LEGISLATIVE COUNCIL

Tuesday 29 March 1994

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

QUESTIONS ON NOTICE

The PRESIDENT: I direct that the written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard:* Nos 15 and 25.

WOMEN'S SUFFRAGE

15. **The Hon. ANNE LEVY:** What is the total dollar value, for each Government Agency and statutory authority, of their contribution to commemorating the centenary of women's suffrage through the more than 90 projects promised by these agencies and authorities, additional to the direct Government contribution to the celebrations through the Women's Suffrage Centenary Committee for official and community projects?

The Hon. DIANA LAIDLAW: The information the honourable member is seeking in regard to the total dollar value, for each Government agency and statutory authority, of their contribution to commemorating the Centenary of Women's Suffrage, can be obtained from the Women's Budget 1993-94. The Government will honour all the suffrage commitments outlined in this financial paper.

NOARLUNGA BUS-RAIL INTERCHANGE

25. **The Hon. BARBARA WIESE:**

1. Does the Government intend to proceed with plans to upgrade the Noarlunga bus-rail Interchange as part of a Better Cities funded project as foreshadowed by the previous Government?

2. If so, when will work commence?

The Hon. DIANA LAIDLAW: The replies are as follows:

1. The Government intends to proceed with plans to improve the Noarlunga bus-rail interchange and local transport network using funding available through the Commonwealth Government Better Cities program.

2. The Noarlunga Centre transport study has recently been completed. Work is currently being undertaken on the redesign of the interchange and improvements to security arrangements within the Noarlunga Centre and the interchange. A time line on commencement of construction work is not yet available.

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. K.T. Griffin)—

South Australian Research and Development Institute—Report 1992-1993

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

Regulations under the following Acts—
Clean Air Act 1984—Backyard Burning Burnside
Dog Control Act 1979—Destruction Applications—Appeals.

NORTHERN ADELAIDE DEVELOPMENT BOARD

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 Minister for Employment, Training and Further Education in another place today on the subject of the Northern Adelaide Development Board.

Leave granted.

RUNDLE MALL INCIDENTS

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a ministerial statement made by the Premier this day in another place about alleged neo-Nazi groups in Rundle Mall.

Leave granted.

QUESTION TIME

JOBLING, Mr DAVID

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 David Jobling.

Leave granted.

The Hon. C.J. SUMNER: Last Thursday, 24 March, I raised the question of a secret agreement that had been entered into by the Government and Mr David Jobling in settlement of Mr Jobling's claim against the Education Department for discrimination on the grounds of his sexuality. At that time the Attorney-General indicated that he would obtain a report on the matter. The facts need to be restated.

In early 1992 Mr Jobling was selected to conduct an artists in school program at the Jamestown Primary School. In May 1992 the then Director-General of the Education Department, Dr Eric Willmot, directed that the program be cancelled. This followed considerable controversy about Mr Jobling's appointment.

The cancellation of the program received considerable publicity. Mr Jobling then took proceedings before the Equal Opportunity Tribunal, and the Education Department was ordered to pay $60 100. This award was made after a lengthy hearing before the tribunal which was held in public, and the award of damages itself received considerable publicity.

The Education Department appealed the decision to the Supreme Court. Again, this hearing was in public and was reported in the media. Last week the matter was settled by a secret agreement between the Education Department and Mr Jobling. Extraordinarily, on 25 March—the day after I asked questions in the Parliament—the *Advertiser* reported, 'Sacked teacher loses compo'. This report contained no reference to my questioning of the Attorney-General or his replies. This report was clearly incorrect. Subsequently, the *Advertiser* reported that the Attorney-General was examining the matter following my having raised it in the Parliament.

Everyone would agree that a secret settlement of this matter is not acceptable in the public interest. There is interest in the matter in the Jamestown community, particularly the school community, in the education community generally and among people concerned about equal opportunity issues. Everyone would agree that it is unacceptable, given that this matter was heard in public, for it to come to an end in this publicly unaccountable manner.

I conservatively estimate that the amount of taxpayers funds used to pursue and defend this case would be $30 000. Accordingly, there is no basis for the secret settlement, and it is unacceptable for the Attorney-General not to have revealed the amount of damages in the Council today.

I repeat that I make no comment on the merits of this case, but I think that the amount of damages should have been revealed; and, in particular, of course, the Government has let go by without correction last Friday's *Advertiser* report that the sacked teacher loses compo, when that is clearly incorrect. Because the Attorney-General and the Minister have refused to reveal the amount of damages, I can now advise the House that the amount received by Mr Jobling from the Government is $40 000. My questions are:

1. In the light of the fact that in excess of $30 000 of public moneys has been spent in pursuing this case and further that there is considerable public interest in it, as all the proceedings to date have been in public, why did the Government and the Minister agree to this secret settlement?

2. Why did the Minister allow the report in the *Advertiser* of last week, clearly an incorrect report, namely, 'Sacked teacher loses compo', to go unanswered and uncorrected by the Government?

The Hon. R.I. LUCAS: I advise the shadow Attorney-General to be a little patient. In response to questions in the Council, the Attorney-General indicated last week that he would report back to this Council. Discussions have ensued since last week and the Attorney-General has advised me that he will be in a position to make a statement to the Council tomorrow about the series of questions that were asked last week by the shadow Attorney-General, as well as any other similar questions on this issue. As there will be a statement on this issue to the Council on this issue tomorrow, I advise the shadow Attorney-General to be patient for 24 hours longer.

BELAIR NURSERY

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Primary Industries, a question about the Belair nursery.

Leave granted.

The Hon. R.R. ROBERTS: After a reference made by Mr John Lamb on his popular ABC gardening show on Sunday, I have been contacted by a number of constituents who are concerned about reports that the Government is currently considering closing the Belair nursery located within the Belair Recreation Park and other nurseries operated by StateFlora. The nursery at Belair has operated since 1886 at the site adjacent to Old Government House in the grounds of what was the Belair Forest Reserve and what is now the Belair Recreation Park.

The nursery was originally established to raise seedlings for State forest reserves and also to encourage native plantings within the colony of South Australia by providing free seedlings to rural landholders. Another of its functions was to provide plants and trees to schoolchildren to celebrate Arbor Day. In fact, Arbor Day was brought about by the provision of these trees.

Over time the present free distribution of seedlings was discontinued, and a charge was introduced to cover the cost of production. This practice has continued until this day and there is no doubt that the successful greening of Adelaide over the past dozen or so years can be attributed partly to the work of the Belair nursery.

Another important aspect of the nursery's work has been to provide specialist horticultural knowledge to customers to assist them in plant selection. That the staff knowledge, particularly in relation to Australian native varieties, is outstanding has been acknowledged Australia-wide. I understand that the pressure has been applied to State Governments for many years by the private sector nurseries and other vested interests to have the Belair nursery and other nurseries operated by StateFlora closed, yet there has been no pressure from the community—that is, the taxpayers of South Australia—to have the nursery closed. Previous Governments have resisted this pressure because the nursery provided a valuable community service at a cost that was within the reach of South Australians, rich or poor, urban or rural.

My questions are:

1. Is the total closure of the Belair nursery or any other nursery operated by StateFlora being considered by the Government?

2. Is the closure of any aspect of the Belair nursery's operations, including the public information and retailing sections, being considered by this Government?

3. Can the Minister assure South Australians that they will have access to the services of the Belair nursery and the services of other nurseries operated by StateFlora for the full term of the Liberal Government and, if not, why not?

