio networks will be accredited and they will be expected to ensure that taxi operators and drivers who use their network abide by their respective codes of practice. Nominees of the radio companies will be given the necessary authority to do this. The radio companies themselves will have a code of practice governing both the service they provide to the public and their dealings with the taxi operators and drivers and with the passenger transport board.

In effect, a self-supporting framework of mutual obligation between the radio company, the cabbie and the Passenger Transport Board will be created; a framework structured to ensure quality service to the customer. The board itself will continue to employ inspectors but, in the main, it will focus its role on auditing the procedures used by the industry itself to ensure quality.

A particularly vexed issue to be addressed under the new regime will be the respective roles of taxis, hire cars and mini-buses. The legislative arrangements under the Metropolitan Taxi-Cab Act and the Road Traffic Act have always been unsatisfactory in that they contained potential for confusion and administrative inconsistency. This potential has been realised in the past few years and it is clear that the Government needs to provide clear, well understood ground rules under which the industry can operate.

Under the Passenger Transport Bill taxis are defined not by the size of the vehicle as is the case at present but by the rights their licence gives them. These rights are: to ply for hire in the streets or a public place, to have a taxi meter, to occupy taxi stands and to promote the service as a taxi service. Mini-bus operators will have these rights if they buy a taxi licence and accept the conditions of accreditation. They will become a maxi-taxi, if you like.

The Government accepts the need to regulate and restrict entry into the taxi industry in this way for three reasons. First, to allow open slather would be to return to the problems of congestion caused by vehicles slowly cruising the streets touting for business that plagued the Adelaide City Council in the 1920s and 1930s. No doubt it would be much worse today.

Secondly, for the sake of public safety and security mentioned before, we need to be able to have an industry about which the public—particularly the more vulnerable

such as women and the aged, and I would include their children—can feel confident. A large industry with operators entering and leaving more or less at will would be very hard to control.

Thirdly, the experience of taxi deregulation overseas shows that it simply does not serve the customer well. Fares do not go down as is often assumed by the textbook theorists. This is because there are more cars chasing the same or even less business. There are fewer customers per cab to cover costs, so there is greater pressure on the individual cabbie to charge higher fares to cover those costs.

In reality, what happens is that fares go down for some sectors and up for others. Tourists are particularly vulnerable to being exploited. Because tourists, even more than local customers, are unlikely ever to generate repeat business with the particular cab operator that operator has no market incentive to provide them with a quality, value for money service. New Zealand provides notorious examples of airport customers being exploited in this way.

This is not to say that taxi operators can complacently sit back behind a wall of Government protection. For the past three years at least they have faced potential competition from hire cars and mini-buses competing for radio work. Given that radio work does not involve the same hazards as random hail and rank work, this Government will not prevent that potential competition, just as it will not prevent taxis taking regular contract work that some hire car and mini-bus operators regard as their territory.

It will, however, ensure that hire cars and mini-buses maintain a quality of vehicle at least as good as that of a taxi. It will be up to the taxi industry to keep that competition at bay by providing a responsive, quality service.

It is important to find an appropriate balance between the unfettered role of market forces and Government regulation. It will not be easy but it is to be hoped that with common sense, fairness and honesty on the part of all concerned, the best arrangements will emerge.

Consultation

In the course of this consultation we have received about 25 formal submissions and have been engaged in numerous discussions with private sector operators, consumer and environmental groups, unions and Government agencies. A forum held to discuss the Bill attracted almost 100 participants.

As a result of this consultation there have been over 100 changes to the Bill as released in December. While most of these have been drafting matters to clarify the Bill, a number of significant changes have been made. For the convenience of members and those following the progress of the legislation, I will briefly outline these changes:

- The objectives of the Bill, which were discussed above, have been added at clause 3.
- The requirement that a ministerial direction to the Passenger Transport Board be in writing has been removed from clause 7. On the other hand, the Bill now requires the board and not the Minister to set the conditions for and appointment of the chief executive officer, though subject to ministerial approval.
- The quorum for meetings of the Passenger Transit Board has been raised from two to three (clause 14).
- Under clause 34 a condition has been added requiring that the board seek ministerial approval before revoking the accreditation of an operator who has a contract to provide a regular passenger service.
- Appeals are to be made to the Administrative Appeals Court which, in exercising its jurisdiction, would be constituted of a magistrate (clause 36). The previous draft had appeals to the Magistrates Court. Conditions have been added to the clause dealing with appeals to require the board to give reasons for its decision.
- The Part dealing with regular service contracts has been both shortened and simplified. In particular, the clause dealing with distinction between commercial and non-commercial contracts has been deleted as it is not necessary (new clause 38).
- The requirement that taxi licence holders must have third party property insurance has been deleted. It was pointed out to us that this was discriminatory against that sector of the passenger transport industry.
- A clause has been added to outlaw services being promoted as taxi services unless they are accredited as taxi services (clause 50).
- The name 'Transit Adelaide' has been changed to 'TransAdelaide'. An existing operator has a proprietary interest in a similar name (schedule 2).
- The part dealing with TransAdelaide has been removed to the schedules. It was considered inappropriate that TransAdelaide, which would be one amongst a number of competitors for contracts, should appear in the body of the legislation.
- The clause providing that the staff of TransAdelaide be subject to the Government Management and Employment Act has been deleted, restoring the current situation. It is considered particularly by the STA itself that the staffing arrangements provided for in the previous version of the Bill would be inappropriate for a commercially competitive body (see schedule 2).
- The requirement that the board simply give notice to affected authorities when undertaking physical works or declaring taxi stands has been altered to require consultation with the relevant authorities before taking such action (clauses 20 and 22).
- The powers of authorised officers have been circumscribed to ensure they are exercised only on matters concerned with this legislation (clause 51).
- Under clause 52 matters of passenger comfort have been added to the list of matters about which vehicles can be inspected.
- The list of specific matters about which regulations can be made has been shifted to schedule one. Rates of fares and the means by which these are computed are now included as a specific matter about which regulations can be made.

I would like to thank everyone who has taken the time and effort to date to respond to the Government's call for comment on the Bill. I believe it is a much better piece of legislation as a result of that input.

Regulations

Much of the consultation has been concerned with the regulations that will follow from this Bill. There is an understandable concern in this regard, for it is true that important details of policy only emerge in the process of establishing subordinate legislation. Work is proceeding on the subordinate legislation, although naturally we await Parliament's views on the legislation itself before venturing too far in this regard.

A formal consultation process has been established to aid us in developing the regulations. Four working parties have

been established, each representing important sectors which will be subject to the regulations. These working parties cover taxis, tour and hire services, radio companies and regular passenger services. They are providing input at the ground level and have already helped us in clarifying our ideas and in challenging some of our assumptions. Needless to say, however, the output from these working parties will itself be made available to the other sectors and to consumer and other groups for comment.

Adequate consultation is inevitably at the cost of speed. Nevertheless, the Government will make available its thinking on the direction that the regulations will take during the course of the second reading debate.

In conclusion, given the comprehensive nature of the reforms proposed for public transport, the degree of community consensus has been remarkable. It is widely recognised that the changes proposed are long overdue. In fact, seminars conducted by the STA itself have reached the same conclusion. Reaction since the draft Bill was released has been positive, indeed congratulatory, both in the media and in the consultations that have followed. Obviously, a number of hard decisions still have to be made, but we will only turn around public transport with the hard work, wisdom and goodwill of all concerned. With this Bill we have the legislative framework to enable us to get on with the job. I commend the Bill to the Council. I seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Clause 1: Short title

This clause provides that the short title of the legislation will be the *Passenger Transport Act 1994*.

