LEGISLATIVE COUNCIL

Wednesday 23 March 1994

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

GROTH, MR REG

The Hon. R.I. LUCAS (Minister for Education and Children's Services): With the leave of the Council, I move:

That the Legislative Council expresses its deep regret at the recent death of Mr Reg Groth, a former member of the House of Assembly, and places on record its appreciation of his distinguished public service.

I would have to say that I did not know Mr Groth well, other than a nodding acquaintance back through that period in the 1970s when he was a member of Parliament and I was an officer working with David Tonkin for a period and with the Liberal Party. However, I understand that Mr Groth prior to entering Parliament had a long and distinguished record of service in the union movement in a very powerful union, the Australian Workers Union, as we know it now. I am told he joined the union first at the age of 16 and worked his way up through the ranks, being a shop floor representative and later an organiser of the union between the late 1950s and 1970. From 1960 to 1969 I am told he was Vice President of the union, and from 1969 to 1970 he was actually President of the Australian Workers Union.

He entered Parliament and had some three terms in the State Parliament. He had distinguished service on what was known then, Mr President, as the Public Works Committee. It is interesting to note, of course, that we are currently debating the reintroduction of the Public Works Committee in this Parliament, after a short period without a Public Works Committee. I know that the Premier, Dean Brown, for a brief period served on that Public Works Committee with Mr Reg Groth and acknowledged his distinguished service to the Public Works Committee and the work that that committee did on behalf of this Parliament.

I want to quote briefly from the statement that the now Leader of the Opposition made in his maiden speech to this Parliament to indicate his perception of the work and the worth of Mr Reg Groth as a local member, as a man who represented the constituents of his particular electorate most assiduously. As all members of the Labor Party would know, the Hon. Lynn Arnold saw in Mr Reg Groth not only a friend but a political mentor. Mr Arnold, as he was then, worked in Mr Groth's electorate office as an electorate assistant for some period prior to winning preselection for Mr Groth's seat. Mr Arnold acknowledged in his maiden speech and in subsequent speeches the assistance that Mr Groth gave him, both in winning preselection for that seat and also in continuing the level of service to the constituents of the local electorate. In his maiden speech to the House of Assembly, the Hon. Lynn Arnold said:

Reg Groth was dedicated in his approach to his constituency work and many in his constituency, regardless of their political affiliation, have placed their support on record and indicated to him their appreciation for the services that he gave. There are many on both sides of the House who have, since I entered it, indicated their opinion of Reg and the high regard in which they held him.

On behalf of Liberal members in this Chamber, I pass on our sincere condolences to Mr Groth's family at his passing.

The Hon. C.J. SUMNER (Leader of the Opposition): I second the motion and in doing so endorse the remarks made by the Leader of the Government in speaking to this condolence motion following the death of Reg Groth. I served in this Parliament contemporaneously with Reg from 1975 to 1979. I knew him well and respected his qualities.

He was one of many members of Parliament who came from the Australian Workers Union and who entered Parliament representing working people. He was very proud of his union, proud of the work it did and proud to represent working people through the traditional Labor seat of Salisbury.

The Leader of the Government has mentioned the admitted influence that Reg Groth had on the former Premier Lynn Arnold. He was indeed a mentor to the former Premier and the former Premier has, on a number of occasions, expressed publicly his appreciation of the assistance that Reg Groth gave him in a number of ways.

Reg Groth was the sort of member that Parliament cannot afford to loose even as the structure of our modern society changes. He made a hard-working and effective contribution to the Labor Caucus, to the Parliament and to its committee system. He was universally well liked and well respected. I endorse the remarks of the Leader of the Government in extending on behalf of members on this side of the Council our condolences to Reg Groth's widow and family.

Motion carried by members standing in their places in silence.

[Sitting suspended from 2.23 to 2.35 p.m.]

LEGISLATIVE REVIEW COMMITTEE

The Hon. R.D. LAWSON: I bring up the fifth report 1994 of the Legislative Review Committee and move:

That the report be read.

Motion carried.

The Hon. R.D. LAWSON: I bring up the sixth report 1994 of the Legislative Review Committee.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The Hon. CAROLINE SCHAEFER: I bring up the first report 1994 of the Environment, Resources and Development Committee and move:

That the report be read.

Motion carried.

PREMIERS CONFERENCE

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a copy of a ministerial statement made by the Premier in another place today on the subject of the Premiers conference.

Leave granted.

WOOMERA ROCKET RANGE

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 Minister for Industry, Manufacturing, Small Business and Regional Development on the subject of reactivating Woomera.

Leave granted.

QUESTION TIME

SCHOOL CLOSURES

In reply to **Hon. C.J. SUMNER** (23 February).

The Hon. R.I. LUCAS: My colleague, the Minister for Employment, Training and Further Education has provided the response to TAFE closures.

EMPLOYMENT, TRAINING AND FURTHER EDUCATION

There is a commitment to full consultation with DETAFE communities regarding issues relating to the closure of Campuses and in all cases this has led to a successful resolution of any decision to close a Campus.

During the last decade 10 TAFE Campuses have been closed with the support of local communities and in all cases with an improvement in delivery of service to the overall TAFE community.

It is intended that this successful consultative process continue in the future should it be necessary and within that context appropriate notice will be given.

EDUCATION DEPARTMENT

The Department for Education and Children's Services initiates restructure projects only after full consultation with the school communities involved. In many instances the initiative is coming from the school communities themselves.

They are taking such initiatives because they recognise that their current arrangements for education delivery are no longer appropriate.

All communities have access to detailed guidelines for restructure which require extended timelines for action because matters are negotiated with the communities at length and confirmed in writing.

The procedures now being adopted by the Department are the same as those used by the Department under the Labor Government when over 70 schools were closed.

Given the current practices, to place an embargo on restructure action for 18 months would serve no useful purpose as ample time is already allowed for full consultation.

AYTON REPORT

In reply to **Hon. C.J. SUMNER** (17 February).

The Hon. R.I. LUCAS:

1. The identity of the 'substantive source' referred to by the Deputy Premier is not known to me.

2 & 3 These matters were covered in Ministerial Statements in the Legislative Council and the House of Assembly on 17 February 1994.

STUDENT NUMBERS

In reply to **Hon. C.J. SUMNER** (22 February).

The Hon. R.I. LUCAS: Enrolments estimated by Principals for 1994:

Primary	118828
Secondary	66444
Total	185272

Actual enrolments on 7 February 1994:

Primary	118274
Secondary	64418
Total	182692

Difference is:

Primary	554
Secondary	2026
Total	2580

Comparison:

	Total	Primary	Secondary
1992	186790	117354	69435
1993	184057	117849	66207
1994	182692	118274	64418

HINDMARSH ISLAND BRIDGE

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before directing a question to the Minister for Transport about the toll to be charged for using the bridge to be built to Hindmarsh Island.

Leave granted.

The Hon. CAROLYN PICKLES: On Tuesday 15 March the Minister announced that a $5 bridge toll would be charged to visitors to Hindmarsh Island but said that she did not know how much money would be raised or how it would be collected. Yesterday the Minister denied that she said the toll would be $5 and said that that was an amount that had been suggested by the media. However, she did say that it had also been suggested in the report, which the Minister has yet to table in the Parliament.

If the toll is to be collected manually—and we have no knowledge yet of how the toll will be collected—a 24 hour service will require the full-time employment of at least five collectors at a cost including overheads of about $250 000 per annum.

This means that at least 50 000 vehicles, excluding those which belong to residents, would need to visit the island each year to cover the cost of collecting the toll. I am also somewhat confused as to what the money will be used for. In reply to a question asked yesterday by the Hon. Mr Roberts, the Minister said:

> As one who loves the Coorong, I am keen to see in the future more strict administration of the Coorong area to protect it from environmental vandalism and damage. So a toll will be used for the management of that area for the benefit to the public.

In another place, the honourable Premier in response to a question stated, in part:

> We propose to impose a toll on the use of the bridge for a number of reasons: first, partly to pay for the bridge; and, secondly, to make sure that we can put in place some effective environmental management practices on Hindmarsh Island itself.

So it seems there is a little bit of confusion between the Minister and the Premier as to precisely what the toll tax will be spent on. My questions to the Minister are:

1. How many visitors, excluding residents, cross to Hindmarsh Island each year, and what is the forecast annual revenue from the toll?

2. What proportion of revenue collected from the toll tax will be spent on the environment, and does the Minister plan to hold another inquiry to establish the feasibility of this proposal?

The Hon. DIANA LAIDLAW: The only confusion in this matter is in the honourable member's own mind. She selectively quoted from references I made in answer to the question asked by the Hon. Ron Roberts yesterday. I made it quite clear then, but I will repeat for her benefit today, that this matter of the toll is one that the Government supports. It is to be discussed with interested parties, including the local council and other parties. If the honourable member wishes to be involved in those discussions, I am quite happy for her to do so, acknowledging that the former Government found the proposition of a toll quite acceptable judging from the Hon. Ms Wiese's submission to Cabinet in 1992 as part of the tripartite agreement.

I can obtain for the honourable member the figures if they are available in terms of use of the ferry by residents and other people. I am not sure whether those figures have been maintained recently. I understand that there was some collection of those figures when work was done on the bridge some years ago. Regarding another inquiry, this matter does not need inquiry. As I indicated, the level of the toll will be discussed when I have time to do so. It is not an urgent task. The bridge will take one to 1½ years to build at the outside,

I understand. Legislation is required for a toll, and that matter will be debated in this place at some later stage, but there is no urgency. It was made clear in the statement that I issued on Tuesday of last week that the toll would be used to offset the cost of the bridge and also for environmental purposes. If I omitted the reference to environmental purposes yesterday, I apologise, but that was quite clear in the statement I made at the time, and the Premier and I are not at odds on this matter.

THIRD ARTERIAL ROAD

The Hon. T. CROTHERS: I seek leave to make a brief explanation before asking the Leader of the Government in the Council, representing the Premier, a question about the promised further arterial road to the southern suburbs to Adelaide.

Leave granted.

The Hon. T. CROTHERS: The recent announcement by the Minister for Transport of the Government's possible decision to charge a toll which could offset the cost of the bridge to be built to Hindmarsh Island has created a precedent. The Opposition has been contacted by residents of the southern suburbs who fear they may be required to pay a toll to use the promised third arterial highway. In light of the foregoing and in spite of the whinnying by the new honourable member, the Hon. Angus Redford, I would ask the following question of the Premier, through the Leader of the Government in this place: does the Government still intend to commence the construction of a third arterial road to the southern suburbs next year and, if so, will this be a toll road?

The Hon. DIANA LAIDLAW: The Government promised that it would commence building the road in 1995. Next year, that promise will be kept. It will not be a toll road. It will be provided from State sources for urban arterial roads.

SUPPORTED RESIDENTIAL FACILITIES ACT

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister representing the Minister for Health a question about the delay in the implementation of the Supported Residential Facilities Act.

Leave granted.

The Hon. SANDRA KANCK: In December 1992 the Supported Residential Facilities Bill was passed in Parliament. It requires that all residential places providing personal care services are to be licensed, which is to ensure that the level of care to both the aged and mental health patients is of an acceptable standard. The Act is yet to be proclaimed, as the draft regulations have been delayed. In order for the regulations to be passed, an advisory committee has to be set up to finalise them. A recommended list has been with the Minister for Health since January. However, I understand and accept that the Government is not obliged to use this list. Nevertheless, it is vital that this Act be proclaimed as soon as possible in preparation for the implementation of casemix funding.

I have been informed by a nurse who works at the Royal Adelaide Hospital that in her ward alone there are always at least four to six patients who on average extend their hospital stay by a further four weeks while waiting for suitable nursing home accommodation. In fact, I am told that one patient at least has stayed an astounding further three months whilst waiting for appropriate nursing home care. Under casemix funding, the public hospital system will simply not be able to afford to be kind to these patients as the hospitals will receive less funding. As a result, some of these people who do not have family support will literally be turned out onto the streets. Without the Supported Residential Facilities Act operating pressure will be placed on families and social workers to place the elderly into accommodation that may not reach the minimum standard of care. My questions are:

1. Can the Minister inform the Parliament of a date for the likely proclamation of the Supported Residential Facilities Act?

2. Given that the implementation of casemix funding will have a vast impact on those elderly currently taking up beds in the public hospital system, does the Minister intend to have the Supported Residential Facilities Act proclaimed before casemix funding is implemented?

The PRESIDENT: Order! There was a fair amount of opinion in the last part of that question, and I remind the Hon. Sandra Kanck of that.

The Hon. DIANA LAIDLAW: Mr President, not only opinion but exaggerated opinion.

Members interjecting:

The Hon. DIANA LAIDLAW: Yes, but I am answering it, and I am entitled to an opinion. Notwithstanding the fact that there was such exaggerated opinion, I will refer at least the questions to the Minister and bring back a reply to the honourable member.

CERVICAL SMEARS

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Health, a question about cervical smears.

Leave granted.

The Hon. BERNICE PFITZNER: As we know, cervical smears, or Pap smears, are smears usually made on the cervix or the mouth of the uterus or womb to detect cancer cells before symptoms or signs of cancer have appeared. In the *Advertiser* today we note that a Sydney woman had such a smear which came back negative, although she was subsequently found to have cancer of the cervix, and she also had some signs of possible cancer. We also note that the professor in the case, who is now the Director of Gynaecological Cancer Services in Queensland, agreed with a legal counsel that between 10 per cent and 50 per cent of these cancer smears returned false negative results, that is, results that give the woman an all clear, when in fact there is a cancer present.

We in South Australia are advocating that cervical smears be done at one to three year intervals, depending on the age of the woman. If this screening method has such a low rate of true identification (that is, 10 per cent to 50 per cent false negatives), giving the woman a false sense of security, this form of test cannot be tolerated or supported. My questions to the Minister are:

1. What is the rate of false negative results following the screening smear test for cancer of the cervix here in South Australia?

2. If the rate of false negative is significantly high, is it a valid method for identifying incipient cancer of the cervix?

3. If the reason for the poor pick-up rate is due to poor technique by the GP, what measures are we taking to make sure the GPs do the smear effectively?

4. If the reason for the poor pick-up rate is due to poor laboratory technique in preparing and reading the smear

specimen, what measures are we taking to make sure the pathologists are expert at this particular technique?

The Hon. DIANA LAIDLAW: I will refer those important questions from the honourable member to the Minister and bring back a reply as soon as possible.

PUBLIC INFRASTRUCTURE

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Housing, Urban Development and Local Government Relations, a question about the effective use of public infrastructure resources.

Leave granted.

The Hon. T.G. ROBERTS: In 'Business News' in *Business SA* this month, an often quoted periodical, there is an item that urges South Australian firms to act on participation in the South African economy. The article commences by saying:

> South Australian companies need to act now to take advantage of the rapidly changing business environment in South Africa, a senior corporate lawyer said today. Mr George McKenzie, a former South African and partner with Adelaide law firm Finlaysons, said the trading opportunities would be considerable after the South African elections on April 27.

The article goes on:

> Mission delegates are now taking part in a series of Austrade sponsored seminars around Australia and was in Adelaide on Tuesday, February 15. Mr McKenzie said the mission had identified major openings for trade with South Africa, particularly in the area of infrastructure development.
>
> 'With the majority of the 23 million black population living in substandard conditions, the new Government is expected to act quickly to improve the situation,' he said. 'It is estimated South Africa will need to build 190 000 low cost houses a year over the next 10 years to eliminate homelessness.'
>
> They will also require all the necessary infrastructure, including water, electricity, education, medical facilities and telecommunications.

I ask this question of the relevant Minister to ascertain what the Government's position is in relation to trying to win some of those contracts and provide some of the infrastructure support by using the intellectual qualities that are inherent in our own Public Service. The article refers to the rebuilding of 190 000 low cost houses, and it refers to electricity and water infrastructure. On a personal basis, as you, Mr President, know, the New South Wales and Western Australian public sectors are already exploring opportunities in the Pacific-Asian-African regions to involve both the public and private sector in infrastructure support programs in those countries. It appears to me a good idea for the Government of the day in South Australia to provide work and opportunities for those people in the public sector, which we are dismantling at the moment. I understand the Government has a proposition to carry out a further cut into the public sector, and it appears to me that given a little bit of vision a lot of those public sector people in our specific areas of expertise (who have built up this State's infrastructure over the last 30 to 40 years) could be used to provide services into not only South Africa but the Asian-Pacific rim for those infrastructure support programs.

The question I ask is: what steps are being taken to involve both public and private sector participation in building opportunities that will present themselves in South Africa, as it builds up its own public infrastructure?

The Hon. DIANA LAIDLAW: I will refer the honourable member's question to the Minister and bring back a reply shortly.

EUROPEAN WASP

The Hon. M.S. FELEPPA: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Primary Industries, a question about European wasps.

Leave granted.

The Hon. M.S. FELEPPA: Members will recall that I asked a question on 22 February in relation to the extent of the European wasp problem in South Australia.

The Hon. L.H. Davis interjecting:

The Hon. M.S. FELEPPA: Yes, it is true that the Hon. Mr Davis also asked a question in relation to this matter at the same time. I have yet to receive a response to my question, but I note that considerable media interest has been given to this growing problem in recent days.

Last Sunday on the *60 Minutes* television program this issue was also reported on with alarming concern, and again on the front page of today's *Advertiser* there is a story about this growing problem. Today's story in the newspaper notes that the European wasps, which had previously been confined to the Adelaide Hills and foothills suburbs, were now breeding in the northern and southern suburbs and in some beachside suburbs as well. The article goes on to quote the President of the Local Government Association, Mr John Dyer, as saying that the problem was getting to the stage where local government could not control it.

The figures quoted in this morning's paper show that the number of nests destroyed in several local government areas over the past summer has increased dramatically over previous years. For instance, the Marion council has reported destroying 100 nests this past summer, compared with only six nests during the previous summer. These types of figures are reflected elsewhere in other council areas, including Unley, Mitcham, Munno Para, St Peters, Happy Valley, and Henley and Grange. I note with approval that the Government has indicated that it is prepared to hold talks with councils in relation to the problem. Therefore, my questions are as follows:

1. Will the Minister consider immediately devising a strategy in association with local government that will address the European wasp problem in South Australia?

2. Can the Minister show South Australians that such a strategy will be in place prior to next summer to ensure that the problem does not get totally out of hand?

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

WOMEN, VIOLENCE

The Hon. J.C. IRWIN: I seek leave to make an explanation before asking the Attorney-General a question about statistics relating to violence against women.

Leave granted.

The Hon. J.C. IRWIN: I refer to the publication *JUSTATS* from the Office of Crime Statistics in the Attorney-General's Department, and the *Advertiser* of 19 February this year carried some coverage of those published statistics. I understand the sources of data used are from police statistics and surveys. As the publication states:

Crime surveys endeavour to find out how much crime there is regardless of whether offences are reported to police.

It is worth recounting the major findings, which include the fact that four inner northern suburbs recorded the highest attacks against women at 18.6 per thousand of population; five outer northern suburbs at 15.7 per thousand of population; and three south-eastern suburbs at 5.3 attacks per thousand of population. The average other rates were about eight per thousand and the rural areas recorded 8.8 per thousand of population.

The survey data permits an estimate to be made of the rate of domestic violence among women within a relationship and also of the rate of those who are separated or divorced. It is estimated that two per thousand South Australian women in a married or *de facto* relationship had been threatened with force or attacked by their partner or ex-partner at some time in the past 12 months. For divorced or separated women, the estimated figure of assault by a partner or ex-partner was significantly higher at 47.2 per thousand, which is a staggering 2 000 per cent difference.

I note that the survey established that 76 per cent of females attacked knew their offender and 52 per cent of male victims knew their offender. I also note that the apprehension rate of offenders for both female and male victims is similar, at 43.8 per cent for females and 46.3 per cent for males.

My first question to the Attorney relates to the validity of the statistics gathered, as they have been, from crime reported to the police and a crime survey. How much validity can the Attorney-General place on a survey where, for whatever reason, most of the respondents have not reported that offence to the police—bearing in mind that matters reported to the police are not clean-up rates; they are just reports and have nothing to do with the end result? However, when one looks at clean-up rates of offences reported to the police one sees that they can vary enormously from homicides, which are very high, to robbery, which are very low.

Does the Attorney-General believe that it would be far more accurate for statistics to be based only on cases where there was an apprehension of the offender? The classic example is in child abuse reports to police against the actual clean up of these offences that have been proved. Neither the crime statistic nor survey figure shows whether the offender attacking female victims was male or female, and the same applies to male victim offences. Does the Attorney-General believe that these statistics should be recorded more accurately? Can the Attorney-General point out any areas where these statistics will lead to an improvement in crime prevention? Can the Attorney-General say why he thinks there is such a difference between the high or low incidence of violence against women in certain groups of suburbs?

The Hon. K.T. GRIFFIN: The Hon. Jamie Irwin indicated to me that he would be raising some issues about the *JUSTATS* bulletin "Violence against women", so I took the opportunity to raise some issues with the Office of Crime Statistics, which has given me a fairly comprehensive briefing note. I do not intend to read it all into *Hansard*, but at the appropriate time I will ensure that information is available to the Council. However, I think it is important, in answering the question, to make—

The Hon. Anne Levy: Incorporate it.

The Hon. K.T. GRIFFIN: Well, it is important just to make a couple of observations. I am happy to have the detail incorporated if members are prepared to give me leave to do so. It is very interesting background material. It is not uncommon, of course, to rely on information other than that from reports of an offence. That is one of the bases upon which the whole area of statistical surveys is assessed. However, if it will help, and as it is information of interest to all members, I seek leave to have the answer incorporated in *Hansard* without my reading it.

Leave granted.

The JUSTATS bulletin 'Violence Against Women' is the first report in which detailed statistical information about the victims of violent offences has been published in South Australia. The information enables questions about the extent and characteristics of violence in our community, especially domestic violence, to be answered in a more reliable and valid manner than has previously been possible. Five main points were raised in connection with the report:

1. Validity of data
2. Using crime reports rather than offender apprehension data
3. Sex of offender
4. Crime prevention
5. Demographic variation in victimisation.

1. Validity of data

How much validity can the Attorney-General place on a survey where, for whatever reason, most of the respondents have not reported an offence to police?

In order to comprehensively measure the phenomenon of violence two different sources of data were used: police data and crime survey data. Each source of data has its limitations and these limitations were acknowledged and explained in some detail in the JUSTATS bulletin. Although the report utilised two differing sources of data, each data set was analysed independently from the other.

The report found a degree of consistency between the results from the police data and the crime survey data. In both instances females were the minority of victims of violence. In addition, both sources of data found that the pattern of violence against women was similar, i.e. the offender was likely to be someone close to the victim and the location of the violent incident was likely to be in a private swelling. This consistency of results indicates the survey data has some validity.

Collecting data through the use of crime surveys is a well accepted method of measuring crime. Such surveys provide an independent index of crime, giving a more realistic account of how many people are affected by criminal events, and if the surveys are repeated, they provide a measure of trends uncontaminated by legal or administrative changes. Surveys help to illuminate the so-called 'dark figure' of crime, i.e. events which for a variety of reasons do no get reported to police. While the degree of injury or amount of loss do, to some extent, determine whether the police are called, so too is the relationship between the victim and the offender, and the victim's confidence in police.

In addition to incidents which remain unknown to police, survey data is able to provide more information about sub-groups of people victimised in the population. Information such as marital status of victims is not always available from police data.

Crime surveys have been in use for some time, especially in the United States of America and Great Britain where surveys are regular and an accepted component of criminal justice statistics.

2. Use of apprehension data

Does the Attorney-General believe it would be far more accurate for statistics to be based only on cases where there was an apprehension of the offender?

The point is made that apprehension rates vary widely between offence types. This is a good reason why these figures should not be relied upon to indicate levels of criminal activity. One would question the usefulness of measuring crime based upon, among other factors, police ability to detect and apprehend offenders.

The rate of apprehensions for break and enter offences is currently less than 10 per cent. To count only the break and enters which result in an apprehension would seriously misrepresent the amount of criminal activity in the community. Although some sexual offences are cleared when the victim does not choose to proceed with prosecution, this does not mean that the event did not occur.

There is always the chance that fraudulent or malicious reports to police will be made, however the police do exercise discretion in which reports they choose to accept, record and count.

3. Sex of offenders

Neither the crime statistics nor the survey figures show if the offender attacking female victims were male or female. Does the Attorney-General believe these should be recorded more accurately?

It is only possible to determine the sex of the offender from cases which resulted in an apprehension. This information could be obtained should Mr Irwin be interested. Although the 1992 crime survey data did not ask the sex of the offender, the 1993 survey did have some supplementary questions about the offender's sex and possible age.

Since approximately 88 per cent of alleged violent offenders are male, the majority of offences identified in the JUSTATS bulletin would have been committed by a male offender. It is also implicit that, for the domestic violence incidents against women, the offender was male.

4. Crime Prevention

Can the Attorney-General point to any areas where these statistics will lead to an improvement in crime prevention?

Understanding a phenomenon is a first step in prevention. Data such as that provided in the JUSTATS report also provide a good baseline measure from which to evaluate the success of any crime prevention initiatives. In addition, the variations in geographic location of victims does give an indication of possible allocation of resources to areas of most need.