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

RUNDLE MALL INCIDENTS

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Emergency Services, a question about Rundle Mall.

Leave granted.

The Hon. G. WEATHERILL: It has been brought to my attention that when these dreadful people were running down Rundle Mall beating up people and also yelling out 'Sieg heil', reminding us of the terrible things we saw during the war, many people suffered quite a few injuries in that scrimmage with these people. The ambulance service was called for the people who needed assistance. When that service arrived to pick up these people, there were no police in sight. The police response time was exceptionally bad in this case.

The Hon. K.T. Griffin: This is the one on the weekend?

The Hon. G. WEATHERILL: This is the one on Saturday night. That of course also put the ambulance service in a very invidious position where those people could have also received some injuries. I have also been told (I do not know whether it is true) that there were two police officers near the scene who did not involve themselves. I would ask the Minister to investigate whether or not that allegation can be proved, because these officers are given mobile telephones, etc. so they can call on other officers at a minute's notice. That is my understanding. Because of the slowness of the response time by the police, would the Minister consider referring this matter to the Police Complaints Authority to have it investigate why it took so long for the police to arrive on the scene?

The Hon. K.T. GRIFFIN: I represent the Minister for Emergency Services in this Chamber. There was a Ministerial statement given by the Premier which I tabled at the commencement of this day's sitting. I will certainly refer to the Minister for Emergency Services the issues raised by the honourable member and particularly those in relation to the attendance of St John Ambulance. In the Ministerial statement which I tabled, the Premier said:

> In relation to the events in Rundle Mall, I am advised that from 11.17 on Saturday night, police communications received 10 calls regarding the behaviour of a group of people. The callers told police that this group was behaving violently in the mall and a number of assaults were alleged to have been committed.

The ministerial statement, based upon information provided to the Government from the police, states:

> . . . a combination of beat patrols and traffic police attended to deal with the situation. In all, 14 police attended.

Two persons were arrested and others reported. All reports from this incident are being collated by the Adelaide CIB and further inquiries are being made to determine if further charges can be laid.

The Premier, in that ministerial statement, indicates a number of initiatives, which have been agreed between the State Government, the Adelaide City Council and the Rundle Mall traders about the action that will be taken to upgrade policing and provide protection for the community in Rundle Mall.

In relation to the reference to the Police Complaints Authority, I would not have thought that that was a matter for the Police Complaints Authority but more an issue of operational response times, for which the Police Commissioner has ultimate responsibility. The Police Complaints Authority is more likely to be dealing with complaints against particular police rather than a delay of what might have been a few minutes in arriving at a particular scene of an incident. In any event, I will refer the matter to the Minister for Emergency Services and bring back a reply.

WOMEN'S STUDIES

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, representing the Minister for Employment, Training and Further Education, a question about women's studies courses at TAFE.

Leave granted.

The Hon. SANDRA KANCK: The institutes of TAFE play an important function in the tertiary sector for offering education to those students who do not gain entry into the university campuses in the traditional manner, that is, straight after completing high school or through the mature age entry scheme. TAFE institutes provide a way for people from low socio-economic backgrounds, people from rural areas, women and other minority groups to further their education and job skills. The TAFE institutes offer women's studies and the objectives of the Certificate in Women's Studies are outlined as follows:

The Certificate in Women's Studies course has been designed to assist women to develop the skills necessary for them to re-enter an increasingly complex and competitive paid work force. It also aims to provide a structured pathway for mature women wishing to study at tertiary level. The course aims to increase women's knowledge of work force and study opportunities available and to develop relevant skills and confidence to enable them to take up those opportunities. With the recent growth in the women's services and equal opportunities industries an additional aim to prepare women to work in these areas has emerged.

Mr President, a whole range of subjects are offered in the certificate course. The subjects range from introductory courses with topics including Women' Studies (1, 2 & 3), Returning to Study and Coping with Change, advancing to such topics as Women and the Law, Women and Science, Women and Technology, etc. But despite the integral role the women's studies course provides to women re-entering the work force and thus education, I have been informed that women's studies courses have been targeted for cutbacks. The South Australian Government is attempting to reduce expenditure on TAFE and I am told that program groups within the Institute of TAFE have worked hard in ensuring that the saving strategies have been applied in 1993.

Cutbacks in spending have also involved the offering of voluntary separation packages, which have been underwritten by the Federal Government until 30 June this year. However, these have not been taken up at the rate that the Government would have wanted—only 148 instead of the proposed 400. At the end of the day, if the 400 staff cannot be separated voluntarily, targeted separation packages will be used and it is the part-time instructors who have been singled out first. I am told that a majority of the core women's studies course teachers are within this targeted group, as the course relies on part-time instructors to make up the women's studies course teaching and, if the targeted separation packages are undertaken in this way, the whole structure of women's studies will be undermined. My questions to the Minister are:

1. Is there truth in the rumour that the targeted separation packages will particularly hit the women's studies courses owing to the non-permanent status of the staff administering and teaching the courses?

2. If courses on women's studies are to be targeted, which aspects of women's studies will be reduced?

3. What is the Government's commitment to women's studies continuing in TAFE?

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

THEATRE SEASON

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister for the Arts a question about the international theatre season.

Leave granted.

The Hon. ANNE LEVY: On 2 November last year the then shadow Minister asked a question during which she referred to the State Theatre Company as having lost the plot and she quoted approvingly comments from other people regarding State Theatre's use of interstate artists for its program for 1994. It was, of course, erroneous in that at the time State Theatre had a play in which 18 of the 20 cast members were South Australian, and South Australian actors will be performing throughout this year for State Theatre. However, the then Shadow Minister's comments were fairly fierce and suggested she did not approve of non-South Australian actors being used in performances in this State. As the Minister no doubt knows, the Adelaide Festival Centre Trust is now promoting its international theatre season, one play of which was performed last week in the Playhouse to great acclaim.

The season consists of six national and international companies coming here throughout the year from March to November. They come from various parts of the world. They include productions originating in other States of Australia, and I think it can safely be said that in these six productions not one South Australian actor will be involved. However, there will be Australian as well as international actors, such as the two superb South African actors who took part in Athol Fugard's play last week. Has the Minister changed her views with regard to productions in South Australia using South Australian actors; has she taken this matter up with the Adelaide Festival Centre Trust, repeating to it her comments of 2 November last year and perhaps suggesting that it should ensure that its productions employ South Australian actors; and, if not, why not?

The Hon. DIANA LAIDLAW: I recall a letter from which I quoted in respect of the State Theatre Company and the use of South Australian actors. That letter supported representations that I had received from a number of South Australian actors over the past year when work had dried up for them with the State Theatre Company. The questions that I asked the Minister at the time were followed up by corres-

pondence from the State Theatre Company and Mr Stephen Spence representing Arts Alliance.

I was quite satisfied with those responses. The issue, however, is continuing. I have recently met with the State Theatre Company which is concerned about the entrepreneurial activities of the Adelaide Festival Centre Trust, including this international theatre season. It is concerned because so many of the productions that the Adelaide Festival Centre Trust is responsible for now are very similar to the program and the audience mix that the State Theatre Company is seeking to attract. There are further negotiations between the State Theatre Company, myself and now with the Adelaide Festival Centre Trust on a whole range of matters. In terms of those discussions I am happy to include the matter that the honourable member has raised.

The Hon. Anne Levy: You have not raised it yet?

The Hon. DIANA LAIDLAW: No.