Clause 2: Commencement

The legislation will come into operation on a day to be fixed by proclamation.

Clause 3: Objects

This clause defines the principal objects of the legislation.

Clause 4: Interpretation

This clause sets out various definitions required for the purposes of the measure. The principal definition is that of "passenger transport service", which is a service consisting of the carriage of passengers for any form of consideration *(a)* by motor vehicle; *(b)* by train or tram; *(c)* by means of an automated, or semi-automated vehicular system; *(d)* by animal-drawn vehicle; or *(e)* by any other means prescribed by the regulations. A "public passenger vehicle" is any vehicle used to provide a passenger transport service.

Clause 5: Application of Act

The regulations will be able to prescribe that specified provisions of the Act do not apply to specified parts of the State, or to adjust the application of the Act as it applies to a particular part of the State. The Minister will also be able to confer certain exemptions from the Act, or specified provisions of the Act. These provisions will allow the degree of flexibility necessary to ensure the proper application of the wide-ranging reforms of the passenger transport industry proposed by this measure.

Clause 6: Establishment of the Board

This clause establishes the *Passenger Transport Board*. The Board will be an instrumentality of the Crown.

Clause 7: Ministerial control

The Board will be subject to the control and direction of the Minister, except in relation to granting service contracts (for regular passenger services), or in relation to the publication of information or recommendations.

Clause 8: Composition of the Board

The Board will consist of three members appointed by the Governor. A person appointed as a member must have, in the Minister's opinion, such managerial, commercial, transport or other qualifications, and such experience, as are necessary to enable the Board to carry out its functions effectively.

Clause 9: Conditions of membership

A term of office for a member of the Board will not exceed three years, although a member will, on the expiration of a term of office, be eligible for reappointment.

Clause 10: Remuneration

A member of the Board will be entitled to such remuneration, allowances and expenses as the Governor may determine.

Clause 11: Disclosure of interest

This clause will require a member of the Board to disclose any direct or indirect personal or pecuniary interest in a matter before the Board and then, in such a case, to withdraw from any relevant deliberation or decision of the Board. In addition, the Minister will be able to require that a member divest himself or herself of any interest that is not consistent with the duties of a member of the Board.

Clause 12: Members' duties of honesty, care and diligence

A member will be required to act honestly at all times, and to exercise a reasonable degree of care and diligence in the performance of official functions. It will also be an offence to make improper use of information acquired by a member of the Board through his or her official position.

Clause 13: Validity of acts and immunity of members

A member of the Board will not be personally liable for an honest act or omission in the performance or purported performance of a function or duty under the Act. The immunity will not extend to culpable negligence.

Clause 14: Proceedings

This clause provides for the proceedings of the Board. Each member present at a meeting will have one vote on any question arising for decision.

Clause 15: Chief Executive Officer

The Act provides for the appointment of a Chief Executive officer of the Board. The CEO will be responsible for giving effect to the policies and decisions of the Board, and for managing the staff and resources of the Board. The CEO will be appointed by the Board with the approval of the Minister.

Clause 16: Other staff of the Board

The Board will have such other staff as the Board thinks necessary for the proper performance of its functions.

Clause 17: Accounts and audit

The Board will be required to keep proper accounting records and to prepare annual statements of accounts. The accounts will be audited by the Auditor-General on an annual basis.

Clause 18: Annual report

The Board will be required to prepare an annual report for the Minister. The report will be tabled in Parliament.

Clause 19: Functions

This clause sets out the functions of the Board. The Board will be the central regulatory and promotional body within the passenger transport industry. In particular, the Board will be responsible for the creation and maintenance of an integrated network of passenger transport services within the State. The Board will be empowered, to such extent as may be consistent with the Act, to determine, monitor and review services within that network, and to determine, monitor and review fares. At the same time, the Board will be required to foster and promote the interests of passenger transport services, and to encourage appropriate practices and standards. A prime responsibility of the Board will be to accredit operators of passenger transport services, drivers of vehicles, and persons who provide certain other services to the industry. The Board will have research capabilities and will be able to carry out inquiries and to provide reports to the Minister. The Board will also be in a position to provide advice to the Minister.

Clause 20: Powers of the Board

This clause sets out the powers of the Board, which will include the ability to provide facilities for the users of passenger transport services, and to establish or specify a ticketing system to be used on passenger transport services.

Clause 21: Acquisition of land

The Board will be able to acquire land in accordance with the *Land Acquisition Act 1969* for purposes of any facility reasonably required or warranted for the provision or operation of any passenger transport service, or for other appropriate purposes.

Clause 22: Power to carry out works

This clause provides specific power to the Board to carry out works in relation to the provision or operation of any passenger transport service.

Clause 23: Committees

The Minister will be able to require the Board to establish committees to provide advice or assistance to the Board in the performance of its functions. The Board will also be able to establish such committees as it thinks fit.

Clause 24: Delegations

The Board will be able to delegate any function or power under the Act. A delegation must be made in prescribed circumstances. Otherwise, a delegation will be revocable at will and will not derogate from the power of the Board to act in a matter.

Clause 25: Accreditation of operators

A person will be required to hold an accreditation under the Act to be able to operate a passenger transport service in the State. The purpose of this form of accreditation will be *(a)* to ensure that an operator is a fit and proper person to be responsible for the operation of a passenger transport service, and has the capacity to meet various industry standards; *(b)* to provide a scheme which is intended to ensure that an efficient and effective network of passenger transport services exists within the State, and that appropriate standards are maintained; and *(c)* to provide for other matters provided for by the regulations.

Clause 26: Accreditation of drivers

The second form of accreditation relates to drivers. Clause 26 will require a person who drives a public passenger vehicle within the State to hold an appropriate accreditation under the Act. The purpose of this form of accreditation will be *(a)* to ensure that the person is a fit and proper person to be the driver of a public passenger vehicle to which the accreditation relates, and has an appropriate level of responsibility and aptitude to drive vehicles of the relevant kind; *(b)* to provide a scheme under which appropriate standards must be maintained; and *(c)* to provide for other matters provided for by the regulations.

Clause 27: Accreditation of radio communication networks

The third form of accreditation relates to radio communication networks, as defined by clause 27. This clause will require a person who operates a radio communication network to hold an appropriate accreditation under the Act. The purpose of this form of accreditation will be *(a)* to ensure that the person is a fit and proper person to be responsible for the operation of a radio communication network, and that the network will comply with various standards; *(b)* to provide a scheme to ensure that operators of networks meet appropriate standards; and *(c)* to provide for other matters provided for by the regulations.

Clause 28: Procedure

This clause sets out various procedural matters relevant to an application for accreditation under the Act.

Clause 29: Conditions

It will be a condition of any accreditation that the accredited person will observe the relevant code of practice established under the Act. The Board, and the regulations, will be able to establish other conditions that apply in relation to an accreditation. For example, a condition of an accreditation to operate a passenger transport service may make provision as to such things as the fares to be charged, the area of operation, the periods during which vehicles may be operated under the accreditation, or the persons who may be carried on any vehicle. A condition will be able to be varied by the Board in an appropriate case.

Clause 30: Duration and categories of accreditation

An accreditation will remain in force for such period as may be prescribed by the regulations, or determined by the Board (unless sooner revoked or surrendered under the Act). The Board will be able to grant a temporary accreditation for a period of less than 12 months.

Clause 31: Periodical fees and returns

This clause will require the provision of returns, and the payment of a periodical fee, while an accreditation remains in force.