5. Geographic distribution

Can the Attorney-General say why he thinks there is such a great difference between the high and low incidence of violence against women in certain groups of suburbs?

Other research findings show that socio-economic status is related to victimisation. A New South Wales report on domestic homicide found women in socially disadvantaged areas were more at risk of fatal domestic violence, and concluded that domestic violence may be linked, at least in part, to poverty and economic stress. A Queensland Criminal Justice Commission paper on murder also confirms that people from economically disadvantaged groups were more likely than the general population to be involved in murders, both as perpetrators and as victims.

It could be argued that different socio-economic groups have differential reporting patterns. However, as most homicides are reported or discovered, the New South Wales and Queensland findings on different rates of homicide mentioned above counter this argument.

In conclusion, the report 'Violence Against Women' represents some path-braking work in determining the patterns of violence in our community. It is recognised, however, that it is only one step towards fully understanding and recording these violent incidents.

ADELAIDE FESTIVAL

The Hon. ANNE LEVY: I seek leave to make an explanation before asking the Minister for Transport a question about the extra subsidy for the Festival.

Leave granted.

The Hon. ANNE LEVY: The recent Festival, while being an artistic triumph, was widely reported as being far from that financially. There were reports that the Government would bail out the Festival to the tune of $860 000. A great deal of concern has been expressed to me by members of the arts community that this extra money may be found, or may have to be found, either from this year's arts budget or next year's arts budget. I am well aware that a figure of that amount could not be found from this year's arts budget.

There was a report in the newspaper that a spokesperson for the Minister had indicated that the sum would not come from this year's arts budget and at this stage it seemed that it would not come from next year's arts budget. This comment about 'at this stage', if the newspaper reported the spokesperson correctly, is causing a great deal of concern amongst members of the arts community.

Furthermore, it has been reported in the media that the $860 000 deficit was an underestimate and that in fact the Festival deficit is likely to be over $1 million—$1.1 million, in fact. So, I ask the Minister: if the deficit from the Festival is greater than the $860 000 previously reported, will the Government increase its support for the Festival and increase its subsidy of the deficit to whatever the amount turns out to be? Secondly, can the Minister reassure me and all members of the arts community that any picking up of the deficit on the Festival will not be at the expense of the arts budget—either this financial year's arts budget or next financial year's arts budget?

The Hon. DIANA LAIDLAW: I have used the same words as did the honourable member, that is, 'artistic triumph', in terms of the 1994 Festival and I believe that most earnestly. All who attended would generally share that view. That does not mean, however, that we did not conclude the Festival with some problems. I was alerted to those problems well before the Festival started and was increasingly pleased during the Festival itself that a record number of tickets was sold during that two-week period. So, initial estimates of what the shortfall might be did not arise.

The figure of $1.1 million was referred to in Basil Arty's column on Saturday. The former Minister for the Arts told me not to read that column or rely on it. I am very interested, now that the roles have changed, that we are still reading the same articles and—

The Hon. Anne Levy: I didn't say it was accurate.

The Hon. DIANA LAIDLAW: —(no) I am at this time able to tell the honourable member that that figure has no foundation at all. Cabinet acted swiftly, and I commend the Treasurer and the Premier, in particular, but all my colleagues in Cabinet for understanding that a decision had to be made very quickly in terms of the shortfall, because I did not want to see any person leave South Australia's borders or any person who performed in the Festival who might reside here out of pocket because the Festival was accused of not being able to pay its bills. So, it was urgent that we acted quickly. The day after the Festival ended, Cabinet considered this matter. Because all the bills had not been finalised at that time, we have been able to confirm that $860 000 will be available to be called on as required.

The General Manager this week confirmed to me that, in terms of the bills coming in, there are no surprises and he anticipates none. So, the call on the funds may in fact be less than that provided for by Cabinet. Cabinet has agreed that there will be no further money coming from Government quarters to deal with this problem, so it is a relief that the General Manager believes that there will be no further surprises in terms of the accounts for the Festival.

The funds will be provided for immediately from the Governor's Appropriation Account. There is, however, a requirement by Cabinet that maximum funds be found from other sources. I am discussing this matter with the Arts Department now. I should think that at the absolute maximum the Arts Department would be able to provide $100 000 from this year's budget, and that at an absolute maximum there would be $200 000 from reserves within the Adelaide Festival Centre Trust.

The honourable member will recall that the Festival before last had a shortfall of $480 000. At that time $360 000 of that shortfall was found within the reserves of the Adelaide Festival Centre Trust.

That was a negotiated position between the former Minister and the trust. This time I am seeking to negotiate $200 000 at a maximum and $100 000 from the arts budget as maximum. That is this year's with no penalty next year. Any funds found from the Adelaide Festival Centre Trust reserves this year would need be made up for and accounted for next year. There would be provision for that in the budget. So, unlike the Festival before last, they would not be out of pocket and it would not look as though the Adelaide Festival Centre Trust itself had made a loss when it was the Festival

that had incurred that loss and the Festival Centre Trust had helped to make up that sum.

At this stage all the funds are being provided from the Governor's Appropriation Account. At the outside I would seek to be finding $300 000, which is well under what the Festival before last lost and the Government had to find.

The Hon. T.G. Roberts: Has Basil offered to pay for his complimentary tickets?

The Hon. DIANA LAIDLAW: I do not know about Basil, but I paid for mine. I paid for all mine, other than the opening performance of the Frankfurt Ballet. I was aware of the shortfall and was not going to inflict further problems on the Festival.

The Hon. ANNE LEVY: As a supplementary question, is the Minister indicating that the $300 000 that will need to be found by the arts community from this year's budget is in addition to $860 000 from the Governor's appropriation or is part of the $860 000, meaning that the Governor's appropriation line will have to find only $550 000? And does the response mean that, if the deficit from the Festival exceeds $860 000, that also will have to be found within the arts community budget?

The Hon. DIANA LAIDLAW: The honourable member will recall that after the Festival before last the whole shortfall or deficit of $480 000 was met from the arts community.

The Hon. Anne Levy: No, the Festival had reserves.

The Hon. DIANA LAIDLAW: Yes, but that is what I mean: the arts community in terms of reserves. This time I will be seeking an absolute maximum of $100 000 from the arts budget and $200 000 at a maximum from the reserves of the Adelaide Festival Centre Trust, so that is a maximum of $300 000 out of the $860 000 that the Festival will be requiring. It will not require more. I thought I had made that clear: there are no unexpected bills and the Governor—

The Hon. Anne Levy: As yet.

The Hon. DIANA LAIDLAW: I do not know if the honourable member is privy to more information, but I have been told—and I have kept in touch with this every two or three days, and every day during the Festival—that there are no unexpected bills. I have put that submission to Cabinet. Cabinet agreed to it promptly and on the understanding that that was the maximum we would be prepared to provide. All of it is being provided from the Governor's Appropriation Account at the present time. If I am able to negotiate the sums from the arts budget of $100 000 and $200 000 from the Festival Centre Trust reserves, that would be returned to the Governor's Appropriation Account, so, overall, that contribution would be $550 000.

The Hon. Anne Levy interjecting:

The PRESIDENT: Order! I remind members that this is not a kitchen table conversation. We are here to ask questions and receive the answers.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order, Minister! I remind honourable members that this is not kitchen table conversation. You ask questions and you answer them in your order.

VOCATIONAL COURSES

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister representing the Minister for Employment, Training and Further Education a question about country vocational courses.

Leave granted.

The Hon. M.J. ELLIOTT: I have been approached by a person who has spent the past five years attempting to gain a qualification through a vocational welding course through what was then the TAFE system and which is now the Institute of Vocational Education, but who has progressed little due to continual course changes. In 1989 this man was living in Mount Gambier where he worked with Australian National. He recognised that his job situation was a little shaky, so he began a vocational welding course at the Mount Gambier college of TAFE. He decided to get a trade as a welder so he began to study units of the welding course. He was told the study would lead to a welding certificate course after three years.

Three years ago he was transferred to Port Augusta and that interrupted his studies for a year. When he resumed his studies he found that the institute had changed to a new module system. The units he had already completed were recognised only after he had applied some pressure and he was then credited for two modules in April 1991. He was told that he needed six more modules to get his welding certificate. However, the next year he was told that the rules had changed and that he needed eight modules to get his certificate. This year he went to register for one of the necessary modules, only to find that the course had not been devised yet, although it had been in the course book since 1991.

Despite all these problems, which have cost him a couple of thousand dollars so far in fees, he has been told that there needs to be a minimum of 10 people in any class or it will not be run. He is finding that, as with many courses, once you achieve a certain level most people drop out. In Port Augusta he has found only two or three other people wanting to continue the course to the higher subjects, so the institute will not run the classes. With the small population base at Port Augusta this man fears he will never be able to get his certificate.

The only other way to get into the trade is through an apprenticeship and, as the man is now aged 44, he sees his chances there as being quite slim. My questions to the Minister are:

1. What resources are provided to regional areas to ensure that people are given adequate access to vocational courses, recognising the sorts of problems this person has had?

2. Does the Minister also recognise the difficulties being created by constantly changing rules, and will something be done to address that issue?

The Hon. R.I. LUCAS: The honourable member is right to point out some of the difficulties that students in country areas have suffered over the previous years under the former Government in relation to access to TAFE courses, and I will be pleased to refer the details he has given me to my colleague and bring back a reply. If the honourable member is prepared to provide more detail as to the exact name of the courses, the modules and the name of the person, if need be, I will be prepared to refer that to the Minister and that would make the inquiries somewhat easier.

SEXUAL HARASSMENT

In reply to **Hon. ANNE LEVY** (17 February).

The Hon. R.I. LUCAS:

I The Education Department has had a policy about sexual harassment for staff and students since 1984 and a requirement that all schools must implement that policy. This policy is binding for all South Australian Government schools.

In practice not all schools have been successful to date in converting the policy requirements into effective school procedures. The Education Review Unit is preparing a report of effective practice

in schools related in part to the implementation of the sexual harassment policy. These figures indicate that 76% of schools in a sample of 116 schools were actively implementing the policy by developing grievance procedures which work effectively for all students who need to use them, working with school communities to ensure that they understand the nature of harassment and the implications it has for working and learning and by monitoring the implementation of policy. Twenty four percent of the sample schools had procedures in place which were not effective and which were not a current focus of development.

II Yes I regard the sexual, or any other form of harassment, of any student as a very serious matter and the Department for Education and Children's Services has a number of initiatives in place to ensure that students can learn in an harassment free environment.

III Yes. The sexual harassment policy is currently under review. The aim of the review is to clarify the legal framework for the departmental policy. The National Action Plan for the Education of Girls, and the Department of Education and Children's Services Education of Girls Three year Action Plan have priorities aimed at eliminating sexual harassment from schools. These plans provide the guidelines for all schools to ensure that the Department's policy is appropriately and properly implemented.

PARLIAMENTARY SITTINGS

In reply to **Hon ANNE LEVY** (15 February).

The Hon. R.I. LUCAS: In determining the program for sitting dates for the Autumn session of Parliament, every effort was made to consider scheduling around major community or cultural events.

Indeed the issue of the Adelaide Festival of the Arts was considered at length during the planning stages for this session. However in view of the lateness of the election last year and our large legislative program, it was decided that a balance had to be struck in determining sitting dates to give members the necessary time to properly consider Parliamentary business.

And while the Government is sympathetic to your concerns, unfortunately it is not possible to reschedule the Parliamentary dates as you request. I have already highlighted the accommodation that can be obtained by the organisation of pairs.

Rest assured your concerns will be placed on record and will be considered when we plan the Parliamentary session to coincide with the 1996 Festival.

WOMEN, VIOLENCE

In reply to **Hon. A. REDFORD** (17 February).

The Hon. DIANA LAIDLAW:

1. There are a range of services available to women who are victims of domestic violence. A summary of these follows, including those provided through the Department for Family and Community Services:

- Community Health Centres, including Women's Health Centres (SA Health Commission) provide assistance to victims through individual and group counselling, support groups and referral to other agencies. The commission also funds Rape and Sexual Assault Services which assists domestic violence victims who have been sexually abused.
- The major public hospitals are aware that domestic violence victims utilise their services particularly the accident and emergency departments. Therefore, they either have or are in the process of developing and instigating domestic violence policies and protocols which are intended to provide better outcomes to victims using these services.

The Department for Family and Community Services either directly provides or funds the following services:

- District centres provide emergency financial assistance to assist victims with practical items and to relocate to safe and secure accommodation. These offices also provide support and referral to other sources of assistance. District centres have developed local area plans which include a focus on domestic violence. These plans are aimed at improving responses to victims both within district centres and the communities they serve.
- Women's shelters, jointly funded with the Commonwealth Government.
- Crisis Care Unit, which provides an after hours crisis service to victims and their children.
- The Domestic Violence Outreach Service (jointly funded by the Commonwealth Government) which assists victims with practical help, particularly those who seek to leave abusive relationships.
- The Domestic Violence Resource Unit (a joint Department for Family and Community Services and SA Health Commission initiative) provides information and referral service to victims. The unit has developed its Strategic Plan for 1994 and it is intended to assist victims by improving the training of service providers, the quality of policy practice and program development and challenging community attitudes which underpin the victimisation of women within the home.
- The Domestic Violence Resource Unit is committed to encouraging local community responses to domestic violence such as the development of coordinated services to victims and education and prevention initiatives, through its support of the network of 22 local Domestic Violence Action Groups throughout the State.

Other services which assist victims include:

- The three Police Domestic Violence Units.
- The SA Housing Trust which has a domestic violence policy and protocol. The Department for Family and Community Services also works in collaboration with the trust to assist victims relocate to safe accommodation.
- The Women's Information Switchboard which provides an information, support and referral service.
- Non-government agencies, many of whom receive funding from the State Government, also assist victims. For example, Adelaide Central Mission, Catholic Family Services, Anglican Community Services and the Salvation Army.

2. As requested, I have written to the Federal Minister for Social Security, Hon. Peter Baldwin MP (24 February) in relation to the guidelines given to departmental officers when their help is sought by victims of domestic violence. At this date I am still awaiting a reply.

3. The Attorney-General proposes to introduce a Domestic Violence Bill to Parliament this year.

The Government proposes to create a Domestic Violence Service in the Crime Prevention Unit located within the Attorney-General's Department. The Government proposes to introduce a 008 crisis line to provide crisis counselling and information on domestic violence.

As part of their new strategies, the Domestic Violence Resource Unit is offering their services to assist communities to develop a local response to domestic violence. The program will be trialled in Salisbury this year and involves a coordinated response by the police, service providers, general practitioners and community groups. The aim is to ensure that families and individuals who are affected by domestic violence will have readily and available access to counselling, information and resources.

The joint Commonwealth and State Supported Accommodation Assistance Program has allocated $50 000 for a domestic violence Aboriginal Outreach Service to operate in Ceduna. The service will begin in April 1994. An additional $50 000 has been allocated for a similar program in Coober Pedy to begin later in 1994.

EUROPEAN WASPS

In reply to **Hon. L.H. DAVIS** (16 February).

The Hon. K.T. GRIFFIN: The Minister of Primary Industries has provided the following response:

European wasp was first found in South Australia in 1978, when a nest was destroyed near Port Adelaide. There were no further sightings until 1983-84 when six nests were found in the Stirling-Aldgate area and one each at Findon and Norwood. During the 1984-85 financial year, a total of 167 nests were destroyed in the Stirling Council area and there were sightings of workers on the Adelaide Plains and at Port Augusta.

From 1984 to 1991, the wasp became well established in the Stirling District Council area with up to 300 nests being present for some years. Elsewhere in the Adelaide Hills and on the Adelaide Plains during that same period, it occurred in low numbers in various council areas from Port Noarlunga in the south to Elizabeth in the north. Some wasp activity was reported at Port Augusta, Port Lincoln and Mount Gambier in isolated years between 1984 and 1991 but, as of February 1991, there was no evidence of wasps being permanently established in any country area.

Since 1991 and particularly in the last 12 months, the distribution and abundance of European wasp has changed significantly in the metropolitan area. Currently, European wasp seems to be present in

virtually all metropolitan council areas and its numbers are on the increase. So far this summer, some councils have destroyed 40-50 nests which is well above what they have encountered in previous years. On the other hand, in the Stirling area, the number of nests destroyed are significantly below the numbers of the late eighties and early nineties. The cause of this decline is not understood, although it is feasible that it is due to a localised climatic effect. The country areas of the State are still considered to be free of the wasp except at Port Augusta where unconfirmed reports suggest that a small population is surviving.

Prospects for biological control of European wasp have been investigated by the Keith Turnbill Research Institute in Victoria since 1989. This organisation introduced a parasitic wasp and it has been released in Victoria, Tasmania and South Australia over the last four years. To date, there have been no recoveries of this parasitic wasp, which suggests that it has not established. Monitoring for its presence is continuing. In South Australia, releases were made in the Stirling area in late 1990 but as no recoveries have been made, it is not likely that this is responsible for the decline in wasp numbers in that area.

There are no other control agents which show promise for biological control of European wasp. The successful suppression of wasp numbers throughout metropolitan Adelaide in the future will be dependent on an alert general public notifying local councils of the location of wasp nests so that they can be destroyed.

SELLICKS HILL CAVES

In reply to **Hon. CAROLYN PICKLES** (23 February).

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources has provided the following information:

1. A decision about the future of the cave and the quarry has been made and a statement was released on Friday 11 March 1994.

2. The reports prepared by two independent reviewers will be made available to the public.

EDUCATION POLICY

The Hon. C.J. SUMNER: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about the Liberal Party education policy.

Leave granted.

The Hon. C.J. SUMNER: In the Liberal Party education policy prior to the last election the following statement appeared, at least in the media release, as follows:

Mr Brown guaranteed that the 1993-94 education budget would not be cut and that the 1994-95 budget would include an increase in education spending.The media release and policy also stated:

The Liberal Party commitment to education is further indicated by the promise to spend $240 million on new schools, redeveloping schools and maintenance over a three year period.

My questions are as follows:

1. Does the guarantee given by Mr Brown not to cut the education budget in 1993-94 and to increase funding in 1994-95 still stand?

2. Does the increase in spending of $240 million promised for new schools, redeveloping schools and maintenance over a three year period still stand?

3. Will these guarantees be affected in any way by the forthcoming Audit Commission report?

The Hon. R.I. LUCAS: It is true that Mr Brown, then Leader of the Opposition and now the Premier, made those statements in the lead-up to the last election and he has made no statement since that election to change that position.

The Hon. C.J. SUMNER: I have a supplementary question. I repeat the third question, and I would like an answer if possible: will these guarantees be affected in any way by the forthcoming Audit Commission report?

The Hon. R.I. LUCAS: I will be pleased to refer that question to the Premier to see whether he would like to add anything further to the response I have given to the Leader of the Opposition.

ADELAIDE FESTIVAL

The Hon. CAROLINE SCHAEFER: Can the Minister for the Arts clarify the funding shortfall for the 1992 Festival of Arts?

The Hon. DIANA LAIDLAW: I thank the honourable member for her question, which arises from questions and an answers from the Hon. Ms Levy. Further to her interjections which you, Sir, rightly ruled out of order in terms of my answering them, I stated earlier that this funding shortfall for the 1992 Festival was $480 000. The sum of $364 000 of that was met from the reserves, and I may not have made that clear. It was met from the reserves of the Adelaide Festival. I may have said 'Adelaide Festival Centre Trust' and, if that is so (although I have not seen the record I may have done so), I want to correct the record. That meant that a further $120 000 at that time was met from the Adelaide Festival Centre Trust funds.

The Hon. Anne Levy: Trust.

The Hon. DIANA LAIDLAW: Yes, so they went into the 1994 Festival with only $12 000 in reserve, and that meant that there was just no licence for them to come up with any shortfall this year and, as I have indicated before, that shortfall was $850 000 as a maximum. I hope that has clarified the situation.

HARNESS RACING

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Recreation, Sport and Racing a question about harness racing in country South Australia.

Leave granted.

The Hon. M.J. ELLIOTT: I have been approached by people from the harness racing community in country South Australia who are concerned that they are getting what they consider to be a rough deal. I believe that this year harness racing has received an additional $200 000 but none of that has gone to country areas. In fact, I am told that a number of country areas are expecting to lose their current share. The Mount Gambier harness racing club has been told that it may lose four of its 20 meetings this year, noting that they have only non-TAB meetings as it is. I believe that Port Pirie and Port Augusta are also facing losses of races and that all the money saved will go into further meetings at Globe Derby. As it is, the Mount Gambier harness racing club gets only $4 060 a meeting, and that does not even cover the prize money, and the total maintenance of the track, and so on, is all covered by the club itself and the various fund-raising activities that it undertakes. Places such as Murray Bridge have been closed down totally in recent times.I ask the Minister whether he believes that the regional centres are getting a fair share of the cake in relation to events in country harness racing; and, if not, what will he do about it?

The Hon. DIANA LAIDLAW: I will refer the honourable member's question to the Minister and bring back a reply.

OLYMPIC DAM

In reply to **Hon. T.G. ROBERTS** (15 February).

The Hon. K.T. GRIFFIN: The Minister for Mines and Energy has provided the following response:

Clause 11(7) covers sudden detriment to the environment. As the previous government had known about the leak for some time, it was hardly sudden or unexpected and because the water is contained, hardly material detriment.

COMMONWEALTH STATE RELATIONS

In reply to **Hon. T.G. ROBERTS** (24 February).

The Hon. R.I. LUCAS: At the COAG meeting on 25 February, 1994 in Hobart, I argued strongly that the Commonwealth Government should:—

(a) provide the States with an increased and guaranteed share of Commonwealth tax revenue;

(b) within the total allocation to the States, reduce the incidence of tied grants to give the States greater flexibility to determine priorities in spending on key community services.

The Prime Minister agreed to consider these issues and they will be discussed again at the Premier's Conference on 25 March, 1994.

STATE ECONOMY

In reply to **Hon. T.G. ROBERTS** (17 February).

The Hon. R.I. LUCAS: My colleague, the Treasurer has provided the following response:—

The Audit Commission is investigating the condition of the State's finances. At this stage there is nothing to add to previous statements that no new taxes will be introduced or taxation rates increased.

CAR INDUSTRY

In reply to **Hon. T.G. ROBERTS** (10 February).

The Hon. R.I. LUCAS: The Minister for Industry, Manufacturing, Small Business and Regional Development has provided the following response:

The South Australian Government recognises the contribution made to the State by the automotive industry and has targeted that sector as the major recipient of State Government assistance.

Financial assistance totalling $5 million has been earmarked this financial year to encourage investment in new technology, new manufacturing processes and the development of new business which is export orientated.

This assistance is delivered through the SA Centre for Manufacturing, which is also involved in the provision of training and educational programs designed to make the component manufacturers world competitive in terms of prices, quality and delivery.

The SACFM also monitors the progress of the SA component supplier industry in achieving the objectives of the Button Plan and assists companies to adjust to the necessary changes, eg, in management, work practices and the adoption of the 'Lean Manufacturing' paradigm.

Both State and Federal Governments agree with the need to promote the export of motor vehicles and components and are jointly working on a strategy to increase exports.

While the South Australian Government fully supports the objectives of the Button Plan and is actively encouraging the automotive and components manufactures to achieve these objectives, there remains a question about the level of tariff necessary to ensure the survival of the industry.

While the Federal Government has stated that tariffs will continue to decline to a level of 15 per cent in the year 2000, the industry has expressed continuing concern that at levels below 25 per cent, the viability of the industry will be threatened unless the level of micro-economic reform keeps paces.

We understand that there is growing support for a review of the advisability of reductions in tariff below the 25 per cent level in Federal Government circles and the South Australian Government will continue to convey its concern to Canberra, that the impact of the planned reductions need to be continually reviewed in the light of the conditions prevailing at the time.

The local automotive industry has steadily lost volume to imports as tariff has declined, despite the unfavourable Yen to Australian dollar exchange rate, and now that the A$ is strengthening we may see accelerated import competition. The recession in Japan has caused an unprecedented drop in sales and has increased the desire of Japanese companies to export motor vehicles. This of itself is a significant departure from the market conditions that prevailed when the decision was made.

The PRESIDENT: Call on the business of the day.

MINING

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

1. That this Council recognises the significant public concern in relation to:
   a. a recent attempt to implode a cave at Sellicks Hill;
   b. massive leakage of water from tailings dams at Roxby Downs.
2. That the Standing Committee on Environment, Resources and Development be instructed to examine the above matters, make recommendations as to further actions and in particular comment on the desirability of the Department of Mines and Energy having prime responsibility for environmental matters in relation to mining operations.

(Continued from 23 February. Page 124.)

The Hon. CAROLYN PICKLES: I move:

Leave out all words after 'That' and insert the following:

I. (a) This Council recognises the significant public concern in relation to a recent attempt to implode a cave at Sellicks Hill;
   (b) The Committee on Environment, Resources and Development be instructed to examine all aspects of this matter including—
      (i) the role of the Department of Mines and Energy;
      (ii) the adequacy of the treatment of economic impact and compensation issues;
      (iii) the role of Southern Quarries in this matter;
      (iv) whether there should be remedial legislation.