MINING REPORT

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Industrial Affairs, a question about the South Australian Mining and Quarrying Health and Safety Committee.

Leave granted.

The Hon. M.J. ELLIOTT: Mr President, my question follows the Minister's response to a question on a damning report by Sandra De Poi into occupational health and safety procedures in ETSA and Western Mining Corporation, which is the same issue I raised on 15 February and for which I received an answer last week. To my question: 'When did the Minister or his office receive a copy of the report?' I received the reply:

> The documentation for the project, namely, the report and associated critiques, was first available for my review on 15 February 1994.

In my possession I have a suggested response to the question provided to the Minister by Marianne Hammerton, the Presiding Officer of the Mining and Quarrying Occupational Health and Safety Committee. That response says, in its entirety:

> The Minister's office may wish to respond to this. For your information, status reports on this subject have been provided on 21 December, 14 January and 11 February. All volumes of the project final report were forwarded to the Minister with the update dated 14 January. The critiques were forwarded on 14 February with the status report dated 11 February.

Also, a memo from Ms Hammerton to members of the Mining and Quarrying Committee dated 20 January states:

> A briefing note on the project has been delivered to the Minister for Industrial Affairs along with four volumes of the report, as the message has been conveyed to his office that the Presiding Officer is 'sitting on it'. The CEO of WorkCover has been kept informed of the status and the content of the report in the event that Minister raises any related issues with him.

In an ABC radio interview on 15 February the Minister is claimed to have said that he had not seen the report. These documents make it clear that the Minister or his office received a copy of the report before 15 February—in fact, well before. My question is: why did the Minister mislead both this House and the public in a radio interview about when he was informed about the report?

The Hon. K.T. GRIFFIN: I will refer that question to my colleague in another place and bring back a reply. I do not think it is by any means obvious that there was any misleading, but I will bring back the reply in any event.

MEAT HYGIENE

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Primary Industries, a question about meat hygiene.

Leave granted.

The Hon. T.G. ROBERTS: The Government is circulating a discussion paper that is preparing people for changes to the meat inspection processes that have been in place for a number of years. Basically, the intention is to deregulate and to remove red tape, which are two of the explanations used, to make it easier for the industry to regulate itself in relation to meat hygiene and quality control. The *Financial Review* of 24 March 1994 contained an article headed 'Spoiled export meat on sale in Australia'.

I draw the Government's attention to the fact that many people are not happy with the circumstances under which the consultation processes are taking place as to changes that the Government wants to see, and it is self evident that the industry itself can lose much support and confidence at a consumer level, both domestically and internationally, if we get it wrong.

It appears from comments on radio this morning and from comments made to me by people in the industry that many people would like to see the consultation process open much longer. Will the Minister extend the time for discussion and consultation on the legislative proposals relating to meat hygiene and inspection?

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

ARTS APPOINTMENT

The Hon. T. CROTHERS: I seek leave to make a brief explanation before asking the Minister for the Arts about an answer the Minister gave to a question of mine asked in this Council on 24 February this year about the appointment of the Chief Executive Officer of the Department for the Arts and Cultural Development.

Leave granted.

The Hon. T. CROTHERS: An extraordinary edition of the South Australian *Government Gazette* on Tuesday 1 February 1994 records the appointment by Her Excellency the Governor in Council of Winnie Pelz as Chief Executive Officer of the Department for the Arts and Cultural Development pursuant to the provisions of the Government Management and Employment Act 1985. My question arises from the contents appearing in that extraordinary edition of the *Government Gazette*. Why did the Minister tell the Council on 24 February 1994 that 'the appointment was made by the Premier'.

The Hon. DIANA LAIDLAW: Appointments, in terms of contracts, are made by the Premier, as I understand it. Cabinet considered the matter and approved the appointment, which was subsequently gazetted.

LEGAL CENTRES

The Hon. M.S. FELEPPA: I seek leave to make a brief explanation before asking the Attorney-General a question about community legal centres.

Leave granted.

The Hon. M.S. FELEPPA: As part of its program of access to justice, the former Labor Government, together with the Federal Labor Government, provided funding to community legal centres. A number of these centres have been established around the State and complement the legal service available to the community. They complement the private profession and the Legal Services Commission in an effective way that enables the community to have access to a broad range of legal advice, particularly in relation to less serious matters. Community legal centres exist in a number of areas of South Australia, and a centre has been established at the Para Districts Community Legal Centre at Elizabeth.

The Labor Government believed that the community legal centres deserved support and, where possible, expansion. My question to the Attorney-General is: will the Premier and his Government guarantee continuing funding for community legal centres and, in particular, the Para Districts Community Legal Centre?

The Hon. K.T. GRIFFIN: I have, both in Opposition and in Government, had a meeting with representatives of community legal centres, and I have indicated to them that I believe they provide an important community service. Certainly, I have not discussed with them any reductions in funding, although I do know that there is at least one other centre that wishes to have funding that is not on the current list. Certainly, I have no intention of removing funding levels or in any way not supporting community legal centres, but no-one is in a position of saying absolutely as a guarantee what the position will be at some time in the future.

From my point of view, I believe they perform a valuable service. They are an important part of the provision of legal services throughout South Australia, and I am supportive of them and I have indicated that to them.

ACCESS CABS

The Hon. C.J. SUMNER: My question is directed to the Minister for Transport. Given the important service provided by Access Cabs in transporting persons with a disability—a service, I might add, which was established by the former Labor Government—has the Minister ever suggested that Access Cabs be put on six months notice, despite Access Cabs having recently entered into a five year contract with the Government to provide this service?

The Hon. DIANA LAIDLAW: It is true that the former Government negotiated a contract with Specialist Transport Services, otherwise known as Access Cabs, for a five year period. Provisions exist in that contract for either party to seek a review. Since being sworn in as Minister, I have received from individuals, nursing homes and doctors' surgeries many complaints about Access Cabs' services. Therefore, I indicated to the Office of Transport Policy and Planning a few weeks ago that we would consider a review of the services to see whether we could improve the services to the people whom they are designed to serve.

I have not pursued the review since I asked for that memo to be forwarded to Access Cabs, but the whole goal, as it was with the honourable member's Government and as it will be with our Government, is to ensure that we provide the best quality service to people in need of such a service, particularly people with physical disability. A sufficient number of concerns were expressed to my office for me to question the adequacy of the service, although I must admit that in the past week—perhaps because of my suggestion that there be a review—I have received some fantastic endorsements of Access Cabs' services by people who require such services.

The Hon. C.J. SUMNER: I desire to ask a supplementary question. Will the Minister answer my question, which was quite explicit and I would have thought she heard it? If she did not, I will repeat it. Has the Minister ever suggested that Access Cabs be put on six months notice despite its having entered into a five year contract with the Government?

The Hon. DIANA LAIDLAW: I have suggested to my staff, and they have forwarded notice through the Office of Transport Policy and Planning, which I understand has been referred to Access Cabs, that there be a review of those services.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: That may not be the question that you—

The Hon. C.J. Sumner: Will you answer the question: yes or no?

The Hon. DIANA LAIDLAW: I am indicating to the Leader that I am considering a review because of the range of concerns that have been expressed to me. I would have thought that you, having established as a former Government this Access Cab service, would share my concern about the—

The Hon. C.J. Sumner interjecting:

The Hon. DIANA LAIDLAW: It is definitely the point, and it would be the only reason why I would seek a review of those services.

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Order! The Leader had an opportunity to ask his question.