Clause 32: Renewals

An accreditation will be renewable from time to time.

Clause 33: Related matters

Accreditations are not transferable, but may be surrendered. The Board will be empowered to vary an accreditation in an appropriate case.

Clause 34: Disciplinary powers

This clause sets out the procedure to be followed if it appears that it may be necessary to take disciplinary action against a person who is, or has been, an accredited person under the Act. In particular, the Board will be able to exercise various powers if it is satisfied that proper cause exists for taking disciplinary action against the person. These powers will include the ability to issue reprimands, impose fines (subject to specified limitations), impose new conditions, shorten the period of accreditation or, in extreme circumstances, revoke the accreditation. A principal ground for disciplinary action will be that the accredited person has breached, or failed to comply with, a code of practice under the Act. The respondent will be entitled to reasonable notice of the subject matter of the inquiry.

Clause 35: Related matters

This clause provides for various matters related to the exercise of disciplinary powers.

Clause 36: Appeals from decisions of the Board

A right of appeal will lie to the Administrative Appeals Court against a decision of the Board not to grant an accreditation, or in respect of other classes of decision of the Board relating to accreditation under the Act.

Clause 37: Service contracts

A key feature of the new legislation is that a regular passenger service (defined to mean a passenger transport service conducted according to regular routes and timetables, or otherwise within a class prescribed by the regulations) must be conducted pursuant to a contract (to be known as a "service contract") between a person who holds an appropriate accreditation, and the Board. The Board will be able to invite contracts by tender, or in such other manner as the Board thinks fit.

Clause 38: Nature of contracts

A service contract will be required to make provision with respect to various matters, including the period for which it operates, the manner in which it may be terminated, the standards to be observed, service levels, fares, and other prescribed matters. A service contract may also address other matters.

Clause 39: Regions or routes of operation

A service contract will be required to specify a region or route of operation. A service contract will (if appropriate) be able to confer on the holder an exclusive right to operate a regular passenger service of the relevant kind within the region, or on or in proximity to, the route of operation. A contract will not be able to affect or limit any service of a kind specified by the regulations.

Clause 40: Assignment of rights under a contract

This clause provides that rights, powers or duties under a service contract will not be able to be dealt with without the consent of the Board.

Clause 41: Variation, suspension or cancellation of service contracts

The Board will be empowered to vary, suspend or cancel a service contract if there has been a serious or frequent failure to observe the terms and conditions of the contract, or if the holder of the contract is convicted of an offence against the Act or the regulations. A contract will be automatically cancelled if the holder ceases to hold the appropriate accreditation. The Board will be able to make arrangements for the provision of temporary services if a regular passenger service is affected by a variation, cancellation or suspended under this provision.

Clause 42: Fees

Lodgment and administration fees will be payable to the Board. The maximum amount of any such fee may be determined by the regulations.

Clause 43: Requirement for a licence.

This clause has particular significance in relation to taxis. The clause will require a specific licence (granted by the Board) for each vehicle that satisfies four criteria that are seen as the distinguishing features of a taxi, namely (1) that the vehicle displays the word "taxi" (or other associated words); (2) that the vehicle is fitted with a taxi-mater (as defined); (3) that the vehicle plies or stands for hire at a designated taxi-stand (as defined); and (4) that the vehicle plies for hire in a public street or place. Where a licence is granted, the vehicle will be required to display the word "taxi", the fares or other remuneration charged to passengers will be required to comply with the regulations, and the vehicle will be required to be fitted with a taxi-meter that complies with the regulations. The licence scheme is primarily concerned with the Metropolitan area.

Clause 44: Applications for licences or renewals

An application for a licence will be made to the Board. The prescribed fee will be payable in respect of the application. An applicant will need to be the holder of appropriate accreditation under Part 4.

Clause 45: Issue and term of licences

The Board will issue the licences. The regulations will be able to prescribe kinds or grades of licence. In a manner similar to section 30(4) of the *Metropolitan Taxi-Cab Act 1956*, the Board will be able to determine the maximum number of licences (or licences of a particular kind or grade) to be issued, or in force, in a given period, determine not to issue licences for the time being, or issue licences according to an allocation procedure specified in the regulations. Furthermore, the Board will be able to allocate various licences on the basis that they cannot be transferred, leased or otherwise dealt

with by the holder of the licence. The Board will specify the term of any licence.

Clause 46: Ability of Board to determine fees

The Board will be able to set various fees in respect of licences of a specified kind or grade. A fee may be payable on the issue of a licence, on a periodical basis during the term of a licence, or on any transfer or other dealing with a licence. The Board will be required to consult with the Minister before it makes a determination as to a fee under this provision.

Clause 47: Transfer of licences

The consent of the Board will be required in relation to any proposed transfer, lease or other dealing with a licence. (This provision is similar to section 33 of the current Act.)

Clause 48: Suspension or revocation of licences

The Board will be able to suspend or cancel a licence in certain cases, including on the basis that the holder's accreditation under the Act has been suspended or revoked. The Board will be required to observe procedures specified by the regulations before it takes action under this clause.

Clause 49: Appeals

Various appeal rights will be given in relation to decisions of the Board under Part 6. The right of appeal will be to the Administrative Appeals Court.

Clause 50: False advertising

It will be an offence for an unlicensed person to give the impression that he or she can provide a taxi service.

Clause 51: Authorised officers

This clause empowers the Minister to appoint authorised officers under the Act and sets out their powers, which are particularly concerned with the inspection of vehicles used for the purposes of passenger transport services.

Clause 52: Inspections

This clause will require each public passenger vehicle (other than a vehicle which falls within an exemption) to be inspected on a regular basis, or as required by the Board. The provision is based on Part IVA of the *Road Traffic Act 1961*. A vehicle which passes an inspection will be issued with a certificate. Conditions may apply. The Board will be able to cancel a certificate in specified circumstances including, for example, that the vehicle has become unsafe. Inspections will be carried out by authorised officers who hold a specific approval from the Board for the purposes of this clause, or by persons who hold accreditations to act as vehicle inspectors under the clause. A code of practice will apply to vehicle inspectors.

Clause 53: False information

This clause creates various offences in relation to false statements or misrepresentations, or fraud, connected with obtaining or using an accreditation, licence or service contract under the Act.

Clause 54: General offences

This clause creates various offences in relation to the obstruction of a service, interference with equipment, and so on.

Clause 55: Offenders to state name and address

This clause will empower a member of the police force, or an authorised officer who holds a specific authority issued by the Board for the purposes of the clause, to require a person suspected of having committed an offence against the Act to provide certain information.

Clause 56: Liability of operators for acts or omissions of employees or agents

This is a vicarious liability clause .

Clause 57: General provisions relating to offences

This clause contains various provision relating to proceedings for offences, and proceedings involving bodies corporate.

Clause 58: Application of fines

Fines imposed under the legislation will be payable to the Board.

Clause 59: Evidentiary provision

This clause sets out various aids to proof.

Clause 60: Fund

This clause continues the existence of the *Metropolitan Taxi-Cab Industry Research and Development Fund*. The Minister will be responsible for the administration of the Fund in consultation with the Board. The regulations will prescribe various amounts that will be payable into the Fund. The Fund will be used to carry out research into, and to promote, the taxi-cab industry, and for other purposes that are in the interests of the passenger transport industry.

Clause 61: Registration of prescribed passenger vehicles

This clause extends the scheme that currently applies under the *Metropolitan Taxi-Cab Act 1956* relating to the issue of registration plates.

Clause 62: Regulations

The Governor will be able to make regulations for the purposes of the measure.