II. (a) This Council also recognises the significant public concern in relation to a massive leakage of water at Roxby Downs;
   (b) The Committee on Environment, Resources and Development be instructed to examine this matter, make recommendations as to further action and in particular, comment on the desirability of the Department of Mines and Energy having prime responsibility for environmental matters in relation to mining operations.

I support the motion in principle. I believe that this amendment is necessary to ensure that these two important issues are dealt with separately by the Environment, Resources and Development Committee. In relation to the Sellicks Hill cave, I believe that events that have occurred since the Hon. Mr Elliott moved his motion necessitate a closer examination by the committee than Mr Elliott's motion would suggest. The Hon. Mr Elliott is aware that I have an interest in this matter. I suggested to him that I wished to set up a select committee to look at the issue.

I am not opposed to the present course of action, but I think that, while both matters involve actions of the Department of Mines and Energy, in the case of the Sellicks Hill cave I believe the issues are different. My amendment will ensure that the original part of the Hon. Mr Elliott's motion is supported by the Opposition but I hope that he will also support the additions.

I will deal with the issue of Roxby Downs first. On 15 February 1994, the Hon. Mr Griffin made a ministerial statement on behalf of the Minister for Mines and Energy in relation to a gigantic seepage of water from the tailings dam at Roxby. On the same day, I asked a question of the Hon. Mr Lucas representing the Premier on the same issue. I wish to remind members of the contents of that question. On 14 February 1994, some members of the Opposition were given a briefing by an officer of Western Mining Corporation about a serious leak of water that had been discovered at the mine site. I was advised—and Western Mining concurs—that the water seepage volume is in the region of 5 000 megalitres,

which is a larger volume of water than that contained in the Barossa Reservoir when it is at capacity level. So it is an enormous amount of water.

I asked the officer from Western Mining not once but twice when the magnitude of this leak became apparent, and he informed me, 'In January'—that is, in January of this year. I asked him when the Government was advised, and he stated, 'Last week'—that is, some time during the week commencing 6 February this year. So, the magnitude of the leak was discovered in January and the Government was told about it in February. I will not go into details about why there was a delay in the company's informing the Government; I will leave those details for the parliamentary committee to ascertain.

It is apparent that there is a serious problem with the design of the tailings dam at Roxby. Western Mining was monitoring levels of water over some period of time. I do not believe that the system of monitoring was sufficiently discriminatory to distinguish between the surface water flows from heavy rain, for example, and leakage from the dam. Heavy levels have been noted in 1989, 1990 and 1992. This was associated with unusually high levels of rainfall. I suspect that this was the beginning of the leak.

The Hon. M.J. Elliott interjecting:

The Hon. CAROLYN PICKLES: The Hon. Mr Elliott can make his comments later. I raised these matters with the official from Western Mining, and I asked, 'How was it reported in the annual reports of 1990 and 1992?' He responded, 'We put it down to the unusually heavy rainfall in the area at the time.' It would now appear that it was not rain at all but a serious leak.

Some members of the Government, including the Minister, have tried to accuse the Opposition of having knowledge of this enormous leak. That is clearly not so when Western Mining, as far as it has informed the Opposition, only became aware of the magnitude of that leak in January 1994. If there is any discrepancy in this, I am sure that can be ascertained by the members of the parliamentary committee. To my knowledge, there has never been a statement to the former Government that there was a serious leak from the tailings dam. I do not believe that the monitoring has ever been satisfactory, and I think an investigation into how this could have occurred is needed.

In reply to my supplementary question on 15 February, the Hon. Mr Lucas tried to make some smart comment about my factional position on Roxby Downs. I think it is a matter of public record that members of the Labor Party were initially opposed to uranium mining, and I was one of those people. It took a long and painful process to arrive at the present policy of the Labor Party on uranium mining. As a loyal Party member, I may not always like the policy of my Party, but I do not rat on it, unlike some members of the Government and their Party. I have adopted the view that we have this mine at Roxby Downs—it is a fact of life. It employs large numbers of people, and a town has been established near to the work site. I believe it is the responsibility of the company and the Government to ensure that a safe work site is provided and that all issues of occupational health and safety are dealt with properly at all times. I believe that people living in the area have a right to a safe environment in which to live, and I believe that there should be no long-term environmental damage arising out of leakages from the tailings dam, particularly as this is a uranium mine.

So I think these issues need to be examined. Although the Opposition's preferred position would be for an independent group of people to look at this matter, perhaps a university based research group, I am prepared to support the Environment, Resources and Development Committee's examining this problem. I hope that the committee will be given the resources to undertake this task. I am sure it will make recommendations to have a further independent inquiry if it thinks that the task is too monumental for it to deal with. This issue, in itself, is enormous, and I think it should be dealt with separately from that of the Sellicks Hill cave. So I hope the Hon. Mr Elliott can support this view.

I turn now to the issue of the Sellicks Hill cave. In his motion, the Hon. Mr Elliott has joined together the two issues of Roxby Downs and the Sellicks Hill cave. As I have stated previously, I believe that the ERD Committee should deal with them separately. I would like to place on the record at this point some background information. In September 1991, the Cave Exploration Group of South Australia (CEGSA) was approached by a consultant mining specialist acting on behalf of Southern Quarries Pty Ltd, who asked the Cave Exploration Group to explore and report back on a small cavern that was broken into as a new deep bench was being cut at the Sellicks Hill quarry. It was found that this cavern was only the start of a series of extremely well decorated chambers of much larger dimensions.

CEGSA had a total of six trips into the cave over the following two months. During these months they surveyed approximately one kilometre of passages and took photos and a video of the parts of the cave that they had explored. The last of these trips was on 26 October 1991, and Southern Quarries decided for insurance reasons that it would not allow the cavers back in. Most of 1992 and 1993 were spent by the cavers negotiating over the issue of access, insurance and liability to allow resumption of exploration. The company also requested that the cavers not inform any persons of the existence of the cave. The cavers agreed to this provided that assurances that the quarry management would take all steps necessary to ensure the caves preservation were given, that access would continue in order to monitor the cave, and that cavers give advice to the management when appropriate.

I have been advised by the caving organisation that it believed that the company used the issue of insurance and secrecy as a cover during a period of time to gather information on the location of the cave and then to set about its destruction. This information was given to me by the caving organisation. The cavers provided a copy of the map they had made and a report on their exploration to the company and spent time talking with the company's consulting geologist, Professor David Stapleton, over the location of the cave in relation to the quarry floor. No access was granted to the cavers during 1993, and on 10 December 1993 the company blasted what is known as the 'big room'. The company stated that the reason it had chosen to blast was due to a requirement to maintain the safety of the quarry. The cavers found this reason untenable as the quarry owners had known about the existence of the 'big room' in late 1991 and had taken action to not drive over it for two years.

On 25 January, the Department of Environment and Planning informed the South Australian Speleological Council that on 27 and 28 January an 'inquiry into the facts' would occur in Adelaide at the Fullarton Community Centre. I would like members to note that one of those days was a public holiday, so it did not give the caving organisation much time. The inquiry would be open only to those parties involved in the case: the cavers, Southern Quarries and its consultants and the Department of Mines and Energy. Two

independent assessors, Mr Ken Grimes, a geomorphologist, and Mr Adrian Moore, a rock engineer, were called in to review the material presented and to let the Minister know what should be done. These two reports have now been completed and presented to the Government, one from Mr Adrian J. Moore, dated 14 February 1994, and one by Mr K.G. Grimes, dated 4 February 1994. Subsequent to these reports being made available to the Government on 11 March, the Government put out a press release dated 11 March in which it stated that it would not stop the Sellicks Hill quarry from continuing to operate. It gave many reasons for this and those reasons are contained in the press release. To save the time of the Council, I seek leave to incorporate those in *Hansard* without my reading them.

Leave granted.

- the caves could only be opened up for tourism once all quarrying activity on the site had ceased
- the compensation payable to the mining company if the Government were to require the mine to close immediately—which was up to $40 million
- if the immediate cave vicinity were to be quarantined for future use it could not be opened up for tourism until the mine was closed
- estimates on the compensation payable to the mining company if the Government were to require the quarantining of the immediate cave vicinity—which ranged from $8 million to $14 million
- the remaining life of the quarry, estimated to be 30 years (which would prevent any use of the caves for any purpose during that period, unless the whole of the mine were to be closed)
- the tourist income potential income of the caves, estimated to be up to several hundred thousand dollars annually, depending on visitor numbers, compared with the value of quarrying activities of around $5 million per year. As well, the cost of opening the caves for tourist development, estimated to be at least $.5 million on current values
- the extent of damage caused to the caves both prior to and after implosion. The caves were located 40 to 80 metres below the original surface of the ground and they were only discovered during the course of quarrying activities, which by their nature could have caused damage and made them unsafe
- the likelihood of finding fossils of large animals, which was not considered to be high
- any microfossils in the caves' claybeds could be examined while mining operations continue.

The Hon. CAROLYN PICKLES: I believe this was an extraordinary decision of the Government, given that its own independent review did not recommend this course of action. What it did recommend was as follows, and I will quote from page 21 of the K.G. Grimes report. Under the recommendations and the heading 'Moratorium' it states:

> A voluntary moratorium should be placed on blasting within 15 metres of the mapped extent of the cave. This need not prevent usage of the haul road. This moratorium should continue until the underground investigations are completed, the new data reviewed and a decision is made concerning the long-term future of the cave; but should not exceed six months. If needs be, section 30a of the Heritage Act could be invoked. The extent of the known cave system could be indicated on the ground by some means compatible with mining activities.

The Grimes report also stated on page 2:

> The terms of reference did not cover economic considerations of the effect of the cave preservation on quarry operations, nor considerations of the relative value of the cave versus the quarry. Perhaps it should have.

Both the Moore report and the Grimes reports considered the cave to be of significant value. Both reports indicate that even after the blast the cave remains largely intact. I fail to understand how the Government arrived at the economic cost to the State if the cave were preserved, but I am sure that those details will be made available to the parliamentary committee, and I hope that the parliamentary committee will scrutinise them carefully.

Let us now proceed to subsequent events after the Government's press release of 11 March. On 17 March, the State Heritage Authority placed a stop order over the Sellicks Hill quarry cave and provisionally listed the cave under the Heritage Act. This course of action was suggested by the Grimes report if a voluntary moratorium failed. On 18 March, the Government overturned the State Heritage Authority to temporarily stop quarrying around caves at Sellicks Hill. Once again, the Government ignored the advice of its experts. In its press release, the Government stated:

> The State Government's decision was made on behalf of all the people in this State and took account of extensive evidence presented over three months. It was certainly not a rush decision and included an assessment which took into account environmental, including heritage, tourism and economic considerations.

I have previously stated that neither of those reports even looked at economic considerations, so I am not quite sure where the Government got its information from, and the Government ignored the advice from its two experts. The press release goes on to say:

> I recognise that the caving group will not be happy with this decision but despite knowing about the caves for over two years—not once did they publicise them outside their own members. Instead they arranged an exclusive agreement with Southern Quarries for access to the caves.

This is true and in hindsight I am sure that the cavers would agree that they should have sought to list the cave under the Heritage Act at the time of discovery. I have already indicated why they did not. In that press release of 18 March, the Minister for Environment and Natural Resources stated:

> I am looking to the future and intend to make sure that neither I nor this Government is ever put in this position again. As Environment Minister I will ensure that a code of practice covering this sort of situation is put into place between Mines and Energy and Environment and Natural Resources.

I am pleased that the Minister has indicated that neither he nor his Government is ever placed in this position again, because I draw members' attention to a press release in the *Advertiser* of 17 December 1993, with the headline, 'Mine chief defends blasting of caves', and the article states:

> The head of the Mines and Energy Department has vigorously defended the explosive blasting which partially destroyed a spectacular limestone cave system in a quarry last week. Amid continuing outcry from conservationists over the partial destruction of the Sellicks Hill cave, the Director-General of Mines and Energy, Mr Ross Fardon said the decision had been right and 'We'd do it again tomorrow.'

Well, the Minister for the Environment obviously needs to talk to the Minister for Mines and Energy to place these people under his control. I support the Minister's view that this must never happen again, and I hope that the Environment, Resources and Development Committee can make some recommendations to ensure that it does not. I also condemn the Minister for overturning the decision of the State Heritage Authority but will make no more comment about that, as I understand this will be the subject of litigation.

I hope that the parliamentary committee will have a look at the New South Wales National Parks and Wildlife (Karst Conservation) Amendment Act 1991, which allows the National Parks and Wildlife Service in New South Wales to declare new national parks or wilderness areas at a certain

depth under surface land by acquiring through purchase the underground area. I understand that the Hon. Mr Wotton has already received advice from the Environmental Defenders Office Limited in Sydney recommending a legislative process to protect caves. However, that does not help the Sellicks Hill cave. I believe there was a very shonky process at work when dealing with this cave, and I think it is appropriate that there is an investigation of this process and some strong recommendations for change.

I hope that Southern Quarries will impose upon itself a voluntary moratorium while the passage of this motion goes through the Parliament and some further decisions are taken. I therefore urge members to support the amendment.

The Hon. M.J. ELLIOTT secured the adjournment of the debate.

MEMBERS' ALLOWANCES

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

1. That the Legislative Council notes that allegations of impropriety have been made against a former member of Parliament in relation to the claiming of living-away-from-home allowances:
   (a) That it believes it appropriate that this member have an opportunity to clear his name, not just in a legal sense;
   (b) That as rumours are circulating in relation to other members of Parliament, present and past,they are given the opportunity to be cleared of those accusations.

The Legislative Council believes the matter is within the mandate of the Auditor-General and considers it an appropriate matter for him to examine.

The Council believes it is a matter of public interest that the Auditor-General be notified of its concerns.

2. The Legislative Council requests that the Remuneration Tribunal examine the living-away-from-home allowance and investigate whether its rules require further clarification.

which the Hon. K.T. Griffin had moved to amend by leaving out all words after 'That' and inserting:

(a) in view of allegations of impropriety having been made against a former member of the Legislative Council in relation to claims for living-away-from-home allowances and observations having been made about claims for these allowances by other members, and
(b) noting that the Auditor-General already examines claims as part of his annual audit of the accounts of the Legislature, and that the Premier has already requested the Remuneration Tribunal to examine claims for certain allowances by members,

the Legislative Council—

(a) supports the Auditor-General, as part of his audit function examining such claims, the basis for them and the authority for such payments;
(b) supports the request to the Remuneration Tribunal to examine whether its determination in relation to living-away-from-home allowances requires and is capable of greater definition.

(Continued from 9 March. Page 190.)

The Hon. C.J. SUMNER (Leader of the Opposition): I intend to support the amendment moved to the Hon. Mr Elliott's motion by the Attorney-General, but then in turn move an amendment of my own to the Attorney-General's amendment. I move:

Paragraph (a) first occurring—Leave out 'members' and insert 'members of Parliament'.

Paragraph (a) second occurring—After 'claims' insert 'in both the Legislative Council and the House of Assembly'.

New paragraph 2—Insert new paragraph 2 as follows—

2. That a message be sent to the House of Assembly seeking its concurrence to this resolution.

Although I am supporting the Attorney-General's amendment to the Hon. Mr Elliott's motion, I do not have any real problems with the sentiments that were expressed in what the Hon. Mr Elliott said in his original motion. Certainly, I believe that the former member, Mr Gilfillan, has a right to clear his name as far as possible, and of course it is now on record that a police investigation into the former member's claim for country living away from home allowance is being carried out. It could end there, but it is possible, I suppose, that the matter may end up in the courts, but again if it does that will provide Mr Gilfillan with the opportunity to clear his name.

So, I have no problems with agreeing that the former member have the opportunity to clear his name, and a process to ensure that that matter is resolved has now been put into effect. I also have no problem in agreeing with the Hon. Mr Elliott's assertion in his original motion that rumours are circulating in relation to other members of Parliament—and that is clearly true—within this House and within the House of Assembly, and in the media. So there are rumours circulating in relation to other members, both present and past, that is true, and I have no problems with agreeing with the assertion in Mr Elliott's motion that those people, too, should have the opportunity to clear their names of those accusations if in fact they are made.

In the absence of any formal complaints to police about other members, the proposal suggested by the Hon. Mr Elliott, which is also picked up by the Attorney-General, for this matter to be drawn to the attention of the Auditor-General is appropriate. I also indicate that this issue may need to be revisited by the Parliament after the Gilfillan inquiry is concluded, depending of course on the outcome (and one cannot finally determine what that outcome might be at this stage), but the Gilfillan inquiry is occurring within the Anti-Corruption Branch because a formal complaint has been lodged about the former member. There have been no formal complaints lodged in relation to other members, but the matter may need to be examined when the outcome of the Gilfillan inquiry is known. However, that is for the future.

I would also point out—this is where my amendment becomes relevant—that some of the rumours and comments about other members relate to House of Assembly members, and my amendment accepts the Attorney-General's amendment but then ensures that where members of Parliament are referred to it is clear that that refers to members of Parliament in the Legislative Council and the House of Assembly. My amendment also requests that this matter be sent to the House of Assembly seeking its concurrence in the resolution, so that it too can draw the attention of the Auditor-General to these matters.

So, that is my position on the matter, Mr President, and the position of the Opposition. I would like, however, to make one or two comments following the contribution by the Hon. Mr Elliott. He, clearly, was unhappy about this matter becoming an issue during the election campaign and referred to the media attention that was given to it and also, by implication, was critical of other people who may have raised it. I want to make the point, though, that it was not the media or indeed other people who raised this matter initially: it was in fact the Hon. Mr Gilfillan himself. He is the author of his own woes, in this respect.

Mr Gilfillan, a former member of the Legislative Council, resigned to contest the House of Assembly seat of Norwood as an Australian Democrat candidate, and that is fair enough. That was something that he was entitled to do. But in doing so he could not possibly expect not to have comments made about his move from the Legislative Council to the House of

Assembly, and no doubt in his bid to win Norwood he wanted to indicate to the electors of Norwood that he was a local and therefore was a person they should vote for because he was in fact a local. Again, that is a legitimate position for a member to put if wanting to contest a Lower House seat. There are many occasions when pamphlets are put out by members and candidates for Lower House seats, where they say: lived in the electorate for 20 years; a local mayor; been on local community groups; etc.

That is all legitimate, because one of the factors that electors can take into account in assessing whether to vote for someone is whether or not that person is identified with the electorate for which they are standing. No doubt Mr Gilfillan felt that his chances of winning the seat of Norwood would be enhanced if he could be so identified as a local. It was not the media, the Labor Party or the Liberal Party that sought to identify him as a local: it was Mr Gilfillan himself, in the propaganda that he put out in support of his candidature.

Apparently he stated in a pamphlet he distributed throughout the electorate that he had lived in Norwood—and these I understand were the words—since the mid-1970s. That makes it quite clear that it was Mr Gilfillan who brought this issue into the public arena. He wanted electors to vote for him because he was a local, because he had lived in the electorate since the mid-1970s. So, it was quite legitimate of the media and others to ask the question of where he actually lived: did he live in Norwood or on Kangaroo Island? He sought political benefit by claiming to be a resident of Norwood. It therefore became a legitimate question in the campaign as to whether or not he was in fact a local; whether he did live in the Norwood electorate.

It was known that Mr Gilfillan had from time to time claimed to have lived on Kangaroo Island as well. Maybe you can live in both places, I am not sure, but my guess is that the public—the ordinary person—would not think that you could live in two places: you live in one and visit another in the normal course of events.

However, apparently the allegation is that Mr Gilfillan claimed the country member's allowance on the basis that he lived on Kangaroo Island. So, he was claiming to have lived in Norwood since the mid-1970s and at the same time was claiming a country living away from home allowance on the basis that he lived on Kangaroo Island as well, or whatever the appropriate wording is in the determination—that he had a permanent residence on Kangaroo Island and therefore was entitled to claim the allowance.

So, it is important, I think, in this debate just to put that on the record: that this issue became a political issue—an issue for comment in the campaign by the media, the Liberal Party and the Labor Party—because Mr Gilfillan himself had made it an issue. He made it an issue by claiming for his political purposes that he was local, that he lived in the Norwood electorate. The Hon. Mr Elliott may have considered that it was unfair from the Democrats' point of view that the issue was raised and he is obviously concerned that it was raised, but I want it placed on the record—and I do not think that this can be disputed by any members in this Council—that it became a political issue because the Hon. Mr Gilfillan made it a political issue in the Norwood electorate by his claim of being a local, a claim which, on the face of it, appeared to be in conflict with his claim also to be a resident of Kangaroo Island.

Finally, this issue became the subject of political debate, but then it became the subject of a formal complaint from a citizen to the President and then to the police. I became aware of the complaint that was made by the citizen to the President because I was Attorney-General and sought some advice from the Crown Solicitor on the matter and that advice was tendered to the President. So, I was aware that there was a complaint to the President from a citizen.

Subsequent to that, there was also obviously a complaint to the Anti Corruption Branch of the police. Whether or not it was the same complainant I do not know, and probably we will never know because the police do not reveal the names of complainants or informants unless, of course, those people are necessary as witnesses in the case. However, I make clear that it became a political issue because of the claims made by the Hon. Mr Gilfillan. It was turned into an issue involving the police and this Parliament because a complaint was formally lodged by a citizen of this State.

The Attorney-General has pointed out informally that I need to amend my amendment to his amendment. I move:

After the words 'the Legislative Council'(second occurring) insert the words 'House of Assembly'.

The Hon. K.T. Griffin's amendment, as amended, carried; motion as amended carried.

ADELAIDE FESTIVAL CENTRE TRUST (MISCELLANEOUS) AMENDMENT BILL

The Hon. DIANA LAIDLAW (Minister for the Arts) obtained leave and introduced a Bill for an Act to amend the Adelaide Festival Centre Trust Act 1971. Read a first time.

The Hon. DIANA LAIDLAW: I move:

That this Bill be now read a second time.

This is a Bill to amend various provisions of the Adelaide Festival Centre Trust Act 1971 relating to the powers and functions of the Adelaide Festival Centre Trust and the trust's liability for water, sewerage and local government rates.

The Adelaide Festival Centre Trust is now engaged in a number of entrepreneurial and commercial activities which were not envisaged when the trust was first established. The trust has, since 1985, provided accounting, marketing and technical advice services to visiting shows including *Les Miserables, Cats, Starlight Express, Phantom of the Opera, The King and I, South Pacific* and *Me and My Girl*. The ordinary operations of BASS are also an example of such activity.

In November 1993, the Adelaide Festival Centre Trust pursued a business opportunity with the South Australian National Football League for the installation of computerised turnstiles at Football Park. The installation of computerised turnstiles at Football Park will enable ground management to control and account for crowds attending football fixtures at this venue. In return, the trust will be granted exclusive ticketing rights to all football fixtures played at the ground for the next six years with an option for four years. It should be noted that this arrangement enables the trust to retain and expand ticketing services which BASS has been providing to the League in South Australia for many years, and yet does not give the trust exclusive ticketing rights to non-football events at Football Park. This ticketing is open to competition.

Arrangements were made for securing the contract with the South Australian National Football League within the context of the caretaker conventions. The Department for the Arts and Cultural Development provided funds of $300 000 and entered a contract with the League for the erection of computer turnstiles at Football Park until such time as the trust's Act had been amended, after which the trust will repay the money (plus interest) to the department.

One of the purposes of this Bill is thus to clarify the activities of the trust in relation to entrepreneurial and commercial activities. The other purpose is to amend the Act in relation to the trust's liability for rates.

The Adelaide Festival Centre Trust currently pays water and sewerage rates and local government rates on the Festival Centre, although these rates have been limited by virtue of section 31 of the Adelaide Festival Centre Trust Act which deems the Festival Centre to have an assessed annual value of $50 000 and an assessed capital value of $1 million for the purpose of levying rates.

Initially the deemed value was set for a period of 10 years, expiring 31 December 1981. Subsequent amendments (supported by successive Governments) extended the expiry date to 31 December 1983 and then to the present date of 31 December 1993.

Under section 168 of the Local Government Act, land held or used by the Crown (or an instrumentality of the Crown) for certain purposes is exempted from local government rates. Section 31 expired on 31 December 1993 and the issue of future ratability of the Festival Centre should now be determined in line with ratability practices associated with other South Australian cultural organisations (for example, the Art Gallery, the South Australian Museum and the State Library). These organisations do not pay local government rates but are ratable for water and sewerage on a notional capital value determined by a Government valuation. It is of interest that comparable cultural centres in other States also do not pay local government rates.

In the light of a case currently before the courts relating directly to the liability for council rates of a Government organisation on Crown property involved in a "commercial type" activity (the Entertainment Centre), an amendment specifically stating that the Festival Centre Trust property is not ratable for the purposes of local government rates is proposed to avoid any ambiguity.

It is intended that the trust will continue to pay water and sewerage rates so that the true cost of operations is reflected in the trust's business operations and pricing structure. However, water and sewerage rates have been limited by virtue of section 31 until 31 December 1993. Any change from the present limited capital valuation of $1 million to a notional capital valuation of $54 million for the Festival Centre (as determined by the Department of Environment and Natural Resources) would increase water and sewerage rates significantly. The trust has the ability to recover such costs but requires sufficient opportunity to review its business operations and pricing structure. Thus the proposed amendment will extend the present limitations on water and sewerage rates from 1 January 1994 until 1 July 1997, following which the Adelaide Festival Centre will be required to pay water and sewerage rates based on whatever future notional capital valuation is determined by a Government valuation for the Festival Centre. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides that proposed clause 4 will be taken to have come into operation on 1 January 1994, while the rest of the Act comes into operation on assent.