The Hon. DIANA LAIDLAW: A review is necessary, and I should have thought that anybody in this Parliament would consider that a review was necessary and that it would be supported, although no formal terms of reference have been drawn up for such a review. I believe there are grounds for a review, considering the range of—

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: In the Act or in the contract there is provision for either Party to consider a review and on that basis to be put on notice that there would be such a review. Because of the range of concerns expressed to my office—concerns which I would normally thought the Leader would share—I would have thought that there should be a review of those services. If that review is undertaken it would be within a six month period of time.

SOUTH-EAST WETLANDS

The Hon. G. WEATHERILL: Has the Minister for Transport a reply to my question of 10 February about the South-East wetlands?

The Hon. DIANA LAIDLAW: I seek leave to have the reply inserted in *Hansard* without my reading it.

Leave granted.

The Minister for the Environment and Natural Resources has provided the following response:

The honourable member has provided insufficient detail of the transaction to enable a considered response to be given. If he or those responsible for the trust in question care to provide full details of the nature of the arrangements to the Treasurer the matter will be considered further.

WOMEN'S STUDIES

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, representing the Minister for Employment, Training and Further Education, a question about women's studies in TAFE.

Leave granted.

The Hon. ANNE LEVY: I think the same truck went past the Democrats' office as went past my office, with the very disturbing information regarding the future of women's studies in TAFE. My information is certainly that the part-time instructors' positions are all threatened; that women's studies courses rely considerably on part-time instructors and would not be able to function without them; and that the order has gone out that part-time instructors would be replaced by permanent staff in the programs which TAFE is prepared to continue.

As there are virtually no permanent staff in TAFE who have even undertaken a women's studies course, they are unlikely to be able to provide such courses themselves, unless women's studies courses are to become some glorified commercial courses for women, which is certainly not intended by those who set them up, those who run them or those who take them.

Certainly, areas of TAFE have been told to identify 20 per cent savings—in other words, 20 per cent cuts—to be made in the next budget and that achieving this will require at least a 12.5 per cent reduction in staff, maybe more.

The women's studies courses are obviously of enormous importance to a very large number of women, and in fact I, and I am sure many other people, are also meeting people who received their first post-school education through women's studies courses in TAFE, often many years after they had left an incomplete secondary school education, and that this gave them the start to go on, develop themselves and develop careers from which they and society as a whole are benefiting.

The Hon. R.I. Lucas interjecting:

The Hon. ANNE LEVY: Not the same detail; you obviously have not been listening.

The Hon. R.I. Lucas: I think the detail from the Hon. Ms Kanck was much better, actually.

The PRESIDENT: Order! The questioner would be wise to ask the question and not answer interjections.

The Hon. ANNE LEVY: The Hon. Ms Kanck provided some figures, but she did not indicate 20 per cent cuts to TAFE programs or 12.5 per cent cuts to TAFE staffing. Can the Minister assure us that women's studies will continue to be part of the future TAFE curriculum, despite their having sometimes been seen as unnecessary by some strategy planners within TAFE?

The Hon. R.I. LUCAS: I know they are struggling a bit on the other side to fill out Question Time, but it is getting a bit much to take 15 minutes to ask other members' questions again. The Hon. Ms Kanck has already asked that question with a considerable amount of detail, and I undertook to refer the question to my colleague in another place and bring back a reply. It does us no good in Question Time to repeat the same questions over and again. If members opposite have run out of questions, let us get on with the business of the Council. There are a number of Bills on which we can commence debate and discussion. We do not necessarily have to drag out Question Time to 3.15 p.m. We understand that you are two members short because of illness.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: We will not be unduly critical; we are a very reasonable Government. We understand you have members who are absent through ill health, so it does no good to repeat the same question over and again. I have given an undertaking to refer the question to my colleague and bring back a reply.

The only other comment I would make is that on my understanding, the claim or allegation made by the honourable member that there has been some decision about a 20 per cent cut back in TAFE funding is not correct at all. I am not aware of any decision, announcement, statement or anything else made by the Minister in relation to 20 per cent cut-backs in TAFE funding here in South Australia.

The honourable member ought to bear in mind that there is a current agreement with ANTA, the Australian National Training Authority, which requires that the various States maintain their commitment, however one interprets that, in relation to TAFE funds from the State viewpoint if they are to participate in the new growth funds from the Commonwealth in relation to the training agenda.

So, if there was to be a decision to reduce the State commitment by 20 per cent in relation to TAFE funding, there would be some problems in relation to attracting new funding from the Commonwealth under the new growth agreements that have been entered into between all the States and the Commonwealth Government. Nevertheless, with that comment and not as the Minister responsible, I will refer the questions to the Minister and bring back a reply.

ACCESS CABS

The Hon. C.J. SUMNER: I seek leave to make a brief explanation before asking the Minister for Transport a question about Access Cabs.

Leave granted.

Members interjecting:

The Hon. C.J. SUMNER: Well, maybe you will shut up in a minute.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order! The Leader of the Government will refrain from interjecting.

The Hon. C.J. SUMNER: Earlier today I asked the Minister for Transport a question and a supplementary question relating to Access Cabs. Regrettably, the Minister declined to answer that question, which I will repeat. Has she ever suggested that Access Cabs be put on six months' notice despite its having recently entered into a five year contract? She refused to answer that question and then sought to take the issue off in other directions by referring to the quality of the service, and I do not dispute the fact that the quality of the service is an issue that we should pursue and ensure that it is the best service possible. It is a service which was established by the former Labor Government and which is widely accepted by people with disability in this community.

The reality is that I asked a specific question which the Minister refused to answer and, in refusing to answer, misled the Council by omission. On 17 March 1994, Mr Ian Schapel, the Administrative Officer to the Minister, sent to the Group Manager, Public Passenger Transport, Office of Transport Policy and Planning, a minute which contained the following:

> The Minister has also asked if we can put Access Cabs on six months' notice, notwithstanding their contract with the Government.

I repeat: this is the note from Mr Schapel, the Administrative Officer to the Minister.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: It is quite clear that the Minister has suggested that these people be put on six months' notice if possible. My question to the Minister is: why did the Minister not respond to my question relating to this matter when it is quite clear that her Administrative Officer, through her, has asked whether or not Access Cabs should be put on six months' notice?

The Hon. DIANA LAIDLAW: This is an amazing performance and clearly, as has happened with the Hon. Ms Levy, members opposite are desperate for questions and have little original to ask to fill out Question Time. I answered the question fully. I indicated that I am considering a review. Because I am considering a review, I have asked through my admin officer if it is possible to put them on notice while we have a review.

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Order!

The Hon. C.J. Sumner interjecting:

The Hon. DIANA LAIDLAW: What are you getting excited about?

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: Why are you getting excited?

The PRESIDENT: Order! The Minister will resume her seat.

The Hon. C.J. Sumner: You knew it was embarrassing.

The Hon. DIANA LAIDLAW: It is not embarrassing.

The PRESIDENT: Order! The Leader of the Opposition has had a chance to put his question. If he wants to put further questions, he will do so in the form of a supplementary, not by magging across the Chamber as though he were in the lounge.

The Hon. DIANA LAIDLAW: I have nothing to hide. I was seeking advice to see if I could put them on notice. That is exactly what—

The Hon. C.J. Sumner: Six months' notice.

The Hon. DIANA LAIDLAW: I do not think it matters whether it is six months' notice or one year.

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: The fact is that once you read the memo you realised you didn't have a question.

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Order! I warn the Leader of the Opposition.