Schedule 1

This schedule sets out various matters in relation to which regulations may be made.

Schedule 2

The State Transport Authority is to continue in existence under the name TransAdelaide. It will be constituted by one person appointed by the Governor.

Schedule 3

The schedule provides for several things.

Clause 1 provides for the repeal of the *Metropolitan Taxi-Cab Act 1956* and the *State Transport Authority Act 1974*. *Clause 2* makes a number of amendments to several Acts. *Clause 3* will allow the Governor, by proclamation, to deal with various matters relevant to the State Transport Authority and its employees. *Clause 4* will transfer all property, and employees, of the Metropolitan Taxi-Cab Board to the new Board. *Clause 5* will allow existing licences to continue as accreditations under the new Act. This form of accreditation will continue until a day to be fixed by the Board, after the expiration of a transitional period to be fixed by the regulations. *Clause 6* will allow existing passenger services to continue without a service contract until a specified event occurs. *Clause 7* relates to drivers. A person who satisfies criteria to be prescribed by the regulations will, from the commencement of the new Act, be taken to hold an accreditation under the new scheme. This accreditation will continue until a day to be fixed by the Board, after the expiration of a transitional period to be fixed by the regulations. *Clause 8* relates to taxis. Existing licences will continue and the necessary accreditation taken to exist. As with the other transitional provisions, the Board will be able to fix a day on which accreditation under these arrangements will come to an end after the expiration of a transitional period fixed by the regulations. *Clause 9* includes various provisions of a general transitional nature.

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

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 16 February. Page 66.)

The ACTING PRESIDENT (Hon. G. Weatherill): I remind honourable members that this is the Hon. Ms Kanck's maiden speech.

The Hon. SANDRA KANCK: I am proud to be making my inaugural speech in this Legislative Council in the Centenary Year of Women's Suffrage in South Australia. I am indebted to a number of dedicated women who last century set about to gain for women the right to vote and the right to stand for Parliament. I single out and pay tribute to Catherine Helen Spence who not only fought for these gains but also was an avid campaigner for electoral reform, in particular, for the implementation of the quota preferential voting system, which is the very system that has enabled me to be elected to this position.

I am standing here today, making this speech, because of the efforts of Catherine Helen Spence. On her eightieth birthday, responding to an observation that she was the most distinguished woman in Australia, she said:

> I am a new woman, and I know it. I mean an awakened woman . . . awakened to a sense of capacity and responsibility, not merely to the family and the household but to the State; to be wise, not for her own selfish interests but that the world may be glad that she had been born.

I walk in the footsteps of Catherine Helen Spence and, given the enlightened person she was, I am certain that, if she was alive today, she would applaud what I am about to say.

I was delighted to see in the Governor's Speech that the Government plans to develop a State conservation strategy,

and that it will be based on the principles of ecologically sustainable development. The goal of ESD, as agreed to by the Council of Australian Governments, is 'development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends'. This must by definition include the issue of human population numbers, which I propose to speak about today, because it is such a fundamental and vital issue.

It is hard to comprehend the facts of population. Human population is growing at an exponential rate. In 1930 the world population stood at 2 billion. Less than 50 years later, by 1987, that figure had increased by two and a half times to 5 billion. At current growth rates it will exceed 10 billion within 50 years. This growth is occurring, courtesy of technology, and at the expense of the planet. Medical technology is keeping people alive, preventing miscarriages, even intervening in the form of in-vitro fertilisation to ensure fertility. In so-called developed countries, engineering has resulted in almost certain availability of potable water all year round. Scientific advances in agriculture, including the development of pesticides, have ensured the year-round provision of food. Where once we were kept in check by the natural environment, technology has triumphed, allowing more people to survive and, in turn, reproduce more people.

Now consider that, apart from the odd earthquake or volcanic eruption, all the environmental problems we are facing on this planet are caused, at root, by human beings. Let us look at some of the environmental problems facing us: first, at the global level, we have ozone layer destruction. Who has caused this? Human beings, with their desire for short cuts and convenience in the provision of aerosol propellants, with the large amounts of methane released into the atmosphere from their domestic herds and the cultivation of rice in third world countries and from the crazy egomania which resulted in the atmospheric testing of nuclear weapons.

Secondly, at the Australian level, there is increasing soil salinity. How has this happened? Human beings decided to divert water from rivers to use for irrigation, not knowing the tiger they were unleashing with unaccounted-for salt deposits underneath agricultural lands. Thirdly, there is the South Australian level with species extinction. South Australia has the dubious distinction of being the species extinction capital of the world, having already dispatched 22 mammal species from this planet in just over 150 years.

One could sidestep the issue and argue that it was the rabbits, foxes, feral goats and feral cats that have been responsible, but who made the decisions to bring these animals here? And who keeps arguing that they have an inalienable right to have cats as pets? Human beings.

There is a clear link between human population and extinction of other species on the planet. No matter which way we look at it, whether from a global or local perspective, human beings are causing damage, and more human beings means more damage. The environmental implications are staggering: as human population grows, environmental damage increases. This is true to the extent that our rate of using up resources continues at the same level for each person. Unless there is committed nationwide action to reduce the rate of resource consumption, more people logically lead to a greater use of resources.

The toll on human lives of increased population growth is also quite staggering, and it is women who bear the cost, particularly in the third world. Around the world there are 300 million couples who do not want more children but who lack access to family planning. The World Health Organisation estimates that 910 000 human foetuses are conceived each day, about half of which are unplanned. In a year, half a million women die from pregnancy-related causes. Each day 150 000 abortions, basically of what we would term the 'backyard' variety, result from these thousands of unplanned pregnancies. From these, 500 women die each day. That is more than 180 000 women each year who lose their lives because we fail to deal honestly with the issue of population.

But the toll does not stop there: for every woman who dies as a result of abortion there are another 30 to 40 more who suffer serious, sometimes lifelong, health problems ranging from haemorrhage and infections to kidney failure. Yet the Pope's latest encyclical on birth control issued last October changed the Catholic Church's position from one of birth control being merely immoral to one of its being intrinsically evil. The Pope has stated that this view proceeds from 'the natural law of the universe' which 'makes moral demands that must be obeyed'.

This sort of morality and logic angers me, as it is a logic which condemns other species to extinction. Unnatural acts, such as turning on a tap to get water to fill a kettle and then boil the water, are the very reason for the reduction in infant mortality and increased life expectancy of human beings. And the Catholic Church is not saying that we should not use those things.

While on the subject of the Vatican, I must say that this body was highly successful in preventing the issue of population being discussed at the United Nations Conference on Environment and Development at Rio de Janeiro. How absolutely outrageous that a conference on environment and the world's future should not discuss population!

Australia, with its current population and the way in which it uses its resources has all but reached its ecologically sustainable limits, if it has not already exceeded them. Indeed, Dr Tim Flannery, a zoologist at the Australian Museum, has argued that the sustainable population for Australia is somewhere between six and 12 million.

The reliable indicators—soil salinity, soil erosion, reducing soil fertility, deforestation, decreasing water quality, species extinction—all show that Australia is close to exceeding the carrying capacity of this land, if it has not already done so. When next you drive through a cutting in the road, have a good look at how thin that top soil is—sometimes only two or three centimetres thick. Our soils are so old and fragile they can only be described as fossil soils. Because Australia is so geologically stable, no new soil is being created. Only 20 per cent of the land in Australia is arable. In South Australia it is commonly acknowledged that we are living in the driest State in the driest continent, but these words seem to drip off the tongue without the brain being cognisant of them. If the predictions about the greenhouse effect are proved to be correct, the current 75 per cent of the State which is in the arid zone will increase to almost 90 per cent.