Clause 3: Amendment of s. 20—Objects, powers, etc., of Trust

This clause provides for the insertion of three proposed paragraphs in section 20(1). These proposed paragraphs provide that, among the Trust's responsibilities, are the responsibilities of—

- providing advisory, consultative, managerial or support services (within areas of the Trust's expertise) to persons associated with the conduct of artistic, cultural or performing arts activities;
- providing ticketing systems and other related services to persons associated with the conduct of entertainment, sporting or other events or projects as the Minister may from time to time approve;
- carrying out any other function conferred on the Trust by the principal Act, any other Act or the Minister.

This clause further provides for the insertion of proposed subsection (1a) which provides that proposed subsection (1)*(c)* (ie: the paragraph dealing with the provision of advisory, consultative, managerial or support services) is subject to the qualification that, after the commencement of this proposed subsection, the Trust must not extend the areas of operation of its services under that paragraph without the approval of the Minister and the Treasurer.

Clause 4: Substitution of s. 31

Proposed section 31 provides that, for the purpose of calculating water and sewerage rates, the land comprised in the Centre at King William Road will be taken to have an annual value of $50 000 and a capital value of $1 million. (This proposed section will expire on 30 June 1997.)

Proposed section 31A provides that, with the following proviso, land owned by the Trust is not rateable under the Local Government Act 1934. If any such land is occupied under a lease or licence by some person other than the Crown or an agency or instrumentality of the Crown, that person is liable as occupier of the land to rates levied under the Local Government Act 1934.

The Hon. ANNE LEVY secured the adjournment of the debate.

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

Adjourned debate on motion of Hon. K.T. Griffin:

1. That a select committee of the Legislative Council be established to consider and report on the circumstances related to the Stirling council pertaining to and arising from the Ash Wednesday 1980 bushfires, the nature of claims, including but not limited to the nature and extent of the involvement of the State Government, the procedures leading to the settlement, the basis for the settlement of the claims, and the circumstances leading to the appointment by the Government of an administrator.

2. That Standing Order 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only.

3. That this Council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being reported to the Council.

4. That Standing Order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

5. That the evidence given to the Legislative Council Select Committee on the Circumstances related to the Stirling Council pertaining to and arising from the Ash Wednesday 1980 Bushfires and Related Matters be tabled and referred to the select committee.

(Continued from 9 March. Page 195.)

The Hon. ANNE LEVY: The Opposition opposes this motion for exactly the same reasons that it opposed the motion that was debated yesterday regarding the setting up of a select committee on Marineland. The bushfires at Stirling occurred in 1980, or 14 years ago. The court cases did not start until 1984-85 and proceeded very slowly until about 1987, when the then council realised that, as a result of the various court cases, it was facing an enormous debt. This

matter has been thoroughly canvassed in this place on many occasions. It resulted in a complete change of membership of the Stirling council in 1989 with one exception and, again, an almost complete change of membership at the council elections last year due to resident dissatisfaction with the way in which their council was handling these matters.

The select committee of the Parliament was set up. A great deal of evidence was heard on a whole range of matters, including evidence from private individuals who felt they had been hardly done by, from legal counsel who were involved representing the various parties in the court cases and even from Mr Justice Mullighan who, prior to becoming a member of the judiciary, was invited by the Government to attempt a speedy resolution to the various claims and counterclaims to avoid an extremely protracted court case. That settlement was loudly applauded by everyone in the community, be they Stirling residents, victims of the fire, insurance companies and so on.

There is voluminous evidence available, and it is all public evidence. The committee was always an open one, so the evidence that was presented is a public document. I certainly would support the tabling of that evidence in this Chamber so that, if people are unaware that it is publicly available, they will then be fully aware of that fact and will be able to examine that evidence.

The matters are now very ancient history. The court cases are all settled. There are no outstanding claims, and the whole matter has been settled to the satisfaction of various members of the community. I am not saying that everyone is completely satisfied with either the amount they received or did not receive or with the positions taken by various members of the community, including certain members of the council, at different times. However, resolution has occurred, and the setting up of the select committee again would be a great waste of everyone's time.

The community is no longer concerned about the matter. The Mullighan process broke the Gordian knot so that matters could be resolved and no-one would be awaiting the outcome of a select committee to achieve satisfaction one way or the other.

The documentation is most voluminous, and consists of documents from Government records, council records, judicial judgments and transcripts of evidence from many witnesses, including witnesses who were brought at the expense of the committee from Tasmania. The paperwork involved would stand about 80 centimetres high, and I am sure honourable members would agree that that is extremely voluminous.

Of the original select committee only four members remain who are members of this Parliament, the Hon. Mr Gilfillan no longer being a member of this Parliament. The arguments that I put forward yesterday regarding Marineland are of equal validity with regard to the Stirling select committee. Any new member of the select committee would face an enormous task to read all the documentation, and they could hardly claim to be conscientious members of the select committee without reading all that documentation. Likewise, any research officer would have weeks of work merely catching up on the documentation which already exists.

I fail to see that there is any benefit to the people of South Australia in setting up this committee, in requiring at least one member of this Council to undertake an enormous volume of work and in requiring a research officer to spend a considerable amount of time doing the required work to proceed, and I am sure that both members of Parliament and public servants can spend their time far more profitably at this stage for the benefit of the people of South Australia.

It has been suggested to me in one quarter that the committee should be set up with only four members rather than the five as is implied in the motion before us, so that the previous four members of the Council could constitute the committee without requiring another member to join it and to undertake the enormous amount of work which would be required. While certainly saving the time of a member of Parliament, this would not save any time on the part of a research officer.

I do not know whether the previous research officers are still available, but I very much doubt it, given the tremendous changes which have been taking place in the Public Service in recent weeks. Any new research officer would have weeks of uninterrupted work merely to get up to the point where the committee could proceed.

The committee, as was mentioned in relation to Marineland, is unlikely to reach unanimity on some of the matters which have been raised, and it seems to me that one could predict the outcomes and what the majority and minority reports would be without going to the time, expense and trouble of setting up the committee.

I repeat: the information is public. It can be made more public by tabling in this Council—there are no secrets about it—but I fail to see the value of again setting up this committee when all the claims have been settled and no outstanding financial matters remain in contention. It must be of supreme indifference to the vast majority of South Australians if we rake over the coals from 1980 to 1992 in order to deal with this matter, and I am quite sure that as members of Parliament we can spend our time far more productively and be much greater use to the people of South Australia. I oppose the motion.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

PARLIAMENTARY COMMITTEES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 March. Page 240.)

The Hon. M.J. ELLIOTT: My contribution will be relatively short as I have been slightly distracted by workers compensation, industrial relations and a few other matters. Nevertheless, this Bill is important, and it contains some matters which deserve further attention. I will oppose some parts of the Bill and seek to amend some others.

The standing committees of the Parliament have proven in the past two years to be very successful. I have been a member of the Environment, Resources and Development Committee since its inception. During that time it has been most pleasing to see that that committee has had the capacity to work in a totally non-Party political fashion, which can be a challenge. However, in the first two years of which I was member of it, the committee was very successful in doing so. That committee has looked at a wide range of issues of importance to the public, including the Mount Lofty Ranges review, Craigburn Farm and the Hindmarsh Island bridge—all contentious matters. The committee has looked at those matters in great depth and, as I have said, I believe impartially. At times, it has even made recommendations contrary to the view of the Government, despite the fact that three of the

six members were Government members, including the Chair who had the casting vote. So far the committee system has been successful.

The Government is seeking to expand the committee system further by setting up two more committees. I indicate total support for one of the proposed committees—the Public Works Committee. It will pick up a function that was carried out some years ago by a public works committee. It is the view of a number of people—a view which I share—that that role should be resumed. As I have said, I express no difficulties in relation to that committee.

For some time, the present Government and the previous Opposition has been asking for a Statutory Authorities Review Committee. I can see some merit in such a committee. Some people might say that in hindsight it is a great pity that we did not have such a committee functioning when the State Bank debacle, for instance, was panning out.

The Hon. C.J. Sumner: There was still the capacity to look at the State Bank and everything else.

The Hon. M.J. ELLIOTT: By whom?

The Hon. C.J. Sumner: The Economic and Finance Committee or the Public Accounts Committee. There was always a committee that could look at it.

The Hon. M.J. ELLIOTT: Frankly, I still believe that it is a question of what priorities different committees have. I believe that a separate role could potentially and reasonably be carried out by a Statutory Authorities Review Committee. Where I do express reservation is in relation to the terms of reference that currently apply to this committee. They read very much like a razor gang's terms of reference. They almost presume that there is a serious problem with statutory authorities, and the sooner they can be corporatised and privatised the better. I hope that a committee, even by way of its terms of reference, would be set up in a non-political way. To my way of thinking, the terms of reference appear too overtly political, and I will seek to amend the functions of that committee.

I will oppose clause 5 of the Bill, which seeks to amend section 9 of the principal Act. In effect, this clause provides that the Standing Committee on Environment, Resources and Development cannot look at matters in relation to the construction of public works. I oppose this clause on two grounds. First, I believe that the amendment is unnecessary. It is quite plain that if the cost of a public work is to be looked at, under its existing terms of reference, the Environment, Resources and Development Committee would not examine it.

If we look at the recent inquiry into the Hindmarsh Island bridge, the ERD Committee did not and did not have the capacity to look at matters in relation to costing the construction of that bridge. Members of the committee noted that when we addressed the matter in this place. So, in relation to public works—and, in particular, in relation to costings and the sorts of things that the Public Works Committee would look at—the ERD Committee would have no interest. What concerns me is that by the inclusion of these words I believe the construction could be made that the ERD Committee is precluded from looking at matters relating to the construction of public works which are legitimately within its areas of interest. The Hindmarsh Island bridge is one such instance, a matter that we have already examined.

If the Government chose to build a dam, clearly there would be environmental, resources and development implications of dam construction which could, and in many cases would, be worthy of the time being spent by the ERD Committee. I hope that the inclusion of these proposed words will not preclude that from happening, but I suspect that it will. On that basis, I oppose clause 5 of the Bill.

The Hon. C.J. Sumner: Have you seen my amendment?

The Hon. M.J. ELLIOTT: No, I have not seen your amendment so I cannot comment on it. So, we support the legislation, but I have difficulties with the current functions of the committee in relation to the Statutory Authorities Review Committee and will be opposing clause 5.

The Hon. L.H. DAVIS: I support the Bill. Apart from some small amendments to existing parliamentary committees, the main thrust of this Bill is to create a Public Works Committee and also to create a Statutory Authorities Review Committee. The Public Works Committee will be made up of members of another place, and the Statutory Authorities Review Committee will consist of five members of the Legislative Council appointed by the Legislative Council. Former Attorney-General the Hon. Mr Sumner will well remember that it was nearly 12 years ago that the then Tonkin Government introduced into the Parliament a proposal to set up a Statutory Authorities Review Committee. I think that with the benefit of hindsight he himself would admit that if this Statutory Authorities Review Committee had been set up then the very fact of its existence may well have prevented some of the financial excesses which occurred during the 11 Labor years, particularly in the past five years of the Bannon/Arnold Labor Administration. Certainly, the Statutory Authorities Review Committee as proposed today would, as the second reading has mentioned, have had the ability to look at statutory authorities such as SGIC and Beneficial Finance.

Back in 1982 the former Attorney-General had some difficulty understanding the difference between a Public Accounts Committee and a Statutory Authorities Review Committee, and he argued that point at some length 12 years ago. I see that it is important that we have a distinction between the Public Accounts Committee, what is currently known as the Economic and Finance Committee and the Statutory Authorities Review Committee. Undoubtedly one of the great difficulties that there will always be in providing legislation for a Statutory Authorities Review Committee is the matter of a definition. The Attorney-General, not unreasonably, has raised this in his second reading contribution. He raises the question, 'Why shouldn't universities and other tertiary institutions be within the ambit of the Act?' He raises the proposition that Ministers themselves are creatures of legislation and can be, in the strict sense of the word, deemed to be statutory authorities.

The Hon. Ren DeGaris, a former member of the Legislative Council, argued that the way to define statutory authorities was actually to set down in a schedule the statutory authorities which were subject to this legislation. One of the very great difficulties that the former Attorney-General would accept is this matter of definition. It was canvassed in 1982 and subsequently when private members' legislation was introduced it was canvassed again. I must say that I accept, as I did in 1982 when this debate took place, that it is far better to have a broader definition of 'statutory authorities' and contract out those that are not deemed to be part of the review process by regulation.

That was the Liberal position in 1982; it is the Liberal position again. It may not satisfy the Leader of the Opposition but, given the difficulty of definition, there is no alternative. Let me remind the Leader of the Opposition what actually

encouraged the then Tonkin Government to set up the Statutory Authorities Review Committee in 1982. In 1979, Kevin Foley oversaw a thorough inquiry into statutory authorities in Victoria. From my memory, before coming to power the Tonkin Government had expressed concern at the growth of statutory authorities.

The Hon. C.J. Sumner: They didn't do much about it during those years.

The Hon. L.H. DAVIS: Well, that's not true: they introduced this legislation. Under the Labor Government, during the 1970s, the number of statutory authorities, using the tight definition, approximately doubled from about 130 to 249, in the time of the Labor Government, from 1970 through to 1979.

The Hon. C.J. Sumner interjecting:

The Hon. L.H. DAVIS: The Liberal Government in Victoria had examined the matter and had a Public Bodies Review Committee.

The Hon. C.J. Sumner interjecting:

The Hon. L.H. DAVIS: I will come to that in a minute.

The Hon. C.J. Sumner: Did the same phenomenon occur under a Liberal Government in Victoria in the 1970s? Answer 'Yes' or 'No'?

The Hon. L.H. DAVIS: Yes.

The Hon. C.J. Sumner: That's all I ask.

The Hon. L.H. DAVIS: It may well have done. I do not know whether it was as fast as that. To rebut the Leader of the Opposition, in fact to blow him away, I should say that at least the Victorian Liberal Government did something about it because it established a Public Bodies Review Committee, under the every eminent chairmanship of Kevin Foley, who was a leader in public sector reform in Australia in those years. He was seen in a bipartisan way as an initiator, as a reformer, in this very important area. That committee's first report in the Victorian Parliament in 1980, which still holds true today because it is at the very nub of the legislation which we are debating, stated:

> Lack of attention to the concept of accountability in a parliamentary democracy is itself cause for serious concern. But what is even more disconcerting is the failure of those few who have addressed the question of accountability in Australia to clearly distinguish between the accountability of Parliament to its constituency, the public, and the accountability to Parliament by its agencies or the instruments through which it effects policy and raises and expends public funds. The distinction between accountability of Parliament and the accountability to Parliament is neither abstract nor merely conceptual. On the contrary, it is both real and profoundly important.

That, I would suggest to the now chastened Leader of the Opposition, is at the very core of the problems which we have suffered in South Australia in the public financial arena over the past decade. The former Attorney-General, most of all, has to accept some of the blame for the economic and financial ruin which the Liberal Government took over in December 1993.

The Hon. C.J. Sumner: It's all my problem now?

The Hon. L.H. DAVIS: Let's talk about it; let's talk about what the Leader of the Opposition did not do over recent years. One of the problems that we have had in looking at statutory authorities for many years is that we have not known the number of statutory authorities that exist, their board membership or when they were due to report. In 1986 this honourable gentleman opposite was asked by me whether the Government would consider setting up, given the technology that is now available to Government, a register of statutory authorities. This would set out in an easy form the name of the statutory authority, the principal Act which created the authority, the board membership, the fees which they earned, and any other relevant information, such as when had they reported by, given that unless you have contemporaneous financial information and material about the activities of that statutory authority it will be of very little value.

The point the Attorney has heard me make on more than one occasion in this place is that is why the Stock Exchange has such strict requirements in reporting standards for public companies: that they are required to report within a three month period of the end of the financial year so that the market is fully informed of what has just happened to them. In fact, they are all required to report on a half yearly basis at least, and mining companies are required to report on a quarterly basis.

We had the disgusting spectacle for two or three years in a row where SGIC was stuffing its annual report down the chimney at Christmas time. The report was being released on 23 December so that it could not be subject to press speculation, and the Hon. Mr Sumner, the Leader of the Government in this place (the Hon. John Bannon's right hand person), was privy to that because questions used to be asked about it.

I can remember doing interviews in the dark of night at, say, 6.30 late on a December evening, because the information had only become available at 4 o'clock on a Friday afternoon. It was released too late for the commercial television stations to discuss and it was only the ABC, with the 7 o'clock news service, that could pick it up.

The Hon. C.J. Sumner interjecting:

The Hon. L.H. DAVIS: The former Attorney laughs and jokes about that. He still does not understand public accountability, because that case was the very rejection of public accountability: SGIC stuffing a report down a chimney on Christmas eve two or three times in a row. The Leader of the Opposition thinks it is funny. I think it is culpable, I think it is negligent, and if SGIC had been a public company listed on the stock exchange it would have been suspended from trading. It is not enough that SGIC was technically bankrupt and bailed out by the Government as a result of that disgusting option on 333 Collins Street, but the Leader of the Opposition thinks it is okay for SGIC to deliver its report five months late.

The Hon. C.J. Sumner: I never said that at all. Don't put words in my mouth.

The Hon. L.H. DAVIS: You seem to think it was pretty funny. And of course the people of South Australia thought it was very sad, and they are now paying for it. So, back in 1986—to return to the main game—the Leader of the Opposition, then Leader of the Government, a principal player in the Bannon years, was asked whether he would set up a register of statutory authorities in South Australia. He said he would look at it: not a bad idea, as I remember. He did not think it was a half bad idea, even though it had come from the Opposition. He said in 1986 that he would look at it. He went out of office in 1993, having been asked that question by me on at least two other occasions, and what had he done about it? We all pause for silence, because nothing happened.

The Hon. C.J. Sumner: When it became my responsibility, I did it. Is that true or not?

The Hon. L.H. DAVIS: Well, there we are: when he became Minister of Public Sector Reform, when Premier Arnold assumed office. And if he did set up a register of statutory authorities, when did it become available?

The Hon. C.J. Sumner: I gave a statement about it in August.

The Hon. L.H. DAVIS: Exactly; August 1993, and about seven years after you had been asked the question. And if you are asked the question, what do you do with it: do you throw it away or do you feed it into Government? That is the sort of priority that those opposite gave to public accountability and propriety of Government, and there is no defence for that. They are left facing the breeze on that. That was a disgraceful example of the abuse of power, arrogance and indifference on a matter of great public importance. There is no escape from that: for seven years nothing was done. You can sit here and laugh, but you should be sitting there and squirming, because that was a disgraceful—

The Hon. C.J. Sumner: Stop making things up, will you.

The Hon. L.H. DAVIS: I am not making things up. I asked the question in 1986—

The Hon. C.J. Sumner: You are totally disgraceful. I have not laughed about it. Stop standing there and making assertions which are incorrect. You are the ultimate loser in this place anyhow: you have been here for about 15 years and you cannot even get a ministry.

The Hon. L.H. DAVIS: Well, at least I tell the truth. At least I report the facts, and I am not distorting them today. You know that.

The Hon. C.J. Sumner: You are making assertions, and they are not correct.

The Hon. L.H. DAVIS: I am not making assertions. I am reporting fact, and the fact is—as the honourable member will recollect, and if he cares to check *Hansard* he will find it to be true—that the Government did nothing about setting up the register of statutory authorities. It did nothing at all. That is not the biggest point that I am going to make today, but it is a valid point. The former Attorney-General squirms, as well he might, because so little was done.

We get the difficulty of definition for 'statutory authorities', which I accept is probably the biggest argument of all when looking at this matter. The Victorian Public Bodies Review Committee examined this matter specifically. It mentioned that if you wanted to be literal and take into account the bodies that were set up pursuant to statute, as distinct from those created by statute, you could be talking about thousands of bodies—committees, councils, a whole host of bodies—and that of course is the real difficulty.

The Leader of the Opposition has mentioned: why not include tertiary authorities; why not include universities; why not include Ministers of the Crown, for example? The argument, which could go on till the cows come home, admittedly with universities, is that with tertiary institutions there is a fair measure of checks and balances in existence anyway. We have members of Parliament representing the Parliament on the governing bodies of tertiary institutions; we have the councils themselves which comprise, invariably, different representative groups from the university—students, staff, administration, together with outside business people and parliamentary representatives. We also have Federal and State Government monitoring agencies looking at universities. I would argue that there are more checks and balances in place with universities than there are for many statutory authorities. That is a reasonable argument in defence of excluding tertiary authorities from this debate.

The second reading explanation refers to the fact that the Government committed itself at the last election to introducing a Public Works Committee to investigate public works projects where the cost exceeds $4 million, and that of course is a figure which, until the abolition of the Public Works Committee some years ago, had been a maximum of $2 million and it had previously been a figure as low as $.5 million. But the main attraction to me about the Public Works Committee terms of reference is that it not only has the ability to review the proposed public works, but it also has the ability to monitor the efficiency and progress of construction of the public works.

In other words, it has an ongoing role. One of the great weaknesses of the Public Works Committee as it was set up originally was that it looked at the proposal at the time that it was being put in place, but it did not follow that project through. I think that the very fact that this committee will now be able not only to review the proposal but also to monitor its progress and check on the efficiency and progress of the construction will have a demonstration effect in that the public sector will be on its mettle knowing that the committee is overseeing and monitoring the project.

There have been many times when, as a member of Parliament, there has been a phone call from someone saying, 'Do you know that something is going on with these public works?' It has always been a source of frustration that quite often the reaction has to be a question in the Legislative Council rather than having a standing committee picking up the allegation and reviewing it. I think that the Public Works Committee does have a role and it is a valuable addition to the armory of the Parliament. It is a check against excesses by both the public sector and, indeed, the Executive arm of Government.

The Statutory Authorities Review Committee, as I have mentioned, has had a long and chequered history with several attempts to bring it into being. This proposal, following the Opposition and Australian Democrat acquiescence to the proposal, albeit with amendment, seems certain to succeed. It is a matter that deserves serious consideration and support because it has a very important role for the Parliament particularly when there is such a large Government majority.

The Statutory Authorities Review Committee perhaps to some people will have an overlap with the Economic and Finance Committee. Clearly, commonsense has to be exercised between these two committees: the Economic and Finance Committee is the old style Public Accounts Committee and a committee of another place, and the Statutory Authorities Review Committee will, of course, be a committee of the Legislative Council. So, commonsense, communication and cooperation will have to be exercised between these two committees.

However, to my way of thinking, although it is not expressly set out in the legislation, it would seem sensible that the Economic and Finance Committee would concentrate more particularly on the departments of Government. This would leave the committee we are now discussing—the Statutory Authorities Review Committee—to concentrate on statutory authorities. The Economic and Finance Committee, as I read the legislation, can look at anything and it could well overlap with the Statutory Authorities Review Committee. I raise that matter to ensure that at least there has been some awareness of the potential for overlap and the need for some commonsense to be exhibited.

The Statutory Authorities Review Committee's terms of reference are necessarily broad and it has very powerful functions. It has the ability to recommend whether a statutory authority needs to continue in existence: it can actually make a recommendation that an authority is no longer relevant, that there is no purpose for that authority. Under new section 15C, the Statutory Authorities Review Committee can look at financial aspects of the statutory authority—whether that

authority is achieving the purposes for which it was established—at matters relating to the management, administration and structure of the authority, and whether there is any duplication in the work that that authority is doing as distinct from any other body of Government. So, it necessarily has a very wide charter.

The Government gave the Public Works Committee and the Statutory Authorities Review Committee high priority in its election promises. It made a commitment to introduce this legislation at the earliest opportunity and a commitment presumably to give the committees the necessary research and secretarial support. That is a matter that I now want to address briefly. Having been a member of the Social Development Committee since it was first formed—when the new parliamentary committee system was introduced—through to the last election, I must say that my experience is that the parliamentary committee system has worked well. The Economic and Finance Committee, the Environment, Resources and Development Committee, the Legislative Review Committee and the Social Development Committee have all certainly put enough runs on the board to justify their existence and the necessary expense incurred in setting them up and supporting them with administrative and research staff.

I think it is important for Governments of whatever persuasion to recognise that if committees are going to be effective they need to have proper and professional support. Too often we have seen under the Labor Administration select committees being left with either no research support whatsoever or public servants who are in a pool looking for a place in the public sector being allotted to a select committee without the necessary skills and sometimes abilities to do the work required for that committee. So, as we move legislation to form another two committees to add to this valuable pool of the parliamentary committees it is most important to recognise the need to have adequate administrative and research support.

The second reading explanation of the Bill, as presented by the Hon. Trevor Griffin, made specific reference to the fact that large losses of taxpayers' money have been incurred in statutory authorities such as the State Bank, the State Government Insurance Commission and the South Australian Timber Corporation. Bodies such as these clearly need to be more open to detailed scrutiny to endeavour to avoid repetition of the losses that have occurred in the past. I will just revisit some old ground, even though the Leader of the Opposition might find it tiresome, if not painful. I refer to two specific matters. One is that the South Australian Timber Corporation—

The Hon. C.J. Sumner: You just can't get the numbers for anything.