The Hon. DIANA LAIDLAW: You were trying to beat up something where there is nothing to beat up. I was simply seeking advice whether or not—

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: —I could have a review and put Access Cabs on notice in respect to that review. I would have thought that that was perfectly reasonable by a Minister who was concerned that members of the public were not receiving the high standard of service which I expected Access Cabs to provide.

The Hon. C.J. Sumner: All you had to do was tell me that—

The Hon. DIANA LAIDLAW: I did. I indicated from the start that I was considering a review. I said a memo had been sent to OTPP (you have referred to that memo) and had been provided to Access Cabs operating as Specialist Transport Services. If the shadow Attorney-General really wanted to get quite excited about this, I am entitled under the contract that his Government signed with Specialist Transport Services to terminate the agreement by giving not less than 14 days' notice in writing of an intention to terminate. I have no intention to terminate the agreement. I simply sought advice as to whether I could have a review in the interests of the people who desperately need Access Cab services.

Notwithstanding the degree of complaints that I have received, there was no way that I was going to terminate that contract, but I did believe there were grounds for the review. I have received advice that the questions that I sought are certainly possible within the contracts that have been signed with Specialist Transport Services. I will now consider whether or not to proceed with such a review and, if so, whether or not Access Cabs is put on notice for one week, six months or any time. It is a performance contract and I expect it in the interests of the public to perform.

RIVER POLLUTION

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

Leave granted.

The Hon. M.J. ELLIOTT: Yesterday the Premier appeared before the Centenary Advisory Committee and made some statements about his great desire to see the River Murray system cleaned up, something which received some prominence in the media yesterday and again this morning.

The Hon. R.I. Lucas: Do you support that?

The Hon. M.J. ELLIOTT: I certainly do. I received a letter from some constituents in relation to the Bremer River, a river which is totally within South Australia and totally within our own Government's control. It states:

> Billions of litres of raw sewage and sulphuric acid are dumped into the Bremer River via the Dawesly Creek. The sulphuric acid comes from an old pyrites mine at Brukunga and the raw sewage comes from the town of Woodside and the Woodside army camp. Is it not ironic that the very week scientists from all over the world meet in Adelaide to discuss blue green algae, the channel 9 news item on this awful pollution is ignored. We tried to bring this massive pollution problem to the attention of the previous Labor Government many times and were fobbed off. Now it appears as if the new Liberal Government ignores the problem too. We cannot continue the fight to leave our children and grandchildren a clean and healthy environment without Government help. It is a chilling legacy we leave our children, who will one day curse every South Australian Government elected in the twentieth century.

In the light of the Premier's expressed concern in relation to the River Murray, does that concern also extend to the Bremer River, which is totally within our State's control, and what does the Government intend to do about both the sulphuric acid leakage and the raw sewage entering the Bremer River?

The Hon. DIANA LAIDLAW: The problems of the Bremer River are well known to the Premier and the Government. The river is within the Premier's electorate, so he is concerned about the issue. I recall that he has raised it in the past in general conversation with me because of common interest in grapes and horticulture in the Langhorne Creek area. I know it is an issue he has raised also with the Minister for Environment and Natural Resources because of the Woodside camp and others being in the Minister's electorate.

The issue in respect to the Murray-Darling basin is a specific project raised in the context of the centenary celebrations for federation. Support for one does not exclude support for other initiatives of an environmental nature. They will be pursued. Nevertheless, I will obtain more detailed information for the honourable member and bring back a reply.

GULF ST VINCENT

In reply to **Hon. R.R. ROBERTS** (10 March).

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

The Hon. Member spoke at length and authoritatively before asking his questions. It is necessary to address the misconceptions and errors in his address before specifically addressing his questions which I may add are baseless.

It should be noted that following assessment of the results of a 17-18 February survey of prawn stocks in Gulf St Vincent by scientists of the South Australian Research and Development Institute (SARDI) the Gulf St Vincent Prawn Fishery Management Committee recommended that fishing could occur in certain regions of Gulf St Vincent subject to certain conditions. These conditions were:

- the target size would be 22 prawns per kilogram with a 10 per cent margin for smaller prawns.
- an effective Committee at Sea be formed to oversee and direct all fishing operations.
- before commercially trawling in block 2 of the Gulf a series of trial shots would be undertaken by the fleet to identify the areas where prawns matched the size criteria.
- the industry convene a meeting of licence holders to obtain their endorsement of these conditions.

On Wednesday 2 March 1994 all Gulf St Vincent prawn fishery licence holders met, with an officer of PI (SA) and a scientist of SARDI present, selected a Committee at Sea and endorsed the other criteria.

Following approval by the Minister for Primary Industries, advised by the General Manager (Fisheries) on 4 March 1994, fishing commenced on the evening of 7 March. Fishing was overseen by the Committee at Sea and monitored by the Management Committee through having SARDI scientists and a PI SA Fisheries Officer at sea and regular mobile telephone contact with the vessels.

The fishery had as of 14 March undertaken six (6) highly successful nights fishing (the evening of 11 March being lost due to rough weather). The harvest period is scheduled to continue until the morning of 21 March 1994.

All reports are that catches have been excellent with each vessel taking of the order of 600 to 900 kgs per night (6 to 9 tonnes of prawns for the fleet of 10 vessels) of large to very large prawns. Monitoring of the reproductive condition of the female prawns taken shows that the major 1993-94 spawning has occurred.

Taking advantage of the lost night of trawling due to rough weather the Management Committee and the General Manager (Fisheries) in PI SA (Mr David Hall) met with licence holders, skippers and crew at Port Adelaide on the afternoon of Saturday 12 March 1994.

This meeting reinforced the success of the harvesting to date, clarified any uncertainty regarding the criteria and reinforced the procedures at sea. The outcomes of this meeting were unanimously endorsed by all present. Nine (9) of the ten (10) vessels were represented at the meeting. The Member has been totally misled with the information he has been provided.

The Member bases his incorrect accusations on figures of the gradings of a single night's catch by a single vessel on the first night of fishing. It should be noted that these gradings were for a catch of the vessel Viking. The skipper of the Viking attended the meeting on Saturday 12 March and confirmed that he had not provided these figures.

Correct analysis of the figures requires the determination of the contribution of the catch for size category within each grade (or at least the mean size) and then adding the contribution of each grade for its proportion in the catch to give the average size of the catch. When this is done for the landing quoted by the Member the mean size captured is 23.1 prawns per kilogram. This is within the criteria recommended by the Committee, endorsed by the industry, approved by the Minister and advised by the General Manager (Fisheries). Similar analyses of other landings reinforces this.

There are many other errors in the members comments and accusations. It is suggested he take the time to acquaint himself with the real facts before commenting further. The Chairman of the Gulf St Vincent Prawn Fishery Management Committee (Ted Chapman) has and continues to invite the Member to do so, an invitation he has yet to take up. For his own sake I urge him to.

In closing the answer to the particular questions are:

- the Management Committee and the department continues to endorse continued fishing as all operations have been in accordance with the criteria set down, resulting in excellent catches without adversely effecting the ongoing sustainability of the fishery.
- Consequently there is no reason for the Minister to consider closing the fishery.

HINDMARSH ISLAND BRIDGE

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

The Hon. DIANA LAIDLAW: No. However, Mr Jacobs in his report, made reference to the formal evaluation and cost benefit analyses of various options undertaken by independent consultants, Connell Wagner, in June 1992. Mr Jacobs found no reason to question the integrity or objectivity of this study.