As a nation, we are at a point where we must take action in either altering our lifestyle or limiting immigration. Of these two, immigration is the easiest to control. While the fertility of Australian women has now reduced to below replacement level, our Government actively continues to recruit migrants so that our *pro rata* immigration rate is one of the highest in the world. Even if we stopped all immigration now, the Australian population would increase naturally by three or four million people over the next 30 years.

If we continue to allow our population to increase substantially by way of immigration, governments will have

to address the issue of how we are to sustain that population. Governments could insist that, somehow, everyone in Australia must live more frugally. But how long would any Government stay in office if it cut access to resources? As much as I would like to believe that the Australian electorate is sophisticated enough to realise that such sacrifices would be necessary, the truth is that such a policy would result in overriding resentment from the electorate at large, whipped along by the commercial media which depend on advertising and, therefore, consumption of resources for their survival.

Would you be willing to cut your consumption of energy to one-eleventh of its present level so that you would consume as little as a tribal African? Would you be willing not to drive a car, not to have a TV set, not to water your lawns? It is technically feasible to increase Australia's population provided we are willing to make these sacrifices and more. But what sort of lifestyle is that to bequeath to future Australians? I am honest enough to say that I do not want to live like that. However, we can ensure quality of life by limiting our population with some minor reduction in resource use.

We increase human population at our peril, not knowing when the resources will run out. Dr David Suzuki, in his public lectures, uses the example of the microbes which double every second in a jar using up their food supply as they do, and he asks, 'At what point will these microbes realise they are running out of food?' The answer, of course, is when the jar is half full, just one second before the jar is totally filled with microbes, and at that point it is too late to do anything about it. Human beings have an advantage over microbes. We actually have the intelligence to evaluate where we are and what the future might hold.

At the moment we in Australia are in a position to cry 'Stop!', to quantify the resources we have, to estimate how long they will last and to decide what is the optimal population for this beautiful and fragile country. Such evaluation would result in a conscious decision gradually to reduce our immigration rates. We can still be responsible world citizens by ensuring that the reduced migration intake is based on humanitarian criteria, which would increase the balance in favour of refugees.

Having been concerned about the issue of population for more than a decade, I find I am sometimes accused of racism or of having an 'I'm all right, Jack' attitude. But there is nothing racist about saying we need to limit immigration, because such limits must apply to all races. My own background is German, Swedish and English, and the limits of immigration to Australia must apply as strongly to these countries as to any other: there must be no exceptions.

In supporting an increase in refugees, who of late tend to come from Asian countries, my position is neither racist nor isolationist. Australia cannot take up the slack for the rest of the world's population problems and population-related problems such as poverty. Rather, the best thing we can do is to increase our foreign aid budget and, in particular, educate women and provide access to methods of contraception. There is no single more important factor in limiting population growth than the education of women.

Australia could set an example to the rest of the world of an ecologically sustainable population, and, at the rate the world population is increasing, such an example is urgently needed. A vital step in setting such an example would be the development of a population policy. But, despite calls on the Federal Government to develop one, Australia still lacks a population policy. Government decisions about immigration levels are made in a vacuum. As Professor Charles Birch puts it, it is like someone asking you to design a plane which can take on board 60 people per minute but not telling you how many people it will ultimately carry.

Make no mistake about it: it is human beings who have created virtually all the environmental problems that we face. More human beings means greater use of resources, and there are limits to our resources. Sure, technological interventions are available which might give longer life to the resources or provide a temporary substitute for the ones being used up, but they all have their own problems and side effects—witness nuclear power as an example.

Hugh Oldham, from the national body of Australians for an Ecologically Sustainable Population, draws a simple analogy for those people who think we can let human population grow without restriction because technology will always find a solution. If you like, you can argue that it is not people's feet which are flattening a patch of grass; rather, it is the shoes they are wearing. If someone creates a new pair of low-impact shoes which reduce wear on the grass by 50 per cent, that means that for a while the powers that be will be able to justify putting off dealing with the problems of bare patches on the turf. In the meantime, increasingly more people walk on the grass until we have double the original number of people walking there.

Where to from here? It is back to where we started, only this time the problem will be harder to solve with twice the number of feet to accommodate and the easy technical options now gone. Worldwide, the human species can go on reproducing at the rate it is, but for how long? As a species we are conducting one vast planetary experiment. Is action at the parliamentary level going to happen? If it does, will it happen fast enough to deal with the escalating problems? Politicians and governments have to deal with strange entities called political realities.

A group of British scientists and sociologists, in a paper titled 'Blueprint for Survival', stated:

> If we plan remedial action with our eyes on political rather than ecological realities, then very easily, very practicably and very surely we will muddle our way to extinction.

I believe that we have a moral responsibility to this planet and all its life forms to limit human population. Within Australia we can set the example. I support the motion.

The Hon. J.C. IRWIN: I support the motion and thank Her Excellency for her address in opening the first session of the Forty-Eighth Parliament. I again pledge my loyalty to Her Majesty the Queen of Australia and to Her Excellency the Governor.

Last year, 1993, was a year of much debate embracing the Commonwealth of Australia and its Head of State, with the possibility of Australia becoming a republic, the Australian constitution and the flag, and some of the debate inevitably suggesting the demise of the States. In a very brief way I will make my position quite clear on these issues.

I am unashamedly a royalist and I support a constitutional monarchy. I will fight to retain the great bulk of our Constitution. It is a simplistic and intellectually unsound argument to suggest that we need a wholesale rewriting of the present Constitution. However, I would support some changes, including making it very clear in our constitution that no Government could use the so-called external affairs powers without full consultation with and approval of the majority of the Australian people.

To my mind it is scandalous that our Commonwealth Governments, from Fraser to now, can lock the people into an international covenant without the approval of the people. Even worse than that, they use only those parts of the convention which suits the Government of the day, discarding at will other parts of that convention.

Prime Minister Keating is fond of talking about Australia's sovereignty. He is not fond of telling the Australian people that over 1 400 international treaties have been signed on our behalf by the Commonwealth Government. Very few, if any of those covenants, have been approved by the Commonwealth Parliament, or indeed our Parliament, or more importantly by the people of this country. As this process is gaining momentum, Canberra is effectively throwing away our sovereignty without a whimper.

Prior to the last Federal election the Keating Government ratified two important ILO conventions, concerning termination of employment and matters relating to workers' representation, without following the usual procedure of consulting the States and without any announcement to the media. I emphasise that there were no announcements at all to the media. Appeals to the Privy Council were abolished by the Hawke Government in 1986. Previously Prime Minister Whitlam had said at that time:

> The High Court of Australia must be the final court of appeal for Australians in all matters. It is entirely anomalous and archaic for the Australian citizens to litigate their differences in another country before judges appointed by the Government of that other country.

Not only does the High Court decide on matters relating to Government legislation based on the 1 400 United Nations treaties signed so far, but the Keating Government has moved to increase the pressure for Australia to 'litigate their differences before foreigners'.

In 1991 the Australian Government agreed that individual Australians could take complaints to the United Nations Human Rights Committee. In 1993, just before the recent Federal election, the Government recognised that individual Australians could take complaints to the Committee of Racial Discrimination and the Committee Against Torture. So much for what Justice Gaudron said before she sat on the High Court bench. When welcoming the demise of appeals to the Privy Council, she said:

> It commits the future course of Australian justice to the Australian courts. The Australian legal system is realised.