The Hon. L.H. DAVIS: Perhaps I have not sought the numbers for anything. I might be just the original modest member; who knows?

The Hon. C.J. Sumner interjecting:

The Hon. L.H. DAVIS: I am not complaining. You are the one who seems to have the angst this afternoon. I do not know what is wrong with you, but the bar can look after you if you need anything.

The Hon. C.J. Sumner: You're a charmer, aren't you?

The Hon. L.H. DAVIS: You are the one doing the provoking. If you can't take it after giving it what are you doing here? All right? Let us look at the South Australian Timber Corporation, because there are many members on both sides who will remember that in 1987, on my motion, a select committee of the Legislative Council was set up to review the activities of that corporation.

Specific reference was made to the need to review the investment in the plywood mill in New Zealand, the SATCO operations in the South-East of South Australia and also the Scrimber operation in the South-East. That committee, which was chaired by the Hon. Terry Roberts (who did it in a very fair and very open way), produced a unanimous report which expressed concern about a whole range of problems faced by the South Australian Timber Corporation.

Some members will recollect the fiasco of the New Zealand investment at Greymouth on the lonely west coast of the South Island, where the South Australian Government acted as a social security blanket for this bemused township of 10 000 people, investing in a plywood mill that no-one else would touch with tweezers. And it lost a lazy $15 million in just three years of operations, although the Government had been warned by consultants Allert and Heard that there were severe question marks over this investment.

But of course SATCO was so sophisticated that it thought it could float logs across the Tasman to the South-East of South Australia for use in plywood. They thought that they could use a nineteenth century plywood mill to compete with the modern mills of the North Island and those in Australia and that they were competitive on the export market. They ignored the fact that for four years no annual reports had been filed by the private company before being acquired by the Government.

Those, just in a nutshell, were just a few of the problems with that investment. But that was the level of professionalism and of accountability that existed in the Labor Government of the mid-1980s.

Then, of course, there was Scrimber, where $60 million again was blown away, even though the private sector timber organisations in Australia recognised the enormous technological difficulties associated with Scrimber, and the fact that it was perhaps a technology invented in the mid-1970s which already had been surpassed by superior technology in North America, with such timber giants as MacMillan Bloedel. Yet SGIC, without any expert or outside advice, took on a 50 per cent interest in a $30 million investment—

An honourable member interjecting:

The Hon. L.H. DAVIS: Well, it took on a 50 per cent interest that ultimately became a $30 million loss.

The Hon. T.G. Roberts interjecting:

The Hon. L.H. DAVIS: The Hon. Terry Roberts, s I mentioned in his absence—and perhaps this is why he has returned, seeking more compliments—had been a very fair minded Chairman, or Chairperson, of this committee.

The Hon. Carolyn Pickles interjecting:

The Hon. L.H. DAVIS: I can call him a Chairman, with Anne not here? All right, I will. He was a very fair Chairman of that committee. He has in a very bipartisan fashion reminded me of Africar, which in 1987 was yet almost another triumph for the South Australian Timber Corporation. Now that we are in Government I may be persuaded perhaps one day to ask for the file on Africar, if it has not been shredded. For members who have not heard the story, it is worth digressing, with the permission of the Hon. Attorney, to mention that the Statutory Authorities Review Committee—

The Hon. K.T. Griffin interjecting:

The Hon. L.H. DAVIS: You're a very hard man—may well have put an end to this nonsense. The South Australian Timber Corporation looked seriously at the proposition of

building plywood cars. They did not seem to be discomfited by the fact that they probably would have been the only Government maker of cars in the Western world so much as they were not sure whether they would locate the factory at Murray Bridge or at Mount Gambier. These plywood cars, using the South-East timber or the plywood logs floated across the Tasman from Greymouth—an easy exercise, one would have imagined—were going to be fitted with a transverse engine and were so adaptable that they could in fact be parachuted in to the Gippsland Desert or into the forests of Africa.

One was not sure whether white ant contracts had been let, because there was big money to be made in that, obviously, and they were talking about a production I think of something of the order of 5 000 cars a year. It was a fairly modest 5 000 cars.

The Hon. K.T. Griffin: How was it powered?

The Hon. L.H. DAVIS: I am not sure whether it was powered by product from the rubber plantations of New Guinea or—

The Hon. T.G. Roberts: A belt driven transverse engine.

The Hon. L.H. DAVIS: Yes, I think it was a belt driven transverse engine. In fact, one of the sadnesses to me was that the SATCO select committee, on which the Hon. Robert Lucas and the Hon. Terry Roberts served with such distinction got so diverted by Scrimber and our visit to New Zealand that we never really had a ride in Africar. But fortunately—

The Hon. R.I. Lucas: Isn't there a book on it, though?

The Hon. L.H. DAVIS: There is a book. Malcolm Curtis offered me the book to take home and read on weekends, and it is always my regret that I did not. But I will do so now. I will speak to the Hon. Minister for Forests. So, we never went for a ride in Africar but, fortunately for the taxpayers of South Australia, we are now 'Out of Africar'.

The Hon. G. Weatherill: It sounds a bit like a movie.

The Hon. L.H. DAVIS: It certainly would have been a contender for an award, wouldn't it? Of course, we can laugh now, but that was the real world of politics in the Labor Government in 1987. It thought it could do things like that. It was only because Scrimber and the New Zealand situation started to become a problem for SATCO that it did not triella it with another disaster, Africar; they only quinellaed it.

I want to refer lastly to another matter that I see as yet another example of lack of accountability, lack of propriety, perhaps, indeed, lack of morality and, again, an area where the existence of a Statutory Authorities Review Committee may have prevented such a thing happening.

Not only do I see the Statutory Authorities Review Committee having inquiries of a detailed nature, looking at a big authority and spending some months on the research necessarily involved in analysing its functions, administrative structures, financial management and efficiency and effectiveness of the statutory authority but also there may be specific inquiries into an aspect of a statutory authority: it may well be that the committee looks at two or three statutory authorities contemporaneously. One authority in which members would know I have taken more than a passing interest over the years is the State Government Insurance Commission (SGIC). I want just to use as an example, again, a matter that I raised with the Government and raised specifically with the then Attorney-General, Hon. Chris Sumner, about the Terrace Hotel.

I have more information on this matter, which I viewed with dismay and which got enormous publicity at the time, for good reason, and which has left two members of the South Australian community in a state of some distress. I do not refer specifically to the many matters that I raised in September 1992 with reference to Mr Vin Kean, Chairman of SGIC, and the employment of his son or his son-in-law in the Terrace Hotel. But I want to refer specifically to an example that showed SGIC then as a statutory authority that really was not acting as a very good public sector citizen.

The example to which I refer relates to the story of Mr Ted Fisher and his wife, Mrs Merle Fisher, who in August 1985 bought the lease for the lobby shop at the Gateway Hotel and also at the Hilton Hotel. When the lease at the Gateway expired in June 1988 the Fishers operated that lease on a monthly tenancy because they knew that the hotel was going to be refurbished. The General Manager of the hotel, Mr Jensen, told them that they could continue to lease the shop when the hotel reopened, and that was subsequently confirmed in writing by Mr Jensen. A letter addressed to Mr and Mrs Fisher and dated 23 November 1988 states:

> Dear Mr and Mrs Fisher,
> This letter is to serve as notice that a shop will be available as a gift shop in the new hotel complex.
> Yours sincerely,
> O.K. Jensen, General Manager.

The hotel, having been taken over by SGIC from Ansett in 1988, was refurbished and opened 11 months later in October 1989. While the hotel was being refurbished and totally closed down, Mr and Mrs Fisher had taken a gift shop in the Hyatt Hotel with the intention of going back to the gift shop at the Terrace when it reopened. So, in May 1989 they made contact with the General Manager of the Terrace Hotel, Mr Arnold, and explained that they had an arrangement to take over the gift shop again when the hotel was reopened. Indeed, their expectation was so high and the information given to them by Mr Jensen had been so certain that they had arranged with Telecom to keep the same phone number until they returned.

The Fishers were interviewed by the General Manager of the Terrace Hotel, Mr Arnold, and when they rang in July to find out what was happening they were told that Bouvet Pty Ltd, which was the fully owned subsidiary of SGIC operating the Terrace Hotel, had decided that the shop should be run by the Terrace Hotel, and that was confirmed in a letter from Mr Gerschwitz. The Fishers protested and received legal advice which indicated that they had a good case, but they could not afford to take the matter further. They also sought advice from the Ombudsman.

Mr Jensen, who had made the verbal promise to the Fishers, had confirmed the arrangement by providing them in October 1989 with a letter which I have just read to the Council, but the Fishers suddenly found that they were without the gift shop which had been promised to them both verbally and in writing.

I have subsequently spoken to the hotel staff, who also confirmed that the general expectation was that the Fishers would take over the gift shop. That was known around the hotel. Subsequently, the Fishers heard whispers from hotel staff that in fact Mr Vin Kean's daughter was going to take over the gift shop, and hotel staff were distressed at that scenario, but in fact it became a reality.

I asked that question back in September 1992, having talked with the Fishers and found that both of them had had health problems as a result of this situation. Both of them told me that they had ordered stock in anticipation of the opening of the Terrace; that they had given up other opportunities; and that their lives had been totally affected by the extraordinary

action of SGIC, and to rub salt into the wound Mr Kean's daughter had become the employee of the Terrace Hotel, taking over the operation of the gift shop.

On the last day of Parliament I subsequently received answers to my questions from the then Attorney-General (Hon. Chris Sumner), and they were given in fairly typical fashion, buried in the flurry that inevitably goes with that last day in Parliament. The written reply given to me by the Hon. Chris Sumner stated:

> The honourable member has suggested that Mr and Mrs Fisher who operated a shop at the Gateway were badly treated by Bouvet Pty Ltd in that they were not permitted to resume their business in the Terrace after the hotel had been refurbished. As the honourable member has acknowledged, Mr and Mrs Fisher were operating on a monthly tenancy when SGIC took over the hotel and therefore they could have had no firm expectation of any continuing arrangement after the hotel had been refurbished.
>
> It is difficult to understand why Mr Jensen, who managed the hotel when it was the Gateway, thought he had the authority to give undertakings on behalf of the new owner. In fact, Bouvet decided to manage all the shops in the hotel rather than let them out. Mr Kean's daughter was one of the employees given responsibility for management of a shop, in her case the shop previously operated by Mr and Mrs Fisher. The actions of Bouvet and SGIC have been twice examined by the Ombudsman, who has found no evidence of any relevant act of maladministration or administrative impropriety.

There the matter might rest. However, I received a long letter from the Fishers earlier this year with additional information which confirmed the truth of their story and showed the information provided by SGIC to the then Attorney-General, Chris Sumner, to be misleading and that is perhaps the most polite way of describing it. I now have in my possession a letter from SGIC to Mr Fisher—

The Hon. Carolyn Pickles: What is this about? Is this about the Bill?

The Hon. L.H. DAVIS: Yes it is. I am just using this as an example. A letter to Mr Fisher dated 29 April 1988 and signed by Stanley Lien, Manager of SGIC's Property Development section, states:

> We would like to advise that the Ansett Gateway property has been purchased by the commission and settlement will take place on 1 May 1988. On and from this date the commission is entitled to all income deriving from the property. We would like to advise also that the property has been repurchased by a wholly owned subsidiary of the commission and the monthly rent should be paid to:
> Bouvet. . . .
>
> All matters relating to your tenancy and occupation of the building should be addressed to Bouvet Pty Ltd, for the attention of Mr O. Jensen.

That quite clearly shows that the Fishers had every reason to believe that, when they were dealing with Mr Jensen, he had the authority to act on behalf of SGIC. That is in black and white: it is a clear indication that he had the authority to act on SGIC's behalf as General Manager of the Terrace Hotel, that they acted through him to renegotiate the lease of that gift shop after it was refurbished, and that they had both verbal and subsequently written assurance of that fact.

That is a small matter in the affairs of State compared with the $300 million plus losses from SGIC, $3 billion losses from State Bank and $60 million losses from Scrimber, all of which are statutory authorities referred to by the Attorney-General in his second reading speech.

It would also suggest that a Statutory Authorities Review Committee can at least look at statutory authorities to ensure that their dealings with staff are proper; that they have not only proper business plans but also proper plans for dealing with staff matters; that their financial accountability is exemplary; that their efficiency and effectiveness is at an appropriate level; that they are performing the functions required of them and not acting beyond those functions and objectives for which they are established; and, of course, most importantly that those statutory authorities are still relevant for the purpose for which they were first established. Legislation to establish the Public Works Committee and the Statutory Authorities Review Committee is significant and I support the second reading.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

WILLS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 March. Page 236.)

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their support of this measure. The Hon. Mr Sumner and the Hon. Mr Lawson have both raised issues concerning statutory wills. The Government gave considerable thought to whether this Bill was the appropriate vehicle to introduce legislation to enable the making of a statutory will. For the benefit of members who are not familiar with the term, a 'statutory will' is a will that is made by a court on behalf of a person who does not have the capacity to make a will.

There is some similarity between the process which is already included in the Bill relating to making a will for a minor and the process which could be followed in relation to a statutory will, but of course if the court makes the will or allows a minor to make a will certain criteria must be satisfied including that the court is satisfied that the minor understands the nature and effect of the proposed will. Of course, that is not a relevant criterion when considering the making of a statutory will by a person who is mentally incapable of understanding the nature and consequences of what the court may do.

The concept of a court making a will on behalf of someone who may not be able to indicate what his or her wishes are is, I think, a difficult one. Nevertheless, provisions of this kind operate successfully, as I understand, in the United Kingdom. The Chief Justices Law Reform Committee in Victoria and the New South Wales Law Reform Commission have both examined the concept and both consider there is merit in making such provisions available.

When an earlier draft of this Bill was circulated for comment, it contained provisions relating to statutory wills. Some of the persons who responded expressed reservations about the process provided for and, in some instances, the concept itself. Some thought it would be better to leave the matter to be determined by way of inheritance family provision application, but the limitation with this approach was that friends, carers and even charitable institutions which may have cared for a person and other worthy beneficiaries are unable to utilise this legislation.

I consider that there is merit in considering the concept of statutory wills, but it is evident to me that there is the need to consider carefully the United Kingdom experience before proceeding to enact legislation of this type in South Australia. I have recently received from the Registrar of Probates some helpful information concerning the operation of the United Kingdom provisions and the advantages that the Master in the Court of Protection sees in receiving fresh contemporaneous evidence, and the fact that in her experience while a person

may not have testamentary capacity that person may, nevertheless, be able to make some contribution to the question of appropriate beneficiaries.

As I have said, I will give further consideration to this issue. It is a difficult concept, as I have indicated. There may be people who already have a will but who become incapable of exercising the necessary testamentary intention to vary that will. What a statutory will concept does is to allow the Supreme Court to make a decision which may have the effect of varying or in other ways overriding that will or, where there is not a will, to put such a statutory will in place, notwithstanding the provisions relating to intestate estates.

So, it is a difficult concept. There are issues which might favourably be addressed by this measure, but which might have other disadvantages. The illustration given by the Hon. Robert Lawson involves one of those areas where one could see some benefit from the court having the power to make a statutory will. I will give further consideration to this issue later rather than now. The reason it is not now in this Bill is that I did not believe it was appropriate to hold up a lot of useful amendments in this Bill for the sake of giving further consideration to the concept of a statutory will.

The Hon. Mr Lawson has raised the issue of rules of court delegating certain powers to the Registrar. Quite obviously, it is a matter for the court, but I am reasonably confident that the court would be mindful of the new provisions and the need to settle the law in relation to those provisions. Of course, those rules of court come before the Legislative Review Committee, so that if there is a concern about the rules that would certainly be an appropriate time for such concerns to be addressed.

As to the question of the effect of divorce on a will, I have already said that this is a matter for further consideration. I agree with the Hon. Mr Sumner that the law in South Australia in this area is clear: divorce has no effect on the validity of a will. Nevertheless, there seems to be an Australia wide move for statutory intervention in this area. Different jurisdictions have approached this issue in different ways. A gift to an ex-spouse may lapse. The will may be treated as though the ex-spouse pre-deceased the testator. The appointment of the ex-spouse as trustee executor may be revoked or the whole will may be revoked. Obviously, any change from this State's current position would need to consider the most appropriate way of dealing with this issue and be compatible as far as possible with the law elsewhere in Australia.

When the Hon. Mr Sumner was speaking, I interjected that only in the past week or so the Victorian Attorney-General is reported to have indicated that she was proposing to make a change to the law in Victoria relating to wills, specifically with regard to divorce. The effect of the proposed change in the law was that a divorce would revoke a will. I have not been able to gain access to any more detail than that which was contained in the newspaper report, but certainly this issue needs to be addressed. Again, I thank members for their contributions in respect of this Bill.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—'Validity of will.'

The Hon. K.T. GRIFFIN: I understand that an honourable member was proposing an amendment which in his view would seek to clarify subsection (3), but that has now been resolved and is no longer being proceeded with.

Clause passed.

Remaining clauses (8 and 9) and title passed.

Bill read a third time and passed.

WORKCOVER CORPORATION BILL

Received from the House of Assembly and read a first time.

The Hon. K.T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a second time.

It has been received from the House of Assembly and I therefore seek leave to have the second reading report and the detailed explanation of the clauses incorporated into *Hansard* without my reading them.

Leave granted.

Approximately seven years ago the former State Labor Government introduced a new system of workers compensation and occupational safety health and welfare into South Australia. That legislative package was a major change from previous laws on this topic and involved the repeal of the 1971 Workers Compensation Act and the 1972 Industrial Safety Health and Welfare Act.

The new laws introduced some seven years ago, as explained by the then Minister (and now member for Giles), were to have some high ideals. A number of these ideals, in particular the streamlining of the workers compensation system and the emphasis upon rehabilitation of injured workers were quite sound social goals. However, as any objective observer over the last seven years would know, the lofty ideals of the former Government have met a rocky path and, if members of this Parliament listen to what industry and employees are saying in the community, the 1986 legislation has fallen far short of achieving those high ideals painted by the former Government in 1986 and 1987.

This is not to say that the existing WorkCover system has failed outright or that the pre-existing system was preferable. What it does say is that a system such as this which combines industrial, social and economic principles must be refined and restructured on an ongoing basis to ensure that all of its basic objectives are met on a fair basis. This is where the word failure is an appropriate expression. Not failure of the WorkCover scheme in itself, but failure by the previous Labor Government to accept over the last seven years any criticism of the 1986 legislation and a manifest failure by that Government to make the structural reforms necessary during the last seven years in order to put the WorkCover and occupational health and safety schemes on a more equitable and more affordable basis. Therefore, to the extent that the previous Labor Government made some reforms in 1986, it now stands equally condemned by its head in the sand attitude in which it failed to acknowledge its mistakes over the next seven years. One just has to simply look back to the former Government's attitude a couple of years ago when the Parliament had to take that labour Government kicking and screaming to a select committee of inquiry in order to expose some of the deficiencies and inequities in the legislation—and that at a time when claims, unfunded liabilities and levies were out of control. Even worse, it was only through the combined efforts of every member of this Parliament excluding the members of the Australian Labor Party which made any changes at all to the scheme, changes which were belatedly foist upon the previous Government by this Parliament.

Contrasted to this short-sighted and irresponsible attitude of the former Government, the Liberal Party now in Government in this State has the willpower and vision to make the necessary structural reforms to South Australia's WorkCover and occupational health, safety and welfare laws. Moreover, the Liberal Party not only has the willpower and vision, it has the mandate of the people of this State. On 11 December 1993 the people of South Australia rejected the inaction and incompetence of the previous labour administration. On 11 December 1993 the people of South Australia endorsed amongst other reforms, the Liberal Party's worker safety policy, a policy which had been released publicly and debated during the State election campaign. That policy clearly promised to the community that the necessary structural changes to these laws will be made to ensure a fairer and affordable system. The people of South Australia (including many thousands of employers and employees alike) endorsed these policies twelve weeks ago. Today the State Liberal Party Government takes another step in fulfilling its policy undertaking to the people of South Australia by introducing these much needed reforms into this House.

It is necessary at this juncture to point out to the Parliament the justifications for structural reform to the WorkCover and occupational health, safety and welfare laws. The justifications are these:

1. The current system fails to give proper priority to the joint responsibility of workplace safety.

2. The current system fractures the WorkCover board along philosophical policy lines thereby inhibiting efficient decision making and administration.

3. The current system fails to integrate or relate the administration of the WorkCover system with the administration of the occupational health, safety and welfare system, despite there being clear areas of overlap where duplication can be eliminated or reduced.

4. The current system contains some manifest inequities for both employers and employees.

5. The current system is nationally and internationally uncompetitive.

6. The current system is open to, and in some cases allows quite unreasonable claims and rorts to be compensated.

7. The current system fails to give proper status to the proper role of policy making, which should, after tripartite consultation, be the responsibility of those who are politically accountable, that is, the Minister and the Government.

8. The current system, with its promotion of inefficiencies and abuses, is unaffordable thereby putting at risk the long term capacity of the scheme to deliver full and fair benefits to those workers who are genuinely injured at work and nationally competitive levy rates that industry can afford.

It is to the continued shame of the previous Government that it closed its eyes to these deficiencies and failings of the current scheme. As it did with so many other areas in which it mismanaged this State, it failed absolutely the test of accountability. How many occasions did we hear the former Government tell this Parliament, or tell employers, or tell employees, or tell unions, or tell the medical profession, or tell rehabilitation providers, or tell self-insurers, or tell the legal profession that if they had a problem with WorkCover or occupational health safety and welfare laws, it was not the Government's problem, that they should go and speak to someone else, either a member of the WorkCover board or a WorkCover manager. This approach was the ultimate expression of political irresponsibility. Quite clearly, the former Government knew or should have known that the WorkCover board and WorkCover management were obliged to operate within the parameters of the imperfect system that the Government had established. This failure of accountability for policy must be put to an end. The WorkCover board and its management and the managers of occupational health, safety and welfare laws must be permitted to get on with the job of managing the scheme whilst the Government of the day must be accountable for policy. Our structural reforms embrace these objectives.

Contrary to the repeated claims by the previous Government that the WorkCover scheme was affordable and had no funding problems, the facts are that over the life of the scheme the average levy rate rose from 3 per cent in 1987-88 to 3.24 per cent In 1992-93, peaking at 3.79 per cent In 1990-91.

Even during 1993-94, with claims artificially low due to recessionary unemployment, the average levy rate is 2.86 per cent—more than 1 per cent higher than comparable national schemes. This represents an added cost to South Australian industry of $90 million every year—an appalling situation. After seven years, South Australia has a workers compensation scheme which has the highest levy rates in Australia. This state of affairs must cease. The biggest single challenge for this Government in this area is to reduce the average levy rate to a figure equal or lesser than the average levy rate of other schemes in Australia whilst maintaining benefit levels which are both affordable and equitable to employers and employees alike. The uncompetitiveness of our workers compensation system cannot be lightly dismissed. Indeed, it was a theme of the former Minister's second reading speech when he introduced the scheme into this Parliament on 12 February 1986. He said at that time:

> 'It is patently clear that a further round of premium hikes lies just around the corner unless decisive action is taken to reform the system. There are of course other pressing reasons both social and economic for undertaking these much needed reforms. . . If we do not take similar action in this State our competitive position will be severely eroded. This Bill addresses the critical problems that South Australian industry now faces.'

Applying that standard, the very standard which the former Government set for its scheme, the scheme has failed South Australian industry. Even the most basic economics or industry policy would recognise that South Australia will fail to achieve employment growth, will fail to become nationally let alone internationally competitive whilst costs to industry such as WorkCover costs remain nationally uncompetitive. This is not a fact that can be ignored. This is not a matter of hollow political rhetoric. It is purely and simply a real problem which must be addressed.

For this reason this State Government will put every possible resource into ensuring that the average WorkCover levy rate in this State is reduced, within approximately 18 months, to 1.8 per cent—a figure which would make our scheme nationally competitive and allow the current $90 million of additional levies to be channelled by industry into constructive employment growth.

Even more concerning, is the fact that the previous Government chose in recent years to mask the unaffordability of the scheme by relying upon the natural decline in costs and claims as a result of loss of employment in an economic recession created by the policies of both State and Federal Labor Governments.

For the record, it is important to point out that for the quarter ended December 1993, the WorkCover quarterly performance report expresses major concerns at the continued growth of claim numbers and points to little overall improvement in the number of long term claims. That report says that the corporation management believes the mid year actuarial report possibly underestimates the scheme's outstanding liabilities and that the annual review will more clearly review the impact of recent experience. It is patently obvious that the previous Labor Government sought to achieve a full funding status of the scheme by relying upon reduced claims caused by recessionary unemployment.

Equally obvious is the fact that unless structural reforms are made as a matter of urgency and priority, increased employment arising out of economic recovery will blow out WorkCover's claim numbers and unfunded liabilities to an unacceptable level. Again, this is not hollow rhetoric. WorkCover have advised the Government that the savings to the scheme arising from these amendments will do no more than simply hold the average levy rate at its current uncompetitive level of 2.86 per cent. Without these amendments, the WorkCover board would have no option but to recommend to the Government an increase in the average levy rate to approximately 3.15 per cent—Or an extra $25 million from South Australian industry each year. Clearly that state of affairs cannot be allowed to happen. It would be gross irresponsibility for this Parliament to fail to recognise the urgent need for these reforms and fail to listen to the clear mandate provided by the people of South Australia on 11 December 1993.