FOUR-WHEEL DRIVE VEHICLES

In reply to **Hon. T.G. ROBERTS** (22 February).

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

As the honourable member will no doubt be aware, the selling and driving of four-wheel drive vehicles are rather different operations and whilst national advertising campaigns may have concentrated on some of the less desirable aspects of four-wheel driver behaviour, State Governments have been more concerned to ensure that having bought four-wheel drive vehicles, drivers will learn to treat the bush and the outback with a measure of respect.

The Government's approach has been and still is to promote a positive cooperative working relationship with the State's four-wheel drive fraternity.

A national code of practice entitled 'The Australian Bush & Country Code' has recently been adopted by the Australian and New Zealand Environment & Conservation Council (ANZECC) and ecotourism operators and 4WD clubs have been asked to adhere to the code.

'Sharing the outback' brochures have been produced to promote appropriate safety and environmental behaviour in the outback. They are readily available throughout the range of tourist organisations, national parks regional offices and four-wheel drive organisations and suppliers.

In South Australia access routes have been established and designated in much of the pastoral zone including the Flinders Ranges. The National Parks and Wildlife Service has introduced a Desert Pass for parks in the arid area which provide travellers with up-to-date information on public roads and tracks and provide the National Parks and Wildlife Service with the means of monitoring visitor impacts in the Far North.

South Australian manufacturer, Mitsubishi Motors, already provides educational videos to purchasers of new four-wheel drive vehicles. The video details the need for sensitive environmental behaviour and targets all users of four-wheel drive vehicles.

In short, it has been determined that promotion of the Australian Bush & Country Code and the surveillance of pastoral areas and national parks are more likely to induce four-wheel drivers to behave responsibly in the outback than any appeal to national advertising agencies.

In response to the second question I acknowledge that the honourable member raises very real concerns. There is unacceptable environmental damage being caused by some irresponsible four-wheel drive passenger services. The Government also has concern about the level of safety for passengers in what can be a dangerous environment.

While the matter does require attention, I am sure the honourable member realises that a large proportion of the four-wheel drive passenger services are provided by operators licensed by other States. Under our mutual recognition obligations, unilateral action by this State would achieve little. A common approach is needed. Unfortunately such an approach takes time and so it would not be possible to develop the necessary regulations at the same pace as those required for intrastate operations.

Nevertheless I can assure the honourable member that the regulation of four-wheel drive vehicles will be an early priority of the proposed Passenger Transport Board once the legislation is proclaimed.

PARLIAMENTARY COMMITTEES (MISCELLANEOUS) AMENDMENT BILL

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

The Hon. L.H. DAVIS: I want to ask a question of a general nature about the Statutory Authorities Review Committee, which is proposed to be established as a result of this legislation. In my second reading contribution I made the point fairly clearly that the previous Government had been asked in 1986 to look at the preparation of a register of statutory authorities, and that, in fact, that did not occur until 1993. The former Attorney-General, Hon. Chris Sumner, was quite upset when I suggested that seven years was a long time to prepare a register of statutory authorities.

The statement which was made by the then Attorney-General in October 1993, and made available to this Chamber at that time, was very helpful in establishing the classification levels for major authorities and the various fees paid for those various levels of authorities, ranging from nearly $46 000 for a chairperson and $23 000 for category one authorities, down to little more than $3 000 for a chairperson and members at $2 600 in the bottom category of authorities. It also analysed the various types of statutory authorities and required them to report within three months of the end of the financial year—something again which the Liberal Party had criticised on more than one occasion, namely, the slackness of reporting standards by statutory authorities.

The then Labor Government, just one month from being removed ignominiously from power, made the point that this register of statutory authorities, which it had established, would not be a one-off response to a particular problem. It would be updated every six months, effectively, 31 January and 31 July, certainly a measure which I supported. The register will be tabled within the Parliament and the information contained in the register should be available to the public, and access to its contents will be through a number of sources, including the Government Management Board, Information Office and responsible departments.

The Government, weeks before the election, was encouraging feedback to the Government on this matter until events overtook it. But, it is perhaps, in considering this Bill, an appropriate time to invite from the Attorney-General, who has the passage of this legislation, a response to the adequacy of this register, which has been established by the previous Government, because to my mind, whilst it goes a long way towards achieving what I first talked about in 1986, there is, I think, still more information which can be provided. The register, which was set up in October 1993, made public for the first time and did list the various statutory authorities and their parent Acts but nowhere that I could find was there any reference to the board members of those statutory authorities.

The Hon. C.J. Sumner: It was mentioned in the statement.

The Hon. L.H. DAVIS: Right, but they were not made publicly available at the time.

The Hon. C.J. Sumner: That would all go in the register.

The Hon. L.H. DAVIS: Right. I am interested to know whether, if the Government has had the opportunity of examining this matter, it intends to make public the board members of these statutory authorities along with other relevant information, which will be available not only to the Parliament but also to the public.

The Hon. K.T. GRIFFIN: It is a good initiative to try to bring together details about all the various statutory bodies which have been created within Government or by statute, and also to identify the members of those various statutory bodies. There certainly should be nothing secret about it and there may be some considerable public benefit in having it all collated and readily accessible. It is not something for which I have had specific responsibility. All that I can do in relation to the honourable member's question is to say that I will pursue it with the Premier.

I suspect it is a matter that is under the general responsibility of the Department of Premier and Cabinet. Personally, I would like to see the register progress to the point where we can have all this information readily accessible and on the public register. Quite obviously there has always been some debate about what is a statutory authority or a statutory body. Some are unincorporated and are merely advisory committees. The Youth Court Advisory Committee is one of those as was the old Children's Protection Council and a variety of bodies which do not have any particular executive power; one has to question whether they ought in fact to be called statutory authorities rather than just a statutory committee or statutory body.

But that debate, I suppose, will continue forever and a day whilst we have statutory bodies recognised by statute. I will undertake to pursue that matter with the Premier and, if I cannot bring back a reply during the course of the debate on this Bill here, I will endeavour to have it available when it is considered in the other place.

The Hon. C.J. SUMNER: On the point raised by the Hon. Mr Davis, I thank the honourable member for the complimentary remarks which he made about my initiatives in this area. I am feeling quite chuffed about that, particularly in the light of the vicious attacks which he launched against me when this matter was last debated in the Chamber.

I agree that the register was supposed to be as comprehensive as possible. I do not have the statement in front of me, but, although the list that I tabled did not contain all of that information, the intention was that the register, when fully established, would contain that information. I supported that and I support it containing salaries and other details. As the Hon. Mr Davis has raised the question of a list of statutory authorities, I thought I might inform the committee of something that I came upon by chance the other day when I was cleaning up my office. It was not for the purpose of leaving or anything like that, but when one has been a Minister for 11 years one accumulates a large amount of material.

The Hon. K.T. Griffin: You do so in Opposition, too.

The Hon. C.J. SUMNER: You do so in Opposition, too, as the Hon. Mr Griffin says. No doubt he is also using the facilities of the archives to dispose of some of it. That is what I was doing. Amazingly, I came upon a very large file which had on it something like 'Select Committee on the Practice and Procedures of the Parliament.' I flicked through it for the sake of reminiscence to see how things were in 1982 or 1983. Sure enough, as I told the Council last week when this matter was being debated, I had moved to establish a select commit-

tee to look, among other things, at the parliamentary committees system. It was a joint committee of both Houses and it had done a considerable amount of work between 1982 and 1985. In fact, in this large folio I found a list of statutory authorities which had been prepared by the research officer to that committee, so the exercise had been done.