Dr Colin Howard, an expert constitutional lawyer, said of section 51(29) of the constitution, the so-called external affair power:

> Still less should it assume a character that invites any Government to extend the scope of Commonwealth legislative power almost at will.

Mr Justice Maher has said:

> It is unhappily clear from the Tasmanian dam case that, under the 'external affairs' Rubic, the Commonwealth may not only extend its power if there is a treaty on a new matter, it may also do so in the absence of a treaty if the new matter involves a question of 'international concern'.

He says further:

> How one asks can a matter become a question of international concern. Presumably by a lot of foreigners talking about it. This raises the horrendous prospect of a new campaign for the preservation of kangaroos, the banning of breast feeding, or the destruction of sheep on the grounds of pollution or whatever. The centralists have the arrogant assumption that the Commonwealth knows how to do everything better than the sovereign States.

I strongly support the Australian flag as it is. I am proud of it, and I am proud to see it at any time, especially now as it flies with our competitors at the Olympic Games. Let me remind those people, including the Prime Minister, who, after having won the Sydney Olympic Games bid for the year 2000, say we need a new flag to go with the celebration of those games and the celebration of the new century, that we have now won the right to stage those games with the flag that we have and, indeed, with the constitution we have. It would be the height of hypocrisy to con the world into voting for what we presented and then changing some of the major elements of it.

I support, as everyone else in this Parliament should support, the sovereignty of the State of South Australia. Any debate about the Australian constitution will inevitably bring with it the desire of some to wipe out the States. I am not a centralist; I never have been and I never will be. Already entwined in this debate about the States is the Mabo 2 decision of the High Court of Australia and the flow-on to the recent Commonwealth legislation, upsetting, as it has, more than a century of this State's administering its system of land tenure. I will not comment further about the Mabo decision in any detail until we have more appropriate flow-on State legislation before us. Of course, I have no idea if and when that will happen.

I will echo what some very prominent legal people in Australia have said already, and that is that the Commonwealth legislation is, or has the potential to be, the most divisive and discriminatory legislation ever passed by the Commonwealth. I quote extensively from an article written recently by Dr Colin Howard. He is a barrister and constitutional expert. It was published by the *Adelaide Review* in its last edition and is headed 'The Native Title Act':

> After the party the hangover. As binges go, it was a good one. Over-indulgence is well known for its capacity to induce maudlin sentimentality. There was plenty of that, exhibited most startlingly by the Canberra press corps, who apparently were so under the influence of their own highly volatile BYO (Reconciliation Plonk 1993, a revisionist vintage distinctly on the nose) that upon the passing of the Native Title Act they rose to their feet as one and applauded the redoubtable Paul K.

The author goes on at length to talk about the process of the legislation which was by exhaustion as we read about it—legislation by attrition. He continues:

> Understandable, but neither admirable or constructive. In fact disgraceful. Even the Government conceded that the Act is going to need amendment, although they carefully avoiding saying why. One reason why is that the Act creates a hugely expensive bureaucratic monster (in effect a gigantic job creation scheme) which is almost certainly unworkable in its present form. Another is that the Act is in several respects is vulnerable to constitutional challenge.

We already know that the Court Government in Western Australia is quite predictably looking at and probably will challenge the Act in the High Court. He continues:

> If such a challenge succeeds, as indeed it should, the parts that survive may well make little or no sense in themselves. That means either more tinkering or else forgetting the whole deal. In the meantime, and the meantime is likely to be prolonged, the Act achieves precisely the opposite of what the great leader repeatedly claimed were its two cardinal virtues. It prolongs great uncertainty about the land title and it is a potent source of resentment, not reconciliation. Neither the Government nor Parliament can escape the fact that they were explicitly warned by many people on many occasions that the uncertainty would have serious consequences which had nothing to do with the high profile (although nonetheless real) difficulties of big mining and pastoral companies. At a much less exalted economic level it is a personal disaster for people who are trying to make a living to be caught up in a native title claim. They cannot afford lawyers and have little or no hope of getting legal aid. Even if they can afford representation, it is all too likely to make no practical difference. The reason is that whatever small business

they run, or propose to start, is immediately blighted by the claim. Who wants to buy or start a business on land that at any tick of the clock may be handed over to a native title holder or else become subject to a ruinous compensation claim?

Further on, it continues:

Now the hangover. One component of it is exceptionally unpleasant. When the electorate in 1967 voted overwhelmingly to amend the Constitution to enable the parliament to enact racially discriminatory laws, they did so in good faith [and I was one]. The general belief, and intention, was that the amendment would benefit Aboriginal Australians. It was little realised that nothing would change unless governments and parliaments used the new power.

As time passed and nothing happened. . . slowly support grew for Aboriginal causes and ultimately led to Mabo. What did not dawn on the electorate was that racially discriminatory laws cannot possibly reduce racial discrimination. They can only increase it, which is precisely what has happened with the Native Title Act and also happened with Mabo. It is an ironical oversight considering that the problems experienced by both the United States and South Africa have been highly publicised for some time.

Although South Africa took over as the baddie when the USA was seen to be trying to improve its own situation, by applying the self-contradictory concept of positive discrimination, all that those two prolonged dramas illustrate is that it matters not a jot whether your intentions are classified as bad or good. They both lead to the same result: racial conflict. It is not in the least alarmist to expect the Native Title Act to considerably raise the temperature of race relations in this country as between those who (often depressingly improbably) claim to be Aborigines and the rest. The reason is that it is now the overwhelming majority of the population who are being discriminated against.

I conclude with this quote:

So the hangover headache may pass off quite quickly but the only antidote to its longer term effects will be the repeal of the Native Title Act and abandonment of all policies based on racial discrimination. It would also be a good idea to get that particular provision out of the Constitution before another Prime Minister suffers a handy attack of conscience.

All who live in this great country will feel the full power of this legislation as time passes, and I have some serious and real fears in relation to the consequences.

Mr President, I join others in congratulating you on your election as President of the Legislative Council. I know you well enough to know that you are an excellent choice and that you will uphold the traditions of this place, as well as help most of us in here unravel some of the mysteries surrounding how the place works. After eight years I am still learning; I am still trying to find my way through some of the mazes.

The Hon. T.G. Roberts: Is that the Party Room?

The Hon. J.C. IRWIN: No, it is out of the Party Room. We on the floor of this place will miss your robust debating style and, of course, the odd stories about your dogs. I hope that you will find a way to keep us informed about what is happening on the farm. May I congratulate my colleagues on their first speeches in this Chamber, and I refer to the Hon. Robert Lawson, the Hon. Angus Redford and the Hon. Sandra Kanck, who has just concluded her remarks. I am sure that they will find their time here rewarding, both in the Chamber contributing to the debates and outside this place communicating with the people who put us in here—not those of the Party type who put us in here but the wider community and cross-section of South Australia.

I have said a number of times in here that, although it is a combative Chamber at times, because of the nature of our politics—although probably not as often as the other place—at the end of the day we feel part of a team. In fact, the way that the Chamber is constructed in numbers every bit of legislation is looked at fairly closely by all three Parties and inevitably some change occurs. All of us, I think, can hold our heads high when we are attacked by our Assembly colleagues who accuse us of holding things up, when in fact we are actually improving the legislation and putting it in a better position to go forward to be implemented.