There are no credible alternatives to the package of reform that the Government is now proposing to this Parliament. Importantly, the reforms are primarily structural. Unless the structures are correct, WorkCover will be unable to operate efficiently. Unless the structures are correct, duplication of administration between workers compensation and occupational safety, health and welfare will continue. Unless the structures are correct, policies will be introduced or ignored without political accountability. Unless the structures are correct, employers and employees, the most important participants in this scheme, will continue to feel remote from the workings of the system. The structures must therefore be changed.

In addition to making the necessary structural changes, it is the Government's intention to put safety in the workplace back onto the top of the agenda as the primary social objective in this area. It is the State Government's intention to ensure that both employers and employees adopt, as a matter of the highest priority, a shared vision for the prevention of work related injuries and diseases and the development of healthy and safe workplaces through a balance of education, motivation, regulation and enforcement. This social priority underpins the Government's desire for greater consistency in administration and policy between the Workers Rehabilitation and Compensation Act and the Occupational Health, Safety and Welfare Act. The Government will be true to its pre election promise that an additional $2 million of funds per year will be targeted for education and prevention programs designed to establish safer workplaces, particularly in small business and higher claim industries. The Occupational Health, Safety and Welfare Advisory Committee, with its responsibility to report directly to the Minister, will further sharpen this focus on safety in the workplace. At all times, safety in the workplace will become the overriding objective and understood by employers and workers as a joint responsibility within their respective areas of control. In both the private and the public sectors the Government will ensure that the chief executive officers of South Australian businesses or Government departments will be respon-

sible both under the Act and in practice for safety and prevention programs in their workplaces.

Following from these structural changes, this package of legislation makes a number of necessary and urgent changes to provisions of the Workers Rehabilitation and Compensation Act, particularly in the area of journey accidents, stress claims and alcohol or drug induced injuries. These changes are designed to provide a more equitable system between employers and employees and to exclude so far as is possible abuses and rorts in the areas of journey accidents and stress claims. Unless these changes are made, employers will unfairly continue to fund a significant percentage of road accidents in this State. Unless these changes are made, the system will remain open to abuse and exploitation thereby prejudicing its capacity to deliver fair benefits to workers genuinely injured at the workplace. Unless these changes are made, the scheme will quickly become unaffordable, unfunded liabilities blow out as they did in the late 1980's, levy rates will increase and South Australia will be the loser. Unless these changes are made, employers will have the unfair burden of funding injuries beyond their control and outside of the workplace whilst workers will have no incentive to adopt some responsibility for safety and self-insurance outside of the workplace.

Before the introduction of this legislation a number of members of this Parliament made public comments concerning these journey accident amendments. I would emphasise to all members that the State Liberal Government has a clear and unequivocal mandate to introduce this reform. Our worker safety policy issued before the State election specifically undertook to restrict claims for journey accidents to exclude the routine journey to and from work (but still include any work related journey). Any frustration of this policy change will in effect stand in defiance of the mandate for change given by the people of South Australia to this Government on 11 December 1993.

These changes to the structure and administration of workers rehabilitation and compensation and occupational health, safety and welfare, and to journey accidents, stress claims and related matters will not be the panacea to cure all ills of the existing scheme. There must, and will be, more changes in the august session of this Parliamentary year—changes which will arise from an assessment of the scheme by the new board and the WorkCover advisory committee. They include matters such as rehabilitation practices, the two year review of claims, the return to work provisions, the level of benefits, the role of the medical and legal professions and the review process of dispute resolution. These changes are, however, the first necessary steps. Without these first steps the weaknesses of the Act, caused by the stubbornness of the previous Labor Government will continue to burden the scheme with disastrous consequences for South Australian employers and employees.

This Bill is the first in a package of legislative reforms which the State Liberal Government will introduce into this House, the other two Bills being the Workers Rehabilitation and Compensation (Administration) Amendment Bill 1994 and the Occupational Health Safety and Welfare (Administration) Amendment Bill 1994.

I now deal with relevant policy matters in the WorkCover Corporation Bill.

This Bill proposes the establishment of a new Act, the WorkCover Corporation Act 1994, to provide a new board for the WorkCover Corporation and to vary the corporation's functions and powers as a result of the abolition of the Occupational Health and Safety Commission and the merger of some of its activities into the restructured corporation.

It is proposed that the current board of 14 persons be replaced by a board of seven members. This new board will be a management board, operating along commercial lines, and not fractured by divisive policy or legislative debates which inhibit sound management. One of the seven will be nominated by the Minister after taking into account recommendations of associations representing the interests of employers and one other similarly nominated after taking into account recommendations of associations representing employees.

The other members will be recommended by the Minister for appointment by the Governor on the basis of relevant expertise to manage the corporation on a commercial basis. It is crucial that the WorkCover Board be a corporate board operating on commercial lines, without philosophical divisions over policy. This is particularly so when it is recognised that WorkCover manages assets of $779 million, has an income of $280 million per year, has administrative costs of $44 million per year and makes claim payments of $261 million per year. Indeed, the need for a commercially oriented board was acknowledged by the former Labor Government in 1986 when, in the then Minister's second reading speech, it was said that:

> 'The creation of the sole authority to operate along corporate lines on a non profit basis is central to the reforms and to the achievement of real costs savings.'

Once again, however, the former Government's actions did not match their objectives.

In order to achieve a balanced commercially oriented board, members of the board will need to be drawn from persons with expertise in fields such as workers compensation and rehabilitation, insurance administration and investment, management and finance, human resource management, occupational health and safety and employee representation.

The Bill also outlines the conditions of membership of the board, the member's duties and responsibilities and how the board shall conduct its proceedings. These provisions are consistent with those relating to the establishment of other statutory boards and are in line with the philosophy and direction of the Public Corporations Act.

It is proposed to vary the functions and powers of the corporation to provide that the corporation be empowered to administer the Occupational Health, Safety and Welfare Act 1986, in addition to the Workers Rehabilitation and Compensation Act 1986 and any other legislation prescribed by regulation. Non policy making functions previously assigned to the Occupational Health and Safety Commission have generally been incorporated in the revised functions of the corporation in this Bill.

The proposed powers of the corporation will be sufficiently broad to allow it to perform its management functions within the framework of legislated policy. For example the corporation would have the power to enter into any form of contract or appoint agents or engage contractors to assist or carry out any of its functions. This would allow the corporation to use the services of private insurers companies, to manage claims if that approach is considered appropriate and desirable by the Government and the board of the corporation.

A further significant variation to the role of the corporation which is proposed in the Bill is in the area of policy advice to the Government. The restructured corporation would not have power to determine high level policy matters concerning workers rehabilitation and compensation or occupational health, safety and welfare. These policy making powers (including consideration and preparation of new legislation, codes of practice and regulations) are to be vested in the Minister upon the advice of two statutory advisory committees; namely, the

- Workers Rehabilitation and Compensation Advisory Committee to be established by amendments to the Workers Rehabilitation and Compensation Act contained in a separate Bill; and
- the Occupational Health, Safety and Welfare Advisory Committee to be established by amendments to the Occupational Health, Safety and Welfare Act also contained in a separate Bill.

The board clearly will remain responsible for specified matters relating to the administration of the two Acts and the operation of the corporation. Amendments to the Occupational Health, Safety and Welfare Act contained in a separate Bill propose the abolition of the Occupational Health and Safety Commission. As a consequence and in line with the inclusion of the responsibility for the administration of various functions under the Occupational Health Safety and Welfare Act to the proposed restructured corporation, it will be necessary to transfer certain staff of the existing Occupational Health and Safety Commission to the corporation (and possibly in some cases to the department for industrial affairs.)

This Bill provides for that transfer of staff and for staff to be transferred to the department for industrial affairs or another administrative unit in the public service if that is appropriate. Any such transfer would be without loss of accrued rights in respect of employment.

In summary, this Bill will facilitate the restructuring of the administration of occupational health, safety and welfare laws and workers compensation in this State. It will establish a structure geared to greater management efficiency and less duplication. It will integrate many of the services provided to, and the requirements placed upon employers and employees. Further integration will occur progressively to ensure that occupational health and safety and the compensation and rehabilitation of workers is managed in a coordinated, efficient, equitable and affordable way.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal

Clause 2: Commencement
The measure will come into operation on a day to be fixed by proclamation.

Clause 3: Interpretation
This clause sets out the definitions required for the purposes of the Act.

Clause 4: Continuation of Corporation
The Workers Rehabilitation and Compensation Corporation is to continue as the WorkCover Corporation of South Australia.

Clause 5: Constitution of board of management
The Corporation will now be managed by a board of seven members appointed by the Governor.

Clause 6: Conditions of membership
The conditions of membership of the board will be determined by the Governor. A term of office will not exceed three years (and a member will be eligible for reappointment at the expiration of a term).

Clause 7: Allowances and expenses
As is the case with the current board, a member will be entitled to fees, allowances and expenses determined by the Governor. Payments will be made from the Compensation Fund.

Clause 8: Disclosure of interest
This clause will require a member who has an interest in a matter before the board to declare the interest and withdraw from the room. The Minister will be able to require a person who has, in the Minister's opinion, an interest which is not consistent with the proper performance of duties to discharge the interest, or to resign from the board.

Clause 9: Members' duties of honesty, care and diligence
This clause sets out various duties and standards that must be performed and observed by a member of the board.

Clause 10: Validity of Acts and immunity of members
An act or proceeding of the board is not invalid because of a vacancy in its membership or a defect in an appointment. A member of the board will not incur any personal liability in the performance or exercise of functions, duties or powers; liability will instead attach to the Crown.

Clause 11: Proceedings
This clause sets out various matters relevant to the proceedings of the board. Five members will constitute a quorum of the board.

Clause 12: Functions
This clause sets out the functions of the Corporation. These functions will now include the administration of the Occupational Health, Safety and Welfare Act 1986, the Workers Rehabilitation and Compensation Act 1986, and any other legislation prescribed by the regulations. The Corporation will be responsible to promote or support the formulation of policies and strategies that promote occupational health, safety and welfare or the rehabilitation of injured workers. The Corporation will also be responsible for the efficient and economic operation of the workers compensation scheme under the Workers Rehabilitation and Compensation Act 1986.

Clause 13: Powers
This clause sets out the powers of the Corporation, which include the power to appoint agents or engage consultants (subject to ministerial consent in circumstances specified by the Minister).

Clause 14: Corporation to have regard to various differences in the work force
The Corporation will be required to take into account various differences in the work force. The Corporation will be required to ensure that information provided in the workplace is in a form and language appropriate for those expected to use it.

Clause 15: Committees
The Corporation will be able to establish committees.

Clause 16: Delegations
This clause sets out the Corporation's powers of delegation.

Clause 17: Accounts
The Corporation will continue to be required to keep accounts and to satisfy various accounting standards and practices.

Clause 18: Audit
The Corporation will continue to have at least two auditors.

Clause 19: Annual reports
The Corporation will continue to produce an annual report. The regulations will be able to specify various matters which must be included in an annual report (including, for example, information about occupational health, safety or welfare).

Clause 20: Chief Executive Officer
The Corporation will continue to have a Chief Executive Officer. The CEO will be appointed by the board after the board has consulted with the Minister.

Clause 21: Other staff of the Corporation
The Corporation will be able to appoint its own staff, who are not public service employees. The Corporation will also be able to use, with the approval of the responsible Minister and on mutually arranged terms and conditions, employees of the Department for Industrial Affairs, or other Crown employees. The Minister will also be able to transfer Departmental officers to the Corporation after consultation with the Corporation and any relevant industrial organisation.

Clause 22: Superannuation
The Corporation will continue to be a public authority under the Superannuation Act 1974.

Clause 23: Use of facilities
The Corporation will be able to use the resources or facilities available in both the public and the private sectors.

Clause 24: Government Finance Authority Act not to apply to Corporation
The Corporation is not a semi-Government authority under the Government Financing Authority Act 1982.

Clause 25: Protection of special name
The name 'WorkCover' will continue to be afforded statutory protection.

Clause 26: Exemption from stamp duty
The Corporation's exemption from stamp duty on account of any insurance business carried on by the Corporation will continue.

Clause 27: Regulations
The Governor will be able to make regulations for the purposes of the Act.

Schedule
This schedule sets out the various transitional provisions associated with the measure. The schedule will expressly provide that the members of the board of the Corporation holding office on the commencement of the relevant clause will cease to hold office. The Governor will be able to transfer the staff of the South Australian Occupational Health and Safety Commission to a Government department, or to the Corporation. The regulations will be able to deal with other matters of a saving or transitional nature.

The Hon. G. WEATHERILL secured the adjournment of the debate.

[Sitting suspended from 5.49 to 7.45 p.m.]

MOTOR VEHICLE INSPECTION

Adjourned debate on motion of Hon. Diana Laidlaw:

That the Environment, Resources and Development Committee be required to investigate and report on the issue of compulsory inspection of all motor vehicles at change of ownership.

(Continued from 22 March. Page 242.)

The Hon. M.J. ELLIOTT: I rise to oppose this motion. In fact, I now wonder why this motion is before the Council, because in any event the Minister has of her own volition referred the question to the Standing Committee on Environment, Resources and Development. So it seems that we are being asked to be involved in a fairly fruitless exercise in this place, because it already has been sent to the committee. Might I add that I do not think it should have gone to the Environment, Resources and Development Committee. As I understand it, some of the key issues are not about environment, resource or development issues but about road safety, vehicle security and those sorts of issues. None of those bears any relationship to the significance of the terms of reference under which the committee ordinarily operates. It causes me great concern that an issue is being sent to the wrong committee.

Finally, I am concerned that this is an issue which the Minister was quite capable of having researched within her own department and putting out issue papers for public

consultation. It is proposed to be referred to the Environment, Resources and Development Committee for one reason and one reason only, and that is a political one, that is, that the Minister does not want to be seen to be making a decision and would rather see an all-Party committee making that decision so that whatever flak comes is shared around. No matter what happens out of all of this, it is a politically neutral and safe thing it do. Nevertheless, it has the potential to gobble up enormous amounts of time in the committee—a committee that is vastly under-resourced, as are all the standing committees in this place—when there is a large number of other significant issues that the committee more properly should be spending its time on. It is very rare that I get angry about things, but I am angry about this on three counts: I am angry that we are debating it after it has already been referred; I am angry that it should never have gone to the committee because it is the wrong committee to go to; and I am angry because it is wasting a lot of time of the committee when it could properly have been researched in the first instance by the Minister's department. I very strongly oppose this motion.

The Hon. G. WEATHERILL secured the adjournment of the debate.

JOINT COMMITTEE ON WOMEN IN PARLIAMENT

Adjourned debate on motion of Hon. Diana Laidlaw:

1. That in the opinion of this Council, a Joint Committee be appointed to inquire into and report upon the following matters—
   (a) the extent of any existing impediments to women standing for Parliament; and
   (b) what measures should be taken to facilitate the entry of women to Parliament.
2. That in the event of the Joint Committee being appointed, the Legislative Council be represented thereon by three members, of whom two shall form a quorum of Council members necessary to be present at all sittings of the committee.
3. That a message be sent to the House of Assembly transmitting the foregoing resolution and requesting its concurrence thereto,

which the Hon. Carolyn Pickles had moved to amend as follows:

Paragraph I(a)—After 'the' insert the words 'reason and'.

Paragraph I(b)—Leave out this paragraph and insert new paragraphs as follows:

(b) strategies for increasing both the number of women and the effectiveness of women in the political and electoral process, and

(c) the effect of parliamentary procedures and practice on women's aspiration to and participation in, the South Australian Parliament.

(Continued from 22 March. Page 244.)

The Hon. SANDRA KANCK: I will be supporting this motion with an amendment. I move:

Paragraph 1(a)—After 'Parliament' insert the words 'including the impact of different electoral systems'.

I also indicate that I am willing to support the amendments moved by the Hon. Ms Pickles. In moving my amendment one only has to look at what we have in our Parliaments around Australia, and it is very clear that women have the best representation in those Houses that are elected by a quota proportional system as opposed to the preferential system.

I will refer to the figures that the Minister tabled when she spoke to her motion and single out a few of those to show that. In the House of Representatives, which is a preferential system, 8.84 per cent is composed of women. By contrast, in the Senate which is quota proportional, 22.37 per cent is women. Here in South Australia, in the House of Assembly, which is a preferential system, 12.77 per cent is women, and in the Legislative Council where we are elected by a quota proportional system it is 31.82 per cent.

During the election I am on record through media comment as being critical of both the Liberal and Labor Parties because of the particular styles of preselection that they have and the lack of women representation. I put out two media releases: one in response to a meeting that was held in Western Australia by the Labor Party, which came out with particular recommendations saying that it wanted to see more women in Parliament. In that media release I said that there were two ways of achieving more women in Parliament for the Labor Party, and that was, first, by allowing all members to vote and, secondly, by ensuring that each vote has equal value.

I also put out another media release, in response to the then Leader of the Opposition, saying that the Liberals would set up this committee which we are currently debating, and in that media release I said the solution is simple: first, pre-select a woman instead of a man and, secondly, pre-select her for a winnable seat. They are really quite simple things to do, but the two major Parties have found it difficult so far to bring themselves to do it.

I proudly belong to a Party that has the best record of women in Parliament. In the 16½ year history of the Democrats we have had three female leaders. Our current leader and deputy leader are female, and of the 11 MPs that we currently have in Federal and State Parliaments five are female.

Basically, everybody knows why women are not represented in Parliament to the level that they ought to be. The internal pre-selection procedures of different political Parties stops that. The Democrat system of all members having an equal vote clearly shows, with its record, that it does give equal representation. There is no affirmative action needed: people are simply chosen on merit.

The Hon. Carolyn Pickles interjecting:

The Hon. SANDRA KANCK: Yes; it is a secret ballot. That is possibly another reason. In my amendment I have addressed the voting system that is used in the public arena. One of the crucial things is the lack of support by men, and that can be within political Parties and also out in the general public arena, or perhaps the private arena. I remember reading a paper back in the mid 1980s which surveyed women in Federal Parliament, at which stage there were 16 of them, and the great majority of those 16 women were either single, divorced or widowed. Quite clearly, it was an impediment then for a woman to have a man around if she wanted to get into Parliament. I know many women in senior executive positions who say, when they get in groups of women, 'I need a wife'—and it is said jokingly, but it is said so commonly and so frequently that it is quite clear that the reason so many men have achieved is that they have had a supportive spouse, whereas women have not.

As I mentioned, I will support the motion. I am not quite sure how much the committee will achieve. As I say, I think we all know the answers, but I think the committee will play an important role in educating the public and in focusing the thinking on this issue in this very important centenary year of women's suffrage in South Australia.

The Hon. G. WEATHERILL: Mr President, I was not going to get involved in this debate until I heard some of the comments last night. It is important that people do get

involved in debates on women's issues. I totally support 99 per cent of what the Hon. Carolyn Pickles said last night. The 1 per cent I did not support was the generalising about the males in this area and saying that when a career position comes up the men can just forget everything, the women and children, etc, and walk into that position without any consideration for anybody, which is—

The Hon. Carolyn Pickles interjecting:

The Hon. G. WEATHERILL: Well, getting close. That is not so with a lot of males, because they do have responsibilities and they are responsible people, even though they have been very irresponsible over the years in relation to giving women the right to have an equal say in Parliaments around the world. I totally support what this motion is trying to do in reference to that.

My partner and I have been together for some 33 years and the reason that has worked so well is because we do discuss issues. In the early 1970s positions did come up that I could have taken when the children were young. There was one position in particular that I really wanted, but it meant working lots and lots of overtime, with the result that I would never see the children or there would not be a second parent there. So we decided between us that that was not going to take place, and I stayed in the same job, even though the wages were much lower than the wages I would have picked up in that particular job. But my partner was prepared to accept all that, and that is actually what happened.

I do not think this motion goes far enough, to be quite frank. With your indulgence, Mr President, I want to raise some other issues in relation to women. In Parliament we hear all the time about women being beaten by their husbands, we hear about child abuse, etc.

When it comes down to it, we have males and females—but primarily females—at home working seven days a week, 24 hours a day in many cases and getting no money whatsoever for it. Along with most men and women in Parliament, I am responsible for this lack of foresight in relation to these people. They work seven days a week, their husband is on the dole or they have just enough money to survive, and the women get no money whatsoever for their labours. I think that Governments should look seriously at that issue and ensure that these people get some payment.

In my honest opinion this is one of the causes of the ills that damage the family unit. I think that all Governments in Australia—and around the world for that matter—should look seriously at trying to ensure that those people have some dignity and some money in their pocket when the person who is the breadwinner, whether it be male or female, cannot afford to give their partner any money whatsoever. I believe that that lack of resources is the start of many of the ills that cause the problems in the family unit.

When we start looking at women in Parliament, we should also be looking at these issues. We tend to have different committees looking at child abuse, breakdown of marriages, women getting beaten and so on, but I do not think that we really look at the main issue. A person is on the dole or on the basic wage and the wife (or the husband, whatever the case may be—but nine times out of 10 it is the wife) is not able to educate herself because she is looking after the children and the house and she does not have the money to do any of the things she wishes to do. I think that Governments should start looking at some sort of payment for the partner in the house. That would solve many of the problems that we have in the family unit today.

The Hon. M.J. ELLIOTT: I support the motion and the amendment moved by my colleague. I concur with the Hon. Sandra Kanck that the most significant single issue is the way in which people are elected both within Parties and at the State election level as well. We can have a system that gives women a much better chance of being elected to positions, where some of the existing power cliques are broken up. The power cliques within Parties, in particular, are in the first instance predominantly male. That does not mean that there are not some female power cliques, but there are more and larger—

The Hon. Carolyn Pickles: We have tried.

The Hon. M.J. ELLIOTT: I am sure you have tried. However, it is the electoral system that does it. As indicated, first, at a State and Federal level, it is where proportional representation systems are used—

The Hon. A.J. Redford: Have a look at Tasmania.

The Hon. M.J. ELLIOTT: —that the greater number of women are elected. Aside from that comment, would you like to compare the Lower House in Tasmania to the Upper House, where one uses a single seat system and one uses a multi-member system? What one sees in Tasmania is a more conservative electorate again, and that is predominantly what it reflects. However, certainly in South Australia, one can make a direct comparison between the Lower House and the Upper House over an extended period of time. There is no doubt at all that proportional representation has returned a far larger number of women to the Parliament, and that is also true federally.

I believe that most of the problems exist within the Party systems themselves. I suppose that will be one of the challenges for the committee: this committee cannot really tell Parties how to run their internal affairs. However, it is certainly my belief that where one gives every member of the Party an equal say, where there cannot be organised cliques in the same way, where there are not electoral colleges and the like, one is far more likely to throw up members who are representative of the Party, not just in terms of gender but in terms of other factors as well. Although our Party is small, throughout our existence more than half of our Federal Presidents have been female, and I believe that more than half of our State Presidents have been female.

The Hon. Carolyn Pickles: What is the female membership of your Party?

The Hon. M.J. ELLIOTT: It is about 50:50. Of course, it is a Party in which women feel comfortable because they are not treated any differently from anyone else and they feel that they have equal opportunity. In terms of our members of Parliament, although in South Australia we had two males in the Upper House until the last election—

The Hon. Carolyn Pickles interjecting:

The Hon. M.J. ELLIOTT: Our first member elected was Robin Millhouse and he was replaced by Heather Southcott in the Lower House.

The Hon. Carolyn Pickles: Not for long.

The Hon. M.J. ELLIOTT: It took several schemes finally to dislodge Mitcham. In the Upper House, where there is a small sample, there is random variation. In other States we have tended to have more female representation. But, overall, across the States the representation has been very close to 50 per cent both in terms of numbers and in terms of those who have held leadership positions.

The Hon. L.H. Davis interjecting:

The Hon. M.J. ELLIOTT: Is that right? In fact that is probably a good chance in our Party, too. The next Democrat

in line to be elected to this Council was also a woman. In our Party there was quite a strong chance that the representation could have been in favour of women.

I argue that it is the electoral systems, both within Parties and at the State and Federal level, that are the crucial factor. However, I am sure that the committee, aside from looking at that, will find some other matters that are worthy of consideration. I support the motion.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

RETIREMENT VILLAGES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 March. Page 213.)

The Hon. ANNE LEVY: The Opposition supports this Bill, not surprisingly as it was entirely developed by us while in Government. The Bill before us is virtually the same as that which was being prepared when I was Minister of Consumer Affairs. It was prepared over a long period with ongoing and thorough consultation with all the people involved, mainly the retirement villages residents' associations and the association of the authorities who run retirement villages.

I point out that I did not do a 'John Burdett' and walk out of the Ministry of Consumer Affairs with prepared legislation under my arm to introduce as a private member when in Opposition.

The Hon. R.I. Lucas: Like the former Attorney.