The Hon. L.H. Davis: Then your Government did nothing about it for nine years.

The Hon. C.J. SUMNER: You can say that the Government did nothing about it, and that is the point that I want to take up this afternoon. That committee failed because of the lack of interest of Liberal members in the House of Assembly. I have made this point before and it is true. I am not trying to absolve the Government of responsibility, but I said that one of the mistakes—

The Hon. L.H. Davis: You did not need a committee to bring in your report in October 1983.

The Hon. C.J. SUMNER: I agree entirely. What I said the other day was that I should have introduced a Bill immediately on coming into Government in 1983 to re-establish the committee system and to consider a statutory review committee. Instead, because I suppose I was a bit naive at that time and thought this was an inclusive process involving the whole of the Parliament, I set up the joint select committee. I also set up another one to look at the Joint Parliamentary Services Committee. If the select committee on the committee system was bad enough, that other thing had to be almost the worst thing I have done in Parliament—try to get a new Joint Parliamentary Services Committee established. Whether the Hon. Mr Davis chooses to believe it I really do not care, but the reality is that that committee failed because we could not get meetings and there was active undermining of a revamp of the committee system by Liberal members in the House of Assembly, not here. There was strong support for it here from the Hon. Mr DeGaris and, I believe, the Hon. Mr Lucas at some time, but there was quite significant opposition by Liberal members in the House of Assembly in particular. I regret that that happened, because I think it would have been better if we had had—

The Hon. L.H. Davis: What has this got to do with the file?

The Hon. C.J. SUMNER: I have sent this file to the archives. When the member writes his memoirs and wants to give me some brickbats or bouquets about my term as Attorney-General, I will make it available to him for his research.

The Hon. K.T. GRIFFIN: I move:

Page 1, lines 19 and 20—Leave out paragraph (a) and insert—

(a) by striking out from paragraph (a) of the definition of 'appointing House or Houses' 'the Economic and Finance Committee' and substituting 'the Public Accounts Committee or the Public Works Committee';

The Government had representations made to it to reconsider the name of the Economic and Finance Committee.

The Hon. C.J. Sumner: Who from?

The Hon. K.T. GRIFFIN: From a variety of members of the parliamentary Party, members and former members, who felt that there was—

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: There was a history and tradition about the Public Accounts Committee. In other States the committee is referred to as the Public Accounts Committee. They seem to have annual meetings of Public Accounts Committees around Australia, and it was felt that it would be useful to have some commonality in the name of the committee. Apart from the amendments consequential upon establishing a Public Works Committee and a Statutory Authorities Review Committee, the Government took the view that it was appropriate to change the name, and the functions, apart from those modifications in the light of the other committees' terms of reference, were to remain very much the same. We did not see any major difficulty. In fact, public accounts tend to be more indicative of the sort of work that the committee does than that broad spectrum of economic and finance. After all, it is essentially looking at the public accounts and finances of the State in all the various forms in which they may be presented.

The Hon. C.J. SUMNER: I hate to upset the Attorney-General on this point, but the Opposition is strongly opposed to this change of name. I think it is completely inappropriate. When we established the existing committee system, the idea was to have four parliamentary committees to cover the whole span of Government or community activity. That is why this committee, when established, taking on as it did the public accounts function, also had the function of looking at finance and economic development matters. The fact is that this committee had much broader functions than purely and narrowly looking at public accounts. Indeed, section 6(a)(i) of the Act, dealing with the jurisdiction of the Economic and Finance Committee, refers to 'any matter concerned with finance or economic development'. Clearly, it is a committee designed to be much broader than public accounts. It looks not only at public accounts—Government accounts—but it has the capacity to look at all aspects of finance or economic development in the State. It could investigate economic development proposals or possibly financial institutions.

I think this is a retrograde step. Indeed, the subsequent amendment dealing with the jurisdiction is also a retrograde step, although it still keeps in the concepts of looking at finance or economic development. However, I think that it would be a mistake to change the name and terms of reference of the committee. It could be said that there is an area of economic and financial development and so on financed within this State which is not covered by a parliamentary committee. As I said when this committee system came into being after many years of debate, the objective was that there would be total coverage of Government and community activity by the parliamentary committee system. I am strongly opposed to this change. Obviously it has a public accounts role, but that is not the only role of the committee. It would give the public a misleading impression, because it is not just public accounts; it has a very much broader brief. One of its duties is public accounts and that is fine, but that is not all there is to it. I do not know where this suggestion has come from. As I said, I think it is a retrograde step. It could potentially narrow the jurisdiction of the committee and that would be a mistake.

The Hon. M.J. ELLIOTT: The Democrats oppose the amendment. I find it rather surprising that the Government, with its seven page Bill, has already produced four pages of amendments, and they all seem to be coming from those within their own Party ranks. I wonder how much they have really thought through what they have done and I wonder what their real intentions are. I think it is fair to say that when the standing committees were first set up the Liberal Party was a bit reluctant about some of the process. In recent times the Premier has said that he wants to see Government generally subjected to more scrutiny, yet I see at least one committee here being narrowed down. That causes me great

concern. We did have four committees which covered the broad scope of matters important in this State. I do not have difficulties with the establishment of some of the proposed new committees which allow more indepth examination of some matters, but I believe that this amendment and subsequent amendments are leading to a narrowing down. This has not been justified in any way, other than it is nice so that they all have the same name when they meet with each other. The reality is that this is not a public accounts committee. The issue of public accounts is one of the issues that the committee addresses. I believe that it would be inappropriately and inaccurately named if changed in the way that the Minister now proposes.

The Hon. K.T. GRIFFIN: I think it is unfair for the Hon. Mr Elliott to criticise the fact that there are four pages of amendments. The Bill was introduced and as a result of that a variety of people have made some proposals to the Government about the sorts of things which the Bill ought to include, particularly in relation to the new committees which are proposed to be established by the Bill. They were people, not only those in the Parliament but also outside the Parliament, who took the trouble to look at the Bill. It is not uncommon for amendments to be proposed to a Government Bill. We did think through the issues relating to this, but a few suggestions have been made which actually improve both the Bill and the principal Act.

I do not agree with either the Hon. Mr Sumner or the Hon. Mr Elliott that this is a retrograde step. The scope of the committee is essentially the same, apart from the modifications relating to the establishment of the other two committees. I would not have thought that a reference to the Public Accounts Committee as such would be so narrowly construed as the Leader of the Opposition suggests. It will still have a wide range of functions and I think, in common understanding of the activities of public accounts committees, it is recognised that they do have a reasonably broad framework of functions within which to operate. I am disappointed at the indication that both the Opposition and the Australian Democrats will not support this, but it is not one of those issues upon which, they having indicated their view, one needs to call 'Division'.

Amendment negatived.

The Hon. K.T. GRIFFIN: I move:

Page 2, line 5—Insert 'repairs or' before 'improvements'.

This relates to the definition of 'construction'. It is proposed to be amended to include maintenance or repairs and that will mean that big repair works or public works exceeding $4 million can be brought before the Public Works Committee for report. The making of any improvements or other physical changes to any building, structure or land will I think cover repairs and maintenance, but the suggestion was made that, from past experience, there will be attempts to limit the operation and scope of the Act so that, at least in certain areas of the public sector, projects may not be referred. The intention is to ensure that it is beyond doubt that this Bill is intended to give to the Public Works Committee jurisdiction over major repairs, as part of the definition of 'construction'.