I join Her Excellency in expressing sadness at the passing of two former members of this place: the Hon. Jessie Cooper and the Hon. John Burdett. I acknowledge their great individual contributions to this State and pass on my sympathy to their families. I did not know the Hon. Jessie Cooper very well but I certainly understand her contribution. I know a number of members of her family and I know the position she played and held in the history of South Australia as far as the Parliament is concerned. I was in the field of hopefuls in 1979 when my colleague the Hon. Legh Davis took the Hon. Jessie Cooper's place in this Parliament. No doubt he will spend a little more time on that in his contribution.

I have already spoken a number of times in discussions here about the Hon. John Burdett's contribution to the Parliament, and I certainly am saddened by such a fine person leaving us permanently without time to enjoy some life outside here. Mr President, I want to add a personal friend to this list, and that is Dr Julian Wells, who died of cancer on 9 November last year. I was a very old friend and, indeed, a groomsman at his wedding. I take the liberty of mentioning Julian in this debate because of his unique contribution to science. I found this article in the *Alumni News* of 11 February, which succinctly puts something about the life of Julian Wells that we should know about. I understand of course that there are many other people who pass on whose contributions we are unable to refer to in this place. The article states:

Julian graduated Bachelor of Agricultural Science from Adelaide and was attracted to biochemistry by the late R.K. Morton, then Professor of Agricultural Biochemistry at the Waite Institute. He graduated with Honours and took his PhD in that Department in 1963. Following a postdoctoral period in Cambridge he joined the Department of Biochemistry in 1965 having been awarded one of the recently-established Queen Elizabeth II Fellowships. There, Julian was able to develop his independent lines of research; he subsequently was appointed lecturer and rose to Readership.

He made indelible contributions to the teaching and research of the Department. His lecturing style was impressive, beautifully organised and filled with the excitement of his subject. Equally, he was a gifted research worker and always had the respect of a large group of research students, technicians and postdocs as a strong leader, bristling with novel ideas. He absorbed himself in molecular biology and in the establishment of recombinant DNA technology in the Department in the early 1970s and its application to the study of animal genes.

This event was a vital part of the growth of the Department's interest in the biochemistry of the functioning and control of genes and was instrumental in placing it at the forefront of Australian biochemistry in this field.

I would add that I am sure it is probably at the forefront of the world biotechnology in this area. It continues:

Later on, these developments led to the award of a Commonwealth Special Centre for Gene Technology (1982-91) of which Julian was the Director.

Julian has left a legacy of enormous value and, over the past few years, in addition to his fundamental research interest in the genes of histones (proteins of the cell nucleus) he turned his talents to the applications of gene technology to the improvement of productivity in livestock, particularly pigs. This work was carried out in close association with his old friend Dr Bob Seamark of the Adelaide Department of Obstetrics and Gynaecology.

The PRESIDENT: The transgenic pig.

The Hon. J.C. IRWIN: Yes, the 'super pig' or the transgenic pig. Julian's work in the field and for the livestock industry interested me greatly, although I was somewhat boggled by the scientific complexities. Julian approached me

four or five years ago to talk about his work, and what a pity it was that so many of the world's leading scientists were being trained in this country by him and being snared—including himself—by overseas interests who were competing with us in a number of areas in which Julian was interested.

Most of the problems in Australia could have been overcome by some funding by the private sector and some Government vision. As he said to me and a group that I got together in Parliament House to hear him: 'I am only a scientist. I do not know how to lobby you as politicians for money.' This was at the time when the Hawke Government was cutting back scientific research and at the same time talking about how we should be the clever country.

I mourned my friend's passing and only hope that his pioneering work with the livestock gene technology will be taken to all areas of the livestock industry so that our scientists and farmers will be able to reap the benefit before competing countries take us to the cleaners; in other words, the technology is exported overseas, is used in the livestock industry and comes back to this country in another form. We are stupid if we are not doing that technology ourselves, keeping it in this country and exporting the product in the live livestock area.

I want to reflect for a few minutes on the actions taken by my colleague the Attorney-General (Hon. Trevor Griffin) in banning the film *Salo*, an action enraging a predictable few. I do not have a problem with some aspects of censorship. I do have a problem with the notion that all people have the right to do and see what they please. Of course, I support some sort of discipline in our society; otherwise most of us would have no need at all to be sitting in this place legislating on everything. Some might be in this Parliament with the sole intention of defeating every law or change in law presented here. I must say I have never had any evidence that that is so.

It is fair to say that everyone in the Parliament today and throughout Parliaments of the world is passing laws which affect our lives in one way or another. In many ways and in many cases they restrict our lives. Again I question and plead: why will not certain people—many of whom have attacked the Hon. Trevor Griffin—who scream from the rooftops when a woman is raped or a child is molested and/or killed, which is happening more and more every day that passes, ask why this is happening and what we can do to stop it happening? They will most certainly not improve the situation by demanding that a film like *Salo* must be available for all of us to see. That will not improve the situation.

The evidence is mounting against violent and pornographic films. How many more lives have to be lost, ended or ruined before we will take any action? To give some credence to my assertions, I will quote from an article in the *Age* newspaper of Wednesday 2 February by the Editor of *Quadrant*, Robert Manne. Mr Manne discusses the recent Couchman program on ABC television with feminist libertarian Beatrice Faust and criminologist Professor Paul Wilson. Mr Manne laments the fact that both of these so-called experts agreed and convinced Couchman that there was no link between pornography and sexual crime. I quote from the article:

> The starting point for their discussion was the case of the homosexual, necrophiliac, serial killer Jeffrey Dahmer. For those readers lucky enough to be unaware of the details of this case, Dahmer was the man who drugged, strangled, dismembered and, in part, preserved 15 or so young men of Milwaukee whose misfortune it was to accompany him to his apartment. As it happened, Dahmer was also a considerable pornography consumer and, with regard to his victims, a pornography manufacturer. Not unreasonably, Mr Couchman was interested in the connection between pornography and sexual crime. Both in regard to this particular case and in general, Faust and Wilson managed to convince him by the end of this program that there was none.

Mr Manne makes an observation that Ms Faust knew little about the topic she was asked to come in about. The article continues:

> As an expert in the area of pornography and sexual crime, Professor Wilson is undoubtedly a more serious figure than Ms Faust. For that reason, his closed-mindedness on the Couchman program was even more depressing. He appeared as the expert on the misogynist serial killer Ted Bundy. He did not discuss with intelligence Bundy's pre-execution interview about the role an addiction to violent pornography had played in the genesis of his crimes. He simply dismissed it out of hand as Bundy's last lie.
>
> Wilson did not, in short, even alert the listeners to the Couchman program that, on the question of the link between pornography and sexual crime, there existed considerable new research and discussion. In the past few years the scholarly tide has begun to turn.
>
> In part, the new evidence responsible for this change is found in case studies. Time and again serial murderers and serial rapists are discovered to be pornography addicts. In his late teens, Jeffrey Dahmer—admittedly a rather unusual case—took guiltily to homosexual pornography. At much the same time Ted Bundy became, according to his own witness, an addict of violent misogynist pornography. David Berkowitz—'Son of Sam'—took a special interest in shooting couples who were making love in cars. When he was arrested, his abode was full of pornography. So was the home of John Wayne Gacy, who murdered 33 young men there.
>
> Ed Kemper, who killed and brutalised six female students between the murders of his grandparents and his mother, sought out 'snuff' movies. A secret store of pornography was discovered in the apartment of the vicious 'Hillside Strangler', Ken Bianchi. A study by the FBI in 1984 of 36 serial murders found in most of their subjects a deep attachment to pornography and, in particular, to the genre concerned with bondage and domination.