The Hon. ANNE LEVY: No, his Bill had already been before the Parliament. The Hon. John Burdett took a Bill that had been prepared through the offices of the Department of Consumer Affairs that had not yet been presented to the Parliament and introduced it as a private member's Bill. I point out that I did not do that with the retirement villages legislation.

It is fair to say that, despite the long period of consultation that occurred to give rise to this legislation, neither of the groups concerned has all it wanted, but the discussions between them have made each group appreciate the problems the other faces, and the Bill before us is an agreed compromise between their points of view. I stress that it is a compromise that has been agreed on by the two groups.

Residents of retirement villages have certainly been concerned about their rights. The regulations accompanying this legislation will provide an obligatory code of conduct that will address some of their concerns, and the Bill addresses others.

A particular matter of concern to many of the residents groups has been the question of the return of premiums which they have paid and which are due to them when they leave a village. Many residents groups have complained that the administering authority of the village made very little attempt to sell the rights of a unit now vacant, and that the ex-residents had to wait for months or even years, in some cases, before a new premium was paid for the unit and they could then get a return of the money that was due to them.

The code of conduct, which I thank the Minister for making available to me, provides that, if departure from a retirement village occurs under certain circumstances, which are set out, a certain proportion of the money due to the ex-resident must be paid within 60 days.

This is set out in the mandatory code of conduct in the regulations. For instance, the departure may be necessary for medical reasons, as confirmed by medical practitioners; perhaps the resident is leaving the village to go into hospital or a nursing home and may require capital for the new accommodation. In those circumstances, within 60 days the necessary capital must be repaid or the amount that they require for their new accommodation must be paid as part of their recoverable premium. This can be extended to 90 days if the Commissioner for Consumer Affairs agrees with the extension.

Likewise, if a resident leaves for circumstances not reasonably within his or her control, again if he or she requires the capital for new circumstances, the retirement village authority must repay either a part or the whole of what is due within 60 days. The sort of circumstance one can think of where this occurs is perhaps a grandmother who is suddenly leaving a village to care for her grandchildren and whose mother is no longer able, and is unlikely to be able, to do so for a considerable period of time, or perhaps permanently. That is something not reasonably within the control of the resident and, in those circumstances, the code of conduct will protect the rights of that ex-resident to have a return of his or her premium.

In similar manner the code of conduct provides that an administering authority of a retirement village must act promptly to re-market a vacated unit and that the marketing of that vacated unit must match that which is applied for new units that may be for sale within the retirement village.

So, the fears of residents that new units will take priority in marketing over vacated ones can no longer occur. Likewise, once a sale of a vacated unit has occurred, settlement with the ex-resident cannot be more than 25 days after the settlement occurs on the unit.

These may seem very obvious provisions to have in a code of conduct, and they certainly act to give that protection to the rights of residents and ex-residents, but the very fact that we are having to codify them in this way is evidence of the fact that some retirement village authorities have quite unreasonably not been repaying premiums, have made no effort to sell units or, having done so, hold the ex-resident's money for unreasonable periods of time. I am not suggesting that this is a common practice, but it does occur. Because of this, legislation such as that before us is necessary to protect the rights of residents.

One major innovation in the legislation is the provision of a settling-in period of 90 days after an individual moves into a retirement village. During this period of 90 days the new residents are quite able to change their mind and leave the village if they find that living in the village is not what they thought it was going to be and they wish to depart. There have been occasions on which people have moved into villages, decide they do not like the life there but, however short a time they have been there, find they are bound by financial considerations and are not able to change their mind without losing a great deal of money in the process.

The settling in period of 90 days has been agreed between authorities and residents associations as being a reasonable one: that within that period of time people should be able to make up their mind whether or not they really want to live in the village. If they do change their mind they will be able to get the full refund of their premium less, of course, a reasonable sum for rent of the unit for the time they have occupied it, and less any expenses that have been incurred by the authority on their behalf.

This provision will I am sure be of great comfort to many people who are thinking of going into retirement villages: that they are not irrevocably bound the minute they sign the contract. It is a cooling off period during which they can change their minds, and a cooling off period of 90 days seems a very reasonable one.

As a Minister I received many letters from individuals who felt that they were being harshly treated, and another concern of residents in some of the retirement villages relates to the question of charges for maintenance, and so on, which are levied by villages on residents even if they are absent from the village. Various people have felt that they should not be forced to pay the charges for things such as laundry service, provision of meals and particular personal services if they are absent from the village for a holiday. It is understandable that regular maintenance charges which cover common areas such as council rates or land tax must be paid while a resident is absent, but they feel that it is unreasonable for them to pay for some personal services when they are not getting them.

A compromise which has been reached and which is included in this legislation provides that the individual charges for personal services cannot be made if the resident is absent for more than 28 days. However, if a resident is only absent for a few days or a week or so, perhaps visiting relatives interstate, those charges can continue. This again is a reasonable compromise between the two groups. Many of the authorities are buying in bulk, and it would be unreasonable to expect them to reduce charges for very short absences. Therefore, the period of 28 days has been struck as a compromise.

One matter which is of great satisfaction to me is that the residents associations within each retirement village are given much greater recognition in the Bill than they had previously. There were provisions in the legislation regarding annual meetings of residents in the village, and those provisions are being extended so that the residents must receive all the accounts relating to the village at their annual meeting and they must be made aware of the financial situation of the village.

The legislation also provides that the representative of the authority running the village who attends the meeting must be a sufficiently senior person to be able to answer any questions the residents may have and must have the authority to speak on behalf of the administration at that meeting. Again, this would seem an obvious provision to be included in the Bill, but there have been occasions at annual meetings where either the financial accounts are presented in such a way that no-one can understand them or the person who appears may be very junior in status and really not capable of speaking on behalf of the administrative authority or answering any of the questions from the residents.

There is insistence in the legislation that the total financial picture must be given annually to the residents and that matters such as the state of any sinking funds or reserve funds or whether there are contingency accounts must be disclosed. There are instances where this has not happened, and this leads to confusion and concern on behalf of the residents.

The legislation provides that residents must have a chance to submit written questions ahead of the meeting, that they will be able to ask questions at the meeting and that answers must be provided to these questions. If it is not possible to provide those answers at the meeting they must be provided as soon as possible subsequent to the meeting.

It is important that residents are able to see balance sheets and to have information on the complete financial situation of their village and its administering authority. It is their home; they have great concern for their security of tenure; and it is only fair that they be made as aware of the financial situation as they would be if they were in their own homes and fully responsible for their own financial situation.

The legislation further provides that any of the recurrent charges which are made to residents must be justifiable in a financial fashion: that it is not reasonable to say that there is a recurrent charge for electricity, for instance, which is way beyond what can be justified by data on consumption of electricity. In other words, the charges which are applied must be able to be justified.

The residents committees are being given statutory force in this legislation and cannot be ignored by administering authorities, as, I am sorry to say, has happened occasionally in the past. I am not saying that these ills that the legislation will remedy are common, but they have occurred and have led to great distress on the part of the residents so affected.

In the same way as the legislation now states that a residents association cannot be ignored by the authority and that the authority cannot refuse to meet with the residents to discuss their concerns, a residents association will not be able to refuse any reasonable requests to meet with the administering authority to discuss matters of common concern. I am sure that where reasonable people are involved such legislative provisions are quite unnecessary. However, we cannot assume that all residents and all administering authorities are reasonable people.

One very important clause in this legislation relates to the situation where a retirement village is sold or there is a change in some way in the administering authority. This clause states that the new authority must meet with the residents and detail to them any financial implications of the change of ownership and any other alterations which may result from the change of ownership of the village. Any changes in fees or charges which are suggested must be detailed to this meeting of residents, and details such as the time lapse between a sale and the meeting are set out in the Bill. This again will allay any fears which residents may have when there is a sale or change of ownership of a retirement village.

A major provision of the legislation is to give the Residential Tenancies Tribunal far greater authority in matters affecting residents of retirement villages. The Residential Tenancies Tribunal will be able to resolve disputes between residents and their authority in a number of areas. If it is felt that there is a breach of the contract between a resident and the administering authority, the tribunal will be able to hear the matter; it will have power to make orders relating to the breach of contract; it will have power to make orders relating to payment of sums by either party under the contract; and it also will be able to award compensation, other than compensation for personal injury, for breach of the contract.

If it is felt that breaches of the Act have occurred, the tribunal will be able to make orders in these cases similar to those for breaches of a contract. It will also have the power to make appropriate orders if the tribunal considers that an authority has acted in a harsh or unconscionable manner. That is a safeguard for when a resident may feel that he or she has been dealt with extremely harshly, but it may not necessarily involve the breaking of a contract. I am sure we can trust the tribunal to apply careful judgment as to what harsh or unconscionable behaviour on behalf of an authority might be.

It is used to making such decisions when dealing with questions between landlord and tenant, and it is highly appropriate that this power be added to its functions in dealing between residents and authorities of retirement villages.

The tribunal will also be able to make orders relating to repayment of premiums. The tribunal will be able to arbitrate. If a dispute is brought before it and it feels that, rather than make a judgment, arbitration is appropriate, it can abandon formal proceedings—providing both parties agree to this procedure—and arbitrate the dispute. It can, of course, also refuse to hear a dispute if it feels that it should be dealt with by a higher court. It can also refuse to hear a dispute if it feels that it should be dealt with under the rules of the village and not take up the time of the tribunal. The criteria for deciding whether to hear a matter before it are carefully set out in the Bill to help the tribunal to decide whether to hear a particular application or refer it back to the village or to a court.

In general, these changes should lead to much better resolution of disputes which, unfortunately, do occur in retirement villages. It would certainly be much cheaper and simpler than going to a court, which is the only avenue open for many of these disputes at the moment. I reiterate: the tribunal's experience of dealing with landlords and tenants fits it to better understand what are often analogous disputes between residents and administering authorities than most courts. Certainly, the legislation will not prevent parties to a dispute about repayment of premiums from going to court if they wish, but overall it will result in much quicker resolutions at much less cost to all parties and, for that reason, it is very much in the public interest.

It is clearly stated that agreements between an administering authority and a resident cannot be contrary to the principles of the Act, and that if they attempt to be they are null and void. Breaches of the code of conduct will be breaches of regulations, so penalties will apply against the authority. Of course, civil remedies will also be available to individuals if they wish. For some period of time there was concern on the part of many of the residents associations that a code of conduct would not really assist them. This fear came from examining the situation in New South Wales where codes of conduct were established but were entirely voluntary. In consequence, they were not always followed, so it was felt that a code of conduct gave them no real protection. However, they are now quite satisfied, as it is clear that the code of conduct is set out in the regulations. Consequently, it is not a voluntary but a mandatory code of conduct, and there will be penalties for breaches of that code of conduct.

Overall, this Bill will reassure residents that their rights are enshrined in law and cannot be abused and that there are simple low cost remedies if they feel that abuse of their rights has occurred. As I mentioned, each of the changes detailed in the Bill arise from occasional trampling of the rights of residents which has occurred since the original Act was passed in 1987. It was certainly felt that revision and finetuning was desirable after six years of operation. From my remarks, I do not wish to imply that all residents have suffered at the hands of administering authorities, and certainly not that all administering authorities are guilty of abuses, which the amendments are designed to prevent, but it is doubtless that they have occurred and remedies have been hard to obtain in individual cases despite the best efforts of the Commissioner of Consumer Affairs.

The very fact of consultation over this legislation has resulted in greatly improved relationships between residents associations and administering authorities. I am delighted that this improved relationship will continue, as a consultative group with representatives of both residents and authorities will continue to exist with ongoing responsibilities for discussing matters of common concern. They will be able to make joint recommendations to Government should future changes be felt necessary. The very fact that there will be this mechanism for constant discussion of problems as they arise I feel will lead to speedy resolution and understanding on both sides.

One matter which has surprised a few people in examining the Bill as it exists on our Bill file is that schedule 3 is set out in erased type. Schedule 3 basically sets out the procedures for proceedings of the Residential Tenancies Tribunal. This is a repeat of what is contained in the Residential Tenancies Act, but it is desirable to have it set out in the Retirement Villages Act as the tribunal will now play an important role for residents and authorities of retirement villages and they should not have to refer to a different Act to find out what the procedures of the tribunal are.

This matter of procedure might surprise many people as being in erased type. But of course it is in the very last clause, clause 9(2), that a financial appropriation for court costs is made if the tribunal wishes to have a question of law determined by a court. As the Legislative Council cannot initiate a financial appropriation, the whole clause, including all the procedures, has to be in erased type. It is perhaps a pity it was constructed in such a way and that another means of doing so could not be found. But I am quite sure that the House of Assembly will accept a recommendation from the Council that a schedule is desirable and insert the schedule for our later approval so logic will prevail once its Bill becomes an Act.

I have one slight query which relates to clause 16, the transitional provisions. It is quite obvious, as set out clause 16(1), that any agreements between residents and authorities which are now in existence should not attract penalties if they do not comply with the new provisions. We are certainly not enacting retrospectively. Initially I had concerns that clause 16(2) was not achieving what was intended. It talks of agreements but it takes a while to realise that the agreements referred to in clause 16(2) are not those referred to in clause 16(1). On first reading—and this is the way it has been read by interested people who have looked at the legislation—they have taken it as meaning that, where there are existing agreements between residents and authorities, a change of ownership or administration of a village does not need to comply with clause 9, which requires a meeting of the new administering authority with the residents.

I know that what is intended is that past changes of ownership where no such meetings have occurred will not attract penalties retrospectively for not having had such a meeting. But certainly what is intended is that all future changes in ownership should be required to have the meetings which are set out in clause 9, whatever the existing agreement or contract between resident and authority contains. I think the confusion comes from the fact that the agreements referred to in clause 16(2) allude to an agreement as defined in clause 9 which is an agreement for sale or change of ownership and does not refer to a contract between a resident and an authority. However, it has not been read that way by various people. I wondered whether there could be some

expansion of clause 16(2) to make quite clear that the agreement referred to is an agreement regarding a sale or change of ownership. I am not saying that it does not mean that but it is not obvious to many people who have read this legislation, and an expansion of the wording would perhaps make clear what is being referred to.

In conclusion, certainly the Opposition supports this Bill—it is our Bill, anyway. It should see a new era in relationships in retirement villages and provide much greater peace of mind to the many elderly people who live in them, who will have their rights clearly established and some of their fears allayed. It may well be that we are preparing for our own future, as many of us here may at some time in the future be residents of a retirement village, but it is not for that reason only but for the sake of thousands of residents in retirement villages in this State that we support this legislation.

The Hon. SANDRA KANCK: The Hon. Ms Levy has admirably spoken about the many positives of this Bill. In summary, I would simply say it is a matter of having knowledge and access to that knowledge that is probably the key to it, because that knowledge will lead to security and peace of mind, and I believe it will be good not only for the residents but also the administrators. In receiving representations from different parties on this Bill, I have rarely experienced such unanimity of purpose. Everybody said they were supportive of it and wanted it in that form. Even though a couple of times I raised certain points and asked, 'Well, what about this? Couldn't this be stronger?', they said, 'No, we want it that way.' I applaud the fact that these groups have been able to work together. I understand it has taken four years of negotiation, and I congratulate them for not giving up, because four years of trying to get to this stage must have been very difficult at times.

I understand, too, that the various groups are willing to continue working together so that in the future we might, for instance, as I suggested to one of the groups, see a charter of basic rights of residents come to fruition—although if that has taken four years to get to this stage it might take us another four years. I believe that, with the growing ageing population that we have in South Australia, it is most important that these measures are implemented, and we will be supporting the Bill.

The Hon. K.T. GRIFFIN: I thank members for their indications of support for this Bill. Of course, because it is a Bill which has been worked over for quite some time by those with interests in the retirement villages environment one would not expect there to be any opposition to it. I was pleased when I became Minister for Consumer Affairs that a large amount of the work had been done and that was almost ready to be presented to the Parliament, and the fact that it was presented to me as a package which had been agreed by the various interest groups. So, I, too, would like to place on record my appreciation for all the work that those before me undertook, the former Minister and her officers, who are now my officers, and all those in the various facets of the retirement village environment who have worked so tirelessly to present this agreed package of legislation. There was a period when it was quite rocky. There were representatives who saw me when I was in Opposition and who were very anxious about the way the whole thing was going, but as we can see it has now been brought to a head in this Bill.

I am pleased that there is not a lot of questioning about aspects of the Bill. I understand that in respect of clause 16(2), the Hon. Ms Levy is at least raising an issue about whether this needs any further clarification. I have had a look clause 9 of the Bill and its relationship to the transitional provisions, I would have thought that it was clear what agreement clause 16(2) was referring to, that it is an agreement that will result in a change in the administering authority. I am not sure that one can really make it any clearer than that but, if during Committee the honourable member wishes to pursue it, we can discuss it at that point. Again I thank members for their contributions on the second reading of this Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. ANNE LEVY: When does the Attorney expect the Bill to be proclaimed and to come into operation? The Bill is prepared, the regulations are all prepared and the code of conduct embedded in the regulations is all prepared. I would hope that the proclamation day will be fairly soon.

The Hon. K.T. GRIFFIN: I cannot give a specific date by which it will come into operation. It is my wish that it come into operation as quickly as possible. I acknowledge that the regulations and the code of conduct have been prepared. There is only one minor issue in relation to the regulations, and that is a question of whether or not one group of hostel accommodation should be given an exemption. There is some discussion between the Commonwealth and the State about that, and that may well be the only issue that holds it up. I certainly do not see any reason to hold up the proclamation, but all that I can say to the honourable member is that it will be sooner rather than later—the sooner the better. I will try to give the honourable member a more definitive response by letter.

Clause passed.

Clauses 3 to 7 passed.

Clause 8—'Meetings of residents.'

The Hon. ANNE LEVY: I have a small query for the Attorney. Clause 8 provides:

> Section 10 of the principal Act is amended—
> (a) by striking out from subsection (2) 'in relation to which accounts are to be presented under this section' and substituting 'that applies in relation to the retirement village';

That is clearly desirable if an administering authority of a residential village is also engaged in other businesses. It does not want to present the accounts to the residents relating to its other activities, nor do the residents want to receive accounts relating to other activities, but I wondered whether the Attorney had any information as to whether many administering authorities of retirement villages are engaged in other commercial activities.

The Hon. K.T. GRIFFIN: I am not aware of how many are. There are certainly several. I suppose the other point is that several of them would in fact have more than one retirement village. Co-op Retirement Villages manages a number of different locations, and I would have thought that it was important to be able to distinguish the accounts of one village which the Co-op manages from another. It runs a number of them, as I understand it. I can endeavour to obtain the information and I will let the honourable member have that by letter, as I will also endeavour to clarify the date from which the Act will be brought into operation. We will endeavour to do that by letter as well.

Clause passed.

Clauses 9 to 14 passed.

The CHAIRMAN: I point out to the Committee that clause 15, being a money clause, is in erased type. Standing Order 298 provides that no questions shall be put in Committee upon any such clause. The message transmitting the Bill to the House of Assembly is required to indicate that this clause is deemed necessary to the Bill.

Clause 16—'Transitional provision.'

The Hon. K.T. GRIFFIN: I have been otherwise informed that my earlier response is quite correct, but if the honourable member wishes to have it further clarified it may be possible to put something in to clarify it. We can either defer it or do it now; or, if the honourable member really feels it is necessary to clarify the matter, I can undertake to give some further consideration to it before it passes in the other House. I would be happy to listen to what she has to say now.

The Hon. ANNE LEVY: I admit I am not a lawyer, and I do not query that the clause is not achieving what it is designed to achieve. It was not just me, but on reading that clause several people who have been involved in all the negotiations leading to this legislation were confused and felt that it referred to a contract between a resident and an authority. It may not be necessary from a legal point of view but simply from the point of view of clarification. I am sure this legislation will be read by many non-lawyers who are residents in retirement villages, and if some of them have had confusion with this clause there may be others who likewise could be confused. It may be a question of defining the agreement. It might clarify if for the non-legal readers of the legislation.

The Hon. K.T. GRIFFIN: Mr Chairman, I do have an amendment. If there are some people who have been asking questions about it, it is desirable to have it clarified. What has been proposed by Parliamentary Counsel I think will resolve the issue. I move:

Page 16, line 12—After 'agreement' insert 'that will result in a change in the administering authority of a retirement village'.

The clause will then read:

The amendments made to the principal Act by section 9 of this Act do not apply to an agreement that will result in a change in the administering authority of a retirement village entered into before the commencement of this subsection.

I think that resolves it.

The Hon. ANNE LEVY: I am most happy to support that and thank the Attorney for his cooperation in this matter.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

ELECTORAL (ABOLITION OF COMPULSORY VOTING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 March. Page 218.)

The Hon. C.J. SUMNER (Leader of the Opposition): The Opposition is opposed to this Bill. As we believe that it is wrong in principle, we will vote against it at the second reading. The question of voluntary or compulsory voting has been debated on many occasions in this Parliament in the past. In 1985, the matter was touched upon when, as Attorney-General, I introduced a completely new Electoral Act. Since then representatives of the Liberal Party in this Chamber have introduced Bills to provide for voluntary voting. I refer to the contribution made by my colleague the Hon. Carolyn Pickles on 8 April 1987, where detailed arguments in opposition to voluntary voting are set out. The Hon. Mario Feleppa also dealt with the topic in his Address in Reply speech this year.

At the elections of 1989 and again in 1993, the Liberal Party included in its policy proposals the introduction of voluntary voting. The matter was also dealt with, albeit briefly, by the then Attorney-General on 29 August 1973, when there was a Liberal proposal in the House of Assembly to introduce voluntary voting.

So, the issue has been around and debated on a number of occasions, particularly in recent years. There is therefore, in my view, little point in a lengthy reiteration of all the arguments that have been put forward. Therefore, I will refer to an article which I was invited to write for the *Advertiser*, which appeared in that newspaper on 23 February 1994 and which I believe is a reasonably succinct summary of the arguments from the Labor Party's point of view.

I will read that article and then make some additional comments. The article states:

Australia has a long tradition of compulsory voting, beginning in Queensland in 1915 and then being adopted in all States and the Commonwealth, with South Australia introducing it in 1942. It is one of hallmarks of Australian democracy. We share it with 29 countries, including Belgium, Greece, Italy, Portugal, Spain, some cantons of Switzerland, and in France for the Senate.

At the core of the debate is the issue of the duties of citizenship. Rights and duties exercised by citizens are essential for the proper functioning of a democratic society. Many other duties to society are insisted on, such as jury service, paying taxes, attending for compulsory education, giving evidence in court proceedings and performing military service in some circumstances. What more important civic duty is there than the duty to vote, to express a view or decline to express a view about who is elected and who will govern?

Compulsory voting ensures, as far as possible, that Parliaments are elected according to the wishes of a majority of citizens. It produces Parliaments more representative of the people. In the 1922 Commonwealth election, only 59.95 per cent of electors voted; in South Australia for the House of Assembly in 1933, 59.45 per cent; in 1938, 63.31 per cent; and in 1941, 50.69 per cent.

In the 1992 United States presidential elections, the turnout rate was 55.9 per cent, of which President Clinton received 43.2 per cent, Mr Bush, 37.7 per cent and Mr Perot 19 per cent. Thus, Mr Clinton was elected by 25.9 per cent of citizens eligible to vote. In 1992, the British Prime Minister, Mr Major, was elected by 32.4 per cent of those entitled to vote. Those who are not represented are low-income citizens, the poor and marginalised. In the United States, it is estimated that only one in four low-income citizens vote.

A democracy must concern itself with social integration as well as individual rights. A voting system that leaves many citizens unrepresented has to be questioned. This is an essential difference between Labor and Liberal philosophy.

As recently as 1973, the Liberals were still fighting to ensure that the Legislative Council remained unrepresentative by virtue of the property franchise. Voluntary voting can produce that same unrepresentative result by a different route.

There are pragmatic arguments for and against compulsory voting. Some argue that it has debased political campaigning by concentrating on television commercials and 30-second news grabs.

But this phenomenon in democracies is not determined by compulsory or voluntary voting. In the United States, negative campaigning through television is much more extensive than in Australia. It is argued that voluntary voting means that Parties have to concentrate more on building up their Party structures and attending to voters' needs, thus encouraging electors to vote. Against this, it also means that unacceptable electoral practices are more likely. Compulsory voting is some safeguard against bribery and coercion to vote a particular way. As a campaign worker in the United Kingdom elections I found the fleets of cars organised to take voters to the polling booths contributed little to the democratic process. Compulsory voting means there can be a greater concentra-

tion on the issues rather than the mechanics of getting voters to the polls.

These practical arguments are not decisive. It continues:

In the end we have an important principle with which to concern ourselves—

one which in South Australia delineates Labor from Liberal philosophy—

Surely a system where 95 per cent of citizens vote is better than one where only 50 per cent vote. I was impressed by a recent speech by Mario Feleppa [his Address in Reply speech] in the Legislative Council. He grew up in fascist Italy and argued that the lack of compulsory voting meant that an aggressive, well organised, undemocratic minority was able to take over the Italian and German Parliaments, and thus begin the descent into fascism and dictatorship. We have a tried and tested system which has served Australia well. One wonders why the Liberals want to change it.

An honourable member: Not all of them.