Amendment carried.

The Hon. K.T. GRIFFIN: I move:

Page 2, lines 15 to 17—Leave out all words in these lines and insert—

'public work' means any work that is proposed to be constructed where—

(a) the whole or part of the cost of construction of the work is to be met from money provided or to be provided by Parliament or a State instrumentality;
(b) the work is to be constructed by or on behalf of the Crown or a State instrumentality; or
(c) the work is to be constructed on land of the Crown or a State instrumentality:.

This relates to the definition of public work. The definition is proposed to be amended to remove the notion that the money for construction must be provided by Parliament or a statutory authority. There are works which now proceed without the need for an appropriation of money and it was always the intention of the Bill that these works be examined by the Public Works Committee if they exceed $4 million.

The Hon. C.J. Sumner: Such as?

The Hon. K.T. GRIFFIN: For example, the Education Department may sell a public school and use the money for construction of another school in a different area. In such an instance the work would not fall within the current definition of 'public work'. The definition is given as:

'public work' means any work that is proposed to be constructed where the whole or a part of the cost of construction of the work is to be met from money provided or to be provided by Parliament or by a statutory authority.

I understand that the present accounting systems allow, for example, the Education Department to sell a school and to apply the proceeds to other capital works. In those circumstances that public work would not fall within the definition. It was never intended that they be excluded. It was intended that they be included. If you look at the definition it now includes any work that is proposed to be constructed where the whole or a part of the cost of construction is to be met from money provided or to be provided by Parliament or a statutory authority, where the work is to be constructed by or on behalf of the Crown or a State instrumentality, or the work is to be constructed on land of the Crown or a State instrumentality. Dealing with that last paragraph, there are also developments that do involve Crown land that could usefully be the subject of a report by the Public Works Committee. These developments are those that are documented. The contractual arrangements certainly should be examined by the committee. It may occur, for example, where there is a ground lease agreement where the developer leases the land from the Government but makes capital improvements on the property with the Government ultimately acquiring the developed property. We have taken the view that we want to broaden the scope of the authority of the committee to encompass an investigation of all those sorts of projects where the cost exceeds $4 million.

The Hon. M.J. ELLIOTT: I may not have read the definition of 'State instrumentality' carefully enough, but it appears to me that it could also pick up bodies like SGIC. Was it the intention that such bodies would be picked up?

The Hon. K.T. GRIFFIN: If statutory authorities undertake major capital works, it was the intention that the Public Works Committee have some jurisdiction over them.

The Hon. M.J. ELLIOTT: Are you talking about lending money?

The Hon. K.T. GRIFFIN: Reference is made to 'or to be provided by Parliament or a State instrumentality'.

The Hon. M.J. Elliott: They may not be building something of their own volition and may be lending money.

The Hon. K.T. GRIFFIN: Certainly, it was not intended to cover normal lending transactions of a body such as SGIC or State Bank. It was intended to cover those works where, say, SGIC is building its own office block. That ought to be

the subject of scrutiny, or another statutory authority: perhaps the body responsible for tertiary education undertaking public works in its name. If it exceeds $4 million, it ought to be the subject of scrutiny. Perhaps the point made about lending money ought to be properly covered. It certainly should not encompass in my view the sort of lending arrangements to which the honourable member has referred.

The Hon. M.J. ELLIOTT: Although I am not worried one way or the other, I wonder whether it was intended and, even if it was, should not the lending practices of SGIC be better covered by the Statutory Authorities Committee which we are setting up, or by the Economic and Finance Committee? It is a question of which is the best home for it. It is certainly worth another look.

The Hon. K.T. GRIFFIN: I will take a further look at it. In terms of SGIC's lending practices, one would expect that it would be either an Economic and Finance Committee function or be included in a review of the statutory authority by the Statutory Authorities Review Committee. There is an overlap there, but one would expect that the whole operation of SGIC, State Bank or the remaining portion of State Bank, the Timber Corporation or SAFA would be the subject of review specifically by the Statutory Authorities Review Committee.

Amendment carried.

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

Page 2, lines 18 to 22—Leave out all words in these lines.

My amendment deals with which bodies can be excluded from the definition of 'State instrumentality' and therefore excluded from the jurisdiction of the Statutory Authorities Review Committee. This matter was fully debated in the second reading debate, but I can see no reason to exclude tertiary authorities. Presumably, tertiary education includes TAFE as well as universities. TAFE is funded by the State, and universities are established under State legislation, and I think the committee should have the power to look at them.

The other matter is whether the Government should have the power to exclude bodies by regulation. I debated that and challenged the Attorney to defend his Government's Bill on this with a straight face. He did not do a bad job, but it was not one that convinced—

The Hon. K.T. Griffin: I was conciliatory.

The Hon. C.J. SUMNER: I am pleased to say that the Attorney was very conciliatory. Despite making a great effort of defending the Government's position with a straight face, the Attorney-General did not convince me, because it is unacceptable for a parliamentary committee to have its jurisdiction altered by the actions of Executive Government by way of regulation. Of course, we can support regulations in some areas. It is necessary for modern government, but in this area it is a bit of an affront to parliamentary supremacy.

The Hon. K.T. GRIFFIN: I thought I was conciliatory when I replied at the second reading stage and acknowledged the basis upon which the Government had considered the exclusion. I acknowledge concerning the definition of 'State instrumentality' that it is not such an important matter; it is not so important to have it in there as it is in relation to the definition of 'statutory authority', and I will address that later.

The view we took in looking at this as a coherent package was that, if we were to include, for example, under 'statutory authority', companies or other bodies corporate that are a subsidiary or controlled by a statutory authority, a number of bodies may be caught inadvertently. We looked at least under the definition of 'statutory authority' to accommodate that on the basis that it had been in our Bill back in 1982 as a Government and it had been in the private members' Bills that had been introduced on a number of occasions and even passed this Council on one occasion in the mid to late 1980s, with the support of the Australian Democrats.

We took that precedent into account in putting that package together. I am certainly not going to lose any sleep in regard to the reference to bodies being excluded by regulation if that provision does not pass.

In terms of the other matters, one ought to look at the other categories proposed to be excluded. As to a body whose principal function is the provision of tertiary education, I acknowledged at the second reading stage that Technical and Further Education institutions are creatures of the State Government and are directly under its administration. Certainly, they ought not to be excluded.

Honourable members will note in the amendment that I have circulated that I have sought to limit that exclusion to a university. The Government takes the view that universities are not creatures of the State. They are certainly incorporated by State legislation, but a number of other bodies are incorporated by State legislation. Scotch College, for example, is incorporated by a special Act of Parliament. The Uniting Church has its property trust incorporated by an Act of Parliament, and the Anglican Church has its property trust incorporated by an Act of Parliament. The Catholic Church has its—

The Hon. C.J. Sumner: They are not the same category as universities.

The Hon. K.T. GRIFFIN: But they are all incorporated by statute and are independent. Universities are not under the control of a State Government. They are funded by the Commonwealth, and they are accountable in that respect to the Federal Government. This Government takes the view that we ought not to be in the business of second guessing the way in which the universities in South Australia operate.

The Hon. C.J. Sumner: It may not be just their funding; it may be a question of how they are operating, and that clearly is the responsibility of the State.

The Hon. K.T. GRIFFIN: Why?

The Hon. C.J. Sumner: Because it is established under State legislation.

The Hon. K.T. GRIFFIN: It is not State funding. 'Public funds' has the