I recall asking a question in either 1986 or 1987 of the Attorney-General at the time about whether the Police Department here was keeping any records in this regard. I think it was something to do with the Worrell case, the Truro murders, as there was certainly pornography found in the possession of one of the people involved. The answer was that they were not being kept.

I hope, as time has passed, that some evidence has been kept that may well be useful when later analysing some of these things from a South Australian point of view. The article continues:

> In real life evidence concerning the link between pornography and sexual crime is by no means exhausted in the case studies. In one interesting piece of field work, the psychologist W.L. Marshall conducted a survey of newly released but previously convicted sexual criminals. He discovered that more than a third of the rapists and child molesters he interviewed admitted to using hard core pornography immediately before their crimes as their 'instigator'. More than 80 per cent of the rapists were still using hardcore pornography, compared with less than 30 per cent of the non-offender control group.
>
> In another study, by Goldstein and Kant, 38 per cent of their sample of convicted rapists had encountered hardcore pornography before adolescence. Only 2 per cent of their control group had. This is not only a high suggestive finding but, in the age of the video revolution, an extremely alarming one.
>
> In yet another study concerned with rape and childhood sexual abuse among prostitutes, Gilbert and Pines were surprised by the frequency of comments about the role played by pornography in the stories they were told of rape and abuse. They were unprepared for this because the question of pornography had not appeared in their questionnaire.
>
> These kinds of responses would not, however, have surprised some of the professionals working with sexual criminals. Some time ago the conservative American psychologist Victor Cline testified to the important role pornography had played in the fantasy life, the desensitisation and the acting out stages of the 225 sexually disturbed men he had treated.

More recently a politically radical British therapist, Ray Wyre, the director of the Gracewell Clinic for child sex abusers, has written in a collection of essays of the fundamental significance of pornography at each stage in the cycle of behaviour of the sexual criminals with whom he works daily.

Only a fool or a bigot—

and I underline that—

would fail to attend carefully to what people with the experience of Cline and Wyre have to say.

I do not wish to be misunderstood here. I am not suggesting that pornography can be seen as the single or principal cause of sexual crime. Indeed, an over simple view of causation bedevils this entire debate. For the seed of pornography to take root, both the psychic and the social soil must be prepared in ways we do not truly understand.

Nor do I wish to deny that there are major uncertainties about the precise role of pornography in the commission of sexual crime, or to suggest that anything approaching a scholarly consensus on this subject has yet emerged.

I am in fact sure of only one thing. Complacent discussion on this topic by old anti-censorship libertarians like Faust and Wilson simply will no longer do.

In relation to a question asked in today's Question Time on crime against women, I ask the Hon. Carolyn Pickles to inform me whether the national strategy on women includes the study of violence and pornographic publications as part of its agenda. I hope it does.

I support the Hon. Trevor Griffin. I note that most letters to the editors of various newspapers brought to my attention are running five to one in support of Mr Griffin. I certainly judge the majority of South Australian support to be for the Hon. Trevor Griffin. I also note one of Mr Griffin's critics is Phillip White, who followed up his criticism of censorship by writing this gem two weeks later:

Clean up the Pat, Minister—

he is talking to Minister Wotton—

then start on the Murray and prove the days of government by tiny special interests groups are over.

In conclusion, I want briefly to touch on three simple matters that are of some annoyance to me. Two of the matters go more or less hand in hand and involve the formation of some bad habits in the community. I try not to set myself up as a judge of good or bad habits but, if I were able to poll enough people, I think there would be no problem supporting it.

I refer to the way in which people walk on the wrong side of the footpath and the way that they barge into lifts before those who are in the lift can get out of them. Some years ago, there was an education program in the city of Adelaide, helped by lines on the footpath directing pedestrians to walk to their left and pass others going in the other direction right shoulder to right shoulder.

I should have thought that was reasonably simple in a country where most people who drive motor cars have to drive on the left of the road, so one would assume that once they got on the footpath they would walk on the left side of the footpath. Indeed, there are lines now on some of the intersections. If one walks from here through King William Street, one will see marks on a diagonal basis so that people can start on the broad and work their way across to the left-hand side of the crossing. But, no, as soon as the lights turn green and people are allowed to walk, the whole mob walks straight at each other, straight across. I just refuse to get out of the way, and people can pass me on my right.

Members interjecting:

The Hon. J.C. IRWIN: I think it is a very simple matter. I remember its being taken up by the Lord Mayor in the city of Adelaide years ago—and I do not know what era it was. I appeal to the present Lord Mayor of Adelaide and his City Council to educate the people so that we do not have to bump our way around Adelaide streets or try to work out on what side someone will thump you next. The Hon. Trevor Crothers and I can probably withstand some of the bumps and thumps, but there are a few in our society who cannot.

Members interjecting:

The Hon. J.C. IRWIN: Being of Irish descent, the Hon. Trevor Crothers could do anything, but he would be a soft bump. Quite simply, in South Australia road rules should apply to the footpaths, and we have not started to drive on the left hand side of the road yet. Also, if good manners mean anything, people should be able to get out of a lift without a wall of people trying to push their way in. Certainly, it is about time that emphasis was placed on the teaching of manners in homes and in our schools, and I appeal to my colleague the Hon. Mr Lucas in this regard. I do not say that schools should be teaching manners, but they should be enforcing the manners that ought to be taught in the home.

I went to school in the days when we wore hats and caps, and we were told clearly by our families and teachers that we should take off our hat when talking to people, especially ladies and young women. It is a pretty simple thing to do and, whatever current manners have moved to, they should include respect for people who are trying to get out of a lift.

My final area of concern is littering, which is becoming a monster problem in South Australia. I will highlight only one small area, because I spend time in what could be termed a prime tourist area in South Australia for both interstate and international tourists, as well as a huge number of South Australian tourists who use the seaside areas. I am appalled by what I observe to be the increasing amount of paper and filth blowing around prime tourist traffic areas.

It is just not good enough, and I suggest that one or more people should be employed by local councils to patrol such areas by the minute and pick up waste, just as we see in many other areas in Australia and around the world, where people sweep up rubbish as it hits the ground. Tourist areas that I have visited in other parts of the world would put us to shame in terms of their lack of filth because they have pride and they do employ people to continually pick up the rubbish.

Local people probably pay enough in rates and councils should be able to employ someone to clean up in prime areas. Councils also have the ability to impose on the spot fines, but I cannot find much evidence of any council ever using that power. I am sure that they have done so, but those types of penalty are not used very much. It is about time that councils had the courage to impose fines in order to tidy up the place and bring various areas back to what they used to be under Premier Dunstan, who got his inspiration from Lee Kuan Yew about how a city can be tidy and how people can have a pride in their city. Cleanliness in our community has decreased dramatically since the days when Premier Dunstan raised awareness in relation to pride being taken in our environs.

I worked hard and long prior to and during the last State election as campaign manager for a Liberal candidate, now the member for Kaurna. Indeed, I am proud that I have now played a small part in the election of two marginal seat candidates—one now a Minister—and I am even more proud that after 11 years in Opposition my Party is in the position to govern South Australia.

I congratulate the Premier (Hon. Dean Brown) on his election as Premier and I congratulate all the Government Ministers, three of whom are in this Council, because it must

be a great thrill to spend a long time in Opposition and then be successful and be in a position to take over the reins and get done some things of a different nature from those undertaken by the previous Government. It is pleasing to support this motion for the adoption of the Address in Reply, the Government's program containing as it does so many initiatives to help the State get back on its feet. I support the motion.

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

ADJOURNMENT

At 4.55 p.m. the Council adjourned until Tuesday 22 February at 2.15 p.m.