The Hon. C.J. SUMNER: Not all of them? Well, we will wait to hear whether any members of the Liberal Party come out and decide to oppose the Government's measure. Perhaps on that point of querying why the Liberal Party wants to change a tried and tested system, I can move to a comment made by the present Attorney-General in a debate touching on this subject on 26 March 1985 on the Electoral Bill that I introduced, when he said:

Any Government proposing such radical changes to a voting system as this Electoral Bill proposes ought to be regarded with the greatest suspicion.

This Bill introduced by the Hon. Attorney-General also constitutes a radical departure from the voting system that has existed in this State until now. One wonders whether the Attorney-General would want to echo the remarks that he made in 1985, namely, that when such radical changes are introduced they should be viewed with the greatest suspicion. Presumably, that suspicion is relevant only when the radical changes are introduced by the Hon. Mr Griffin's opponents and not when they are introduced by him.

Far be it for me to be unduly cynical about the motives of the Liberal Party in this respect. However, I am prepared to go on the record and say quite categorically that I have no doubt whatsoever that, if members of the Liberal Party thought this Bill would disadvantage them in electoral terms, it would not be introduced by them.

I have little doubt that members of the Liberal Party think that this Bill will advantage them in future elections. Perhaps that is unduly cynical, but I doubt it. Perhaps it echoes the remarks made—

The Hon. A.J. Redford interjecting:

The Hon. C.J. SUMNER: I am not sure what the Hon. Mr Redford's point is.

The Hon. A.J. Redford interjecting:

The Hon. C.J. SUMNER: What is the point? What does that have to do with a debate about voluntary voting? If the honourable member wants to get into the question of by-elections being caused by members retiring, we can have that debate as well, and I can refer him to just as many Liberal members who have retired prematurely from the Lower House and caused by-elections as there are Labor members who have done that. There are by-elections occurring at the Federal level in seats formerly held by Liberal members, one of which will occur this Saturday, I understand, and see, presumably, the advent of Ms Bronwyn Bishop to the House of Representatives. But the argument about by-elections really cuts both ways.

The point I make here is that the Hon. Mr Griffin viewed my changes in 1985 with the greatest suspicion because he considered them to be radical. I do not think there has been any more radical change to our system than the one currently being proposed by the Liberal Party, and I reserve my right to view the motives of the Liberal Party in this area with some suspicion and, indeed, cynicism. However, whether voluntary voting will advantage one Party or another can be the subject of debate, but the principle the Labor Party is espousing is that democracies, to be successful in my view, must be inclusive. Rights and duties in our society co-exist.

A society that marginalises or alienates some of its citizens can hardly claim to be democratic in the fullest sense of the word. Both individual rights and social duties are essential prerequisites for a free, stable and equitable society. Surely, it is better that our Parliaments are representative of the poor, the disadvantaged and minority groups as well as the rich, the powerful and the middle classes.

The Hon. Mr Griffin, in his contribution to the *Advertiser* article, said this:

A democracy allows freedom of choice.

Similarly, the Premier in another place, in his response to the second reading debate on this Bill, said:

What members opposite just cannot come to grips with is that one of the fundamental elements of any democracy should be a freedom to do something or not to do something.

The Hon. A.J. Redford: Precisely! That's right.

The Hon. C.J. SUMNER: I am interested in the Hon. Mr Redford's jumping in with his interjection of 'Precisely', and I am quite happy to take that on board. But those remarks from the Attorney-General, the Premier and now the Hon. Mr Redford are far too glib to be taken at face value. As a bald statement, they clearly must be examined critically.

There is, of course, a freedom to choose in a democracy. It is one of the elements of small 'l' liberal democratic societies, but it is not a freedom to choose that is absolute, as I am sure the Hon. Mr Griffin will recognise and would have to accept, because the Hon. Mr Griffin himself is a strong advocate of denying the choice of citizens in some areas.

So, freedom to choose is not an absolute. To argue in that glib way, without recognising the complexities of the rights and duties in our democratic society, is in my view not acceptable, because freedom to choose in a democracy is one of the important aspects of democratic society.

The Hon. A.J. Redford interjecting:

The Hon. C.J. SUMNER: Well, no doubt then you have castigated the Hon. Mr Griffin for his denial to the citizens of this State of the freedom to choose whether they watch certain films or certain videos. We know that Mr Griffin is a hard line pro-censorship Minister: he is a conservative and he is proud to be a conservative, and that is fair enough, but he is certainly not a small 'l' Liberal and he certainly wants to deny the citizens of this State the right to choose in certain areas. So, he picks and chooses his rights as he tiptoes his way through this debate.

The point to be made about this is that it is just too glib for members opposite to say that democracy is about the right to choose; therefore you should have voluntary voting. First, there is the inconsistency as exhibited by the Hon. Mr Griffin, but the other point that needs to be emphasised, going back to the principles that I outlined before, is that democracies are certainly about freedom of choice, but there are other aspects of our democracy which are necessary for stability and which are necessary in the community interest.

In any event, on this argument, which I have decided to specifically deal with, freedom of choice remains with compulsory voting. The only requirements are to attend at a polling booth and to take a ballot-paper. You are certainly not forced to vote in a particular way: that would be completely undemocratic. So, there is freedom of choice, but the arguments by members opposite are not consistent on this point as they pick and choose the areas in which they decide the citizens should have freedom of choice. They decide that they should have freedom of choice as to whether to go to the ballot-box but they cannot have freedom of choice as to whether they view certain films or videos or indeed in a number of other areas.

The next argument I want to address is the one that is put forward by proponents of this Bill, namely, that more countries have voluntary voting than compulsory voting and therefore Australia should follow suit. In my view that argument goes nowhere. It is preposterous to put forward the proposition that Australia is any less democratic a community than the United States of America. Indeed, most would argue that we are a more democratic society than the United States of America or indeed a number of other countries that have voluntary voting because voluntary or compulsory voting is not the single indicia of whether or not a country is democratic or otherwise, as I have explained before.

Although it is true that more countries have voluntary voting compared to those that have compulsory voting, there are still some significant democracies that have compulsory voting as we do here in Australia. For instance, Italy has compulsory voting and it has come out of a period of some political turmoil and sees compulsory voting as worth having.

In the last couple of decades Greece, and prior to that Spain, had difficulties in their democracies. Coming out of those difficulties they have chosen to implement compulsory voting. Spain implemented compulsory voting after the demise of the fascist dictatorship of General Franco, and Greece has implemented compulsory voting after coming out of a period of military rule.

So, we share compulsory voting with a number of significant democratic countries—not as many as those that have voluntary voting but, nevertheless, some significant countries. So, I do not believe the argument that, because the numbers are with voluntary voting, that is the way we should go really has any validity.

In this respect, one has only to go back through South Australia's history when we were one of the first States in the world to introduce full adult franchise in 1857; that is, it was full in terms of the adult franchise at that time, excluding women of course, in the sense that no property qualification was put on those who were entitled to vote. We did that in 1857—well before many other countries followed suit. We were pioneers in the secret ballot at the same time, well before other countries joined suit. We were pioneers in votes for women and also pioneers in allowing women to be represented in Parliament—again decades before some other countries introduced those measures.

So, we were very much in the minority when this State was at the forefront of those reforms and, therefore, I believe that the argument based on numbers—that there are more on one side than the other—is not persuasive. I do not believe that Australia is a less democratic country than many countries that have voluntary voting.

The final issue I want to address, given that these arguments have been canvassed at some considerable length in another place in recent years, is the argument used by the Government surrounding the concept of a mandate. In its extreme form the idea of a mandate, which we will no doubt hear much more about from members opposite, is that anything that appeared in the Liberal Party's platform at the time of the election should be passed by the Legislative Council.

It is quite clear that that extreme view of a mandate does not accord with either principle or practice. I am sure that, if members thought about it for more than two seconds, they would realise that it could not be an all encompassing position to take. First, one has to acknowledge that there are different issues at the forefront of voters' minds. Not everything that is in a Party platform is at the forefront of voters' minds. It may not even be decisive in voters' minds as to whether to vote for one Party or another.

Certainly, from the polling with which I was acquainted during the last election I can say that the issue of voluntary voting and compulsory voting did not emerge at all. The issues in relation to the State Bank were certainly there; unemployment was there; economic development and other such issues were there; but certainly the issue of voluntary voting was not.

The second point is that the all encompassing view of the mandate in fact ignores the Legislative Council; it ignores the very House that the Liberal Party has been very vociferous in defending over the years. Labor, of course, has a platform of abolition of the Legislative Council after a referendum.

On the other hand, the Liberal Party is a staunch defender of the Legislative Council and its powers, and of course it has used the powers of the Legislative Council in Opposition to thwart Labor Government legislation. The fact is that the Liberal Party—

The Hon. L.H. Davis: Are you a staunch defender of the Legislative Council?

The Hon. C.J. SUMNER: I just outlined the Labor Party policy on it. I am not a particularly staunch defender of the Legislative Council, if the honourable member really wants to know. I might address that matter later, but for today's purposes the Labor Party platform calls for the abolition of the Legislative Council after a referendum and for a restriction on the powers of the Legislative Council to deal with money Bills in the interim. I certainly believe that in a State the size of South Australia the Legislative Council is probably a bit of an indulgence, which is costly to taxpayers and unnecessary.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The debates of members opposite have become irrelevant, because my views about the Legislative Council are not really in issue. What I am doing is addressing the concept of the mandate and saying that the all encompassing view of the mandate sometimes put forward by members of the Liberal Party opposite at this point in time ignores the Legislative Council and its current composition and powers. Members opposite cannot be staunch defenders of the Legislative Council on the one hand and on the other say that the Legislative Council should not use its powers because they have a mandate. That is particularly so as, in the past when this issue has been debated, the Liberals have defended having the Legislative Council elected on a basis of half coming out at each election. Indeed, in the past they have even opposed the Legislative Council automatically having elections at the same time as the House of Assembly. So, they have been strong defenders of the Legislative Council. That is a position they can take, but they cannot

have it both ways. They cannot at the same time defend the Legislative Council, its powers, etc. in the way they have and then say, 'But the Legislative Council should not exercise those powers because we have a mandate on everything that was put before the people at the last election.'

The third argument I want to deal with on the question of mandate is as follows—and I said that that all encompassing view of a mandate does not accord with past practice, and that is quite clear, because it really is a bit rich for the Liberal Party to claim a mandate and therefore argue for automatic acceptance of this and other legislation that it puts to the people. The fact is that the Labor Party has never had a majority in the Legislative Council in the history of this State. So, during all the time in which there have been Labor Governments in power in this State, the Liberals, together with the Democrats since 1975, have had the power and used it to block Labor Government legislation. For all but five of the past 29 years a Labor Government was in power with a majority in the House of Assembly, and the Liberal Party was in power in the Upper House in its own right until 1975 and with the Democrats thereafter.

So on that view of life and the mandate view of life now being espoused by members opposite, whatever the Labor Government put up as part of its platform at those many elections that it won should have been passed by the Legislative Council. We all know that that is absolute nonsense. As I said, it is a bit rich for the Liberal Party to come into this Council now and argue for this all encompassing mandate. One only has to go back to the issue of electoral reform in 1965. It could not be claimed that the Labor Party when it won Government in 1965 did not have some kind of mandate for electoral reform. It was something that the then Attorney-General (Don Dunstan) had been arguing for ever since he had been elected to Parliament: the need for electoral reform in the House of Assembly and in the Legislative Council. There were elections in 1965 where this was a central issue; elections in 1970 where it was a central issue; and elections in 1973 where it was a central issue, but it was opposed all through those years by the Liberal majority in the Upper House.

It was only in 1975 that the Legislative Council was reformed to do away with the property qualification, and it was only in the 1977 elections that we had full removal of the gerrymander for House of Assembly elections. So, from the 1965 elections onwards—the three elections that the Labor Party won—on the arguments of members opposite Labor had a mandate for electoral reform. Through that whole decade the Legislative Council objected quite vociferously to electoral reform.

An honourable member interjecting:

The Hon. C.J. SUMNER: It is not a question of whether it is years ago; the question is dealing with the principle, and the principle is that for members opposite to argue a mandate for everything that they put forward at the last election does not accord with the practice of 30 years ago or with the practice in the last decade either, because they used their powers in the Legislative Council to defeat Labor Government legislation. So, let us deal with the issue of mandate in that way. Having said that, however, I do not say that Oppositions and Democrats should not take account of the election proposals put forward by Parties prior to their becoming a Government. Clearly, that is a relevant factor that must be looked at by this Council and by all its members. However, we cannot—and I am sure that members opposite would agree with this if they thought for two minutes—and will not accept the proposition that everything the Liberal Party put in its election platform at the last election should automatically be passed by the Legislative Council.

This is one such proposal. As I have indicated before, because we feel that this issue is a matter of important principle, we intend to vote against it at the second reading. As far as the Labor Party is concerned, there is an important principle involved in this issue. Is our democracy about responsibility as well as freedom? Is it about fairness as well as individual rights? Is it about representing all its people in Parliament as well as freedom of choice? It is argued that from time to time there are no differences between the major Parties in this country and in this State. That is an argument that I reject. There have always been differences and there still are. This issue is a clear example of an important philosophical difference between the Labor Party and the Liberal Party, which I have outlined in this speech. We on this side of the Council make no apology for supporting a voting system which achieves representation in Parliament for all South Australian citizens.

The Hon. M.J. ELLIOTT: I rise to indicate that the Democrats will oppose the second reading of this Bill. We have had a great deal of assistance from the *Advertiser* on this issue from time to time. Where would we be without that assistance? In fact, only a couple of days ago Tony Baker offered some further advice, perhaps a little more gently than he has on some other occasions, when he analysed the first 100 days. I think he made two points worth commenting on briefly. The first is that, thanks to a number of factors but overwhelmingly because of the State Bank, the Liberals trounced Labor to get a 27 seat majority in a 47 seat Assembly.

He is absolutely right. The major issues at the last election were State Bank, State Bank and State Bank, and then a little bit of economic incompetence more generally thrown in. The suggestion that every policy that any Party puts up at any time is supported totally by the people who vote for them is a clear nonsense. The people who vote for any Party vote for the package which they support overall—

The Hon. Carolyn Pickles interjecting:

The Hon. M.J. ELLIOTT: That's right; of course they do.

The Hon. L.H. Davis: Does that apply to the Democrats?

The Hon. M.J. ELLIOTT: It applies to everybody; of course it does. If you can understand that it applies to us as well, then you are starting to understand things. I know that on this matter the mandate does not exist. I do note again that Mr Baker said a little later in the same article:

> The first test of the voluntary voting Bill, heralded in detail during the election campaign, was dismissed out of hand.

I am not sure whether he saw the Bill; it is a five line Bill. But as to 'heralded in detail' I am not sure what mental picture he had of this legislation. If there is no doubt that the Liberal Party said that this was something they wanted to do, there is no doubt in my mind that it was not the uppermost consideration in voters' minds and, in fact, public opinion polling that has been done indicates that 68 per cent of South Australians support compulsory voting; 30 per cent support voluntary voting.

The Hon. L.H. Davis: Where did that survey come from?

The Hon. M.J. ELLIOTT: That survey was done about eight weeks ago, a survey of about 300 households.

The Hon. L.H. Davis: By whom?

The Hon. M.J. ELLIOTT: It was commissioned by us.

Members interjecting:

The PRESIDENT: Order! The honourable member has the floor.

The Hon. M.J. ELLIOTT: This is a little rich coming from the Afghan of the Liberal Party.

The PRESIDENT: Order! We do not need this reflection.

Members interjecting:

The Hon. M.J. ELLIOTT: Afghan hound, I am talking about. We have indicated that we are quite happy for this question to be put to referendum if the Government wants to do so, because it will find that the voter support for this issue is simply not there.

The Hon. L.H. Davis: What was the question you asked?

The Hon. M.J. ELLIOTT: The question was, quite simply: should voting be voluntary? It is a very easy question—a question that probably even you would be capable of comprehending fairly quickly and giving some sort of an answer to. In voting in elections—and the Liberals have tried to portray this simply as an issue of freedom of choice—there is a question of balance of responsibilities and rights in many decisions that we have to make in our society. The Liberal Party, as the Leader of the Opposition pointed out, has no problems in placing some restrictions on individuals in matters of freedom of choice on some occasions.

Members interjecting:

The PRESIDENT: Order! There is too much noise on my right.

The Hon. M.J. ELLIOTT: The Attorney-General is quite happy to tell people what they can and cannot view or read. Many members of the Liberal Party supported requiring Australians to go to Vietnam. There are many who still support compulsory military service, yet they think that requiring a person to give up half an hour of their time to vote in an election in a democracy is asking too much. That is an absolute nonsense. One the most fundamental components of the democracy is the election to choose the representatives. A requirement that people attend a polling booth and give up half an hour of their time is not an unreasonable requirement in the balance of things.

Members interjecting:

The PRESIDENT: Order!

The Hon. M.J. ELLIOTT: It is important that in a democracy you have a Government which is representative of the people. If we have a significant number of people not participating in a poll, whether they choose to or not, then we will not get a representative Government. We will get a Government which represents those who chose to vote, for whatever reason. Some people would like to argue and believe that what we will get if we have voluntary voting is only the educated, thinking voters going to vote and all the uneducated not showing up. In fact, one of our candidates, door knocking before the last State election, struck one lady in Rose Park who said (and this is just about a direct quote) 'I hope you people are going to oppose compulsory voting, because all those people up in the northern suburbs are terrible. They're breeding like flies; it is disgusting. They really must lose the vote.' There is this attitude amongst some people that they feel that there are a certain class of people who, given the option, would not vote and, probably, for the good of the nation, it would be a good thing if they did not.

The Hon. C.J. Sumner: Did you get her vote?

The Hon. M.J. ELLIOTT: No, I don't think that—

The Hon. T. Crothers: More importantly, did you want her vote?

The Hon. M.J. ELLIOTT: Certainly not. With voluntary voting you have a competition not just by political parties but by various interest groups to mobilise people to actually attend the booth. When a large number of people do not participate what it does mean is that whoever turns up on the day, as I said, is disproportionately represented. The people who choose to mobilise best may be the wealthy, well-educated; they may be the greenies, they may get all their voters out at a particular election; or they may be groups who use particular moral issues. Whatever the issue of the day, people will manage to mobilise their voters, and you will get a disproportionate representation in the Parliament, a representation that does not represent the voting public as a whole. For instance, let us just ponder the question what would happen if there were voluntary voting up in the Riverland, they are in the middle of the fruit picking season, and the growers at the time were not too turned on about what was happening and decided not to participate? That would mean that that element at that time would not be represented.

Members interjecting:

The Hon. M.J. ELLIOTT: So what you are saying is that we are after the ill-informed? There is any number of people who turn out to vote who are not well informed but who are simply bigoted. You cannot choose whether it is the informed or the ill-informed who turn up. A bigoted person's vote is worth as much as anybody else's, and they are out there regardless.

The Attorney-General has tried to suggest that because the number of countries that have voluntary voting outnumber those with compulsory voting that that should be a consideration. The point has already been made by the Leader of the Opposition that we have been in a minority on a number of occasions and in fact we have set the trend. In giving the vote to women, we were in a minority for quite some time, but that did not make it wrong and is not an argument in itself.

Of course, the Attorney-General would like to forget that if you go to Europe only one nation does not use proportional representation, but if I use that argument the Attorney-General would think that was an unacceptable argument and he would argue that the one country—Britain—which uses single member electorates is the one which is right. I would argue that you really must, at the end of the day, treat the issue on its merits, and to try to count how many countries have it and how many do not is not really an argument, at the end of the day, either for or against the issue.

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: It depends how you describe 'democracy'. In my description of 'democracy', one of the most fundamental things is that the Government is representative of the people, and you will not—

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: That is right.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. Griffin interjecting:

The Hon. M.J. ELLIOTT: What was the interjection?

The Hon. K.T. Griffin: What is the relevance of proportional representation to whether or not—

The Hon. M.J. ELLIOTT: The relevance is the analogy. Your argument was that if you count the number of countries that have compulsory versus voluntary voting, because there are more with voluntary voting, that therefore that is the system we should opt for. I am saying that, if you want to use that argument, then by analogy you should say, 'Well, virtually all the Western democracies are now using PR.'

New Zealand has only just changed over; even within Australia we now have the ACT going to it. If you want to use that sort of analogy you are going to have to say, 'Well, quite clearly a majority of Western democracies are using PR and there is a trend that way and we should be following it.' But you would dismiss that argument.

The Hon. L.H. Davis: That is what you argue.

The Hon. M.J. ELLIOTT: No.

The Hon. L.H. Davis interjecting:

The Hon. M.J. ELLIOTT: No. Let me finish. There is a difference. You have missed the point. I was not there constructing an argument for PR. I was saying that the arguments should be able to stand up on their own and you should not have a head count of countries to decide which is correct and which is not. The arguments for PR should stand or fall on their own merit, as should the arguments for compulsory or voluntary voting.

The Hon. L.H. Davis interjecting:

The Hon. M.J. ELLIOTT: We are not having a debate on that. I am quite happy to debate that any time you like, but that is not the issue. The point I was making was that the argument itself is not valid.

The Hon. L.H. Davis interjecting:

The Hon. T. Crothers interjecting:

The PRESIDENT: Order! Order!

The Hon. M.J. ELLIOTT: Quite clearly, the United States is not as democratic as Australia. There are shades of democracy. In Africa single Party states will insist that they are democratic. Indonesia is democratic by its definition, and people here would say that they do not feel that it is. There are shades and variations in democracy. I believe the Australian democracy is superior to the US democracy because it produces a Government which is more representative of the people.

President Reagan received the support of only 22 per cent of eligible US citizens, yet that man sat with his finger near a button which could determine the future of the world. I am not delighted by that sort of prospect—

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: I am glad he was asleep most of the time. I take note of an earlier interjection from the Hon. Mr Crothers who suggested that an 18 per cent vote was capable of putting in Adolf Hitler. The point that I am making is that the people who sometimes represent extreme views—whether left, right, social, economic or on the environment—have a chance of being over-represented because of the capacity to mobilise voters.

This will quite clearly change the methodologies of Parties. I am aware that Parties, for instance, already in Australia in some marginal seats are keeping computer databases on voters. They do that in the United States and Britain, too, but they have become even more sophisticated. They go around door-knocking and phone-calling, and they find out which Party each individual potential voter is likely to support, what issues excite them, whether or not they are considering going out to vote or not, and then their whole campaigning is structured around questions such as: are we going to encourage this particular person to go out and vote or not; are we going to supply this person with a ride; if they are not going to vote for us, then we will not make any further contact with them.

Parties in Australia will do that to some extent in terms of trying to work issues, but it is a question of actually getting voters there. It is then all a question not about which issue will have majority support: it will be about who has the sophistication, be it having cars, be it the computer databases, etc., to actually make sure that their particular voters get to the poll and that the other lot do not. I believe that the capacity to manipulate results is greatly enhanced by that means.

An honourable member interjecting:

The Hon. M.J. ELLIOTT: Yes, I have, because we have had people who have been observers during elections in both the United States and in Britain. They have been involved in campaigns and seen how they have worked, and they have come back and reported. That is precisely how it is done both in the US and Britain.

The Hon. J.C. Irwin: You do not think it goes on here now?

The Hon. M.J. ELLIOTT: I did say that the keeping of computer databases in marginal seats is going on now.

Members interjecting:

The Hon. M.J. ELLIOTT: What I am talking about is the capacity to keep databases, the capacity to be able to work out who is likely to vote which way beforehand and who is not, and then having the organisational capacity to make those people go to the booth while the others do not.

Mr President, there are two other relatively trivial matters which were raised by the Hon. Mr Griffin in his contribution to the *Advertiser* on 23 February. First, he said that donkey votes are a problem. Well, if you use a rotational system where the names are rotated on the cards, as is done in Tasmania, donkey—

The Hon. K.T. Griffin: Rotating donkey votes!

The Hon. M.J. ELLIOTT: Once again, you have missed the point. You are really trivialising the debate by being half smart, as are too many members of the Government. The fact is, if you have a rotational system, even if there are donkey votes, they do not favour any Party. That is the point I was trying to make, and I think it is a fair point and should be examined in any case. You also made the point about fines and how dreadful they are. If we have compulsory voting and you do not have some way of at least encouraging people to go along, then you do not have compulsory voting. So, we have fines; the fines are, in relative terms, trivial; they are enough to encourage people to go along (because nobody wants to pay the fine) but they are not onerous fines, and I really do not think that at the end of the day that is a significant argument.

The analysis of the Liberal argument once again is freedom of choice. I think it is a balance of choice against responsibilities. Its second argument was about what other countries do, and I argue that that is not relevant. At the end of the day, if we want a Government to represent all the people, then you should encourage all the people to vote.

The Hon. J.C. Irwin: Will you take this to a referendum?

The Hon. M.J. ELLIOTT: I have already said several times in this place tonight that I am quite happy for it to go to a referendum. I have no doubt whatsoever what the consequences of that referendum will be. There have in fact—

An honourable member interjecting:

The Hon. M.J. ELLIOTT: I have no doubt at all. If the Government wants to take it to referendum, then we will quite happily support any legislation which requires it. Mr President, the Democrats oppose the Bill.

The Hon. M.S. FELEPPA secured the adjournment of the debate.

ADJOURNMENT

At 10 p.m. the Council adjourned until Thursday 24 March at 2.15 p.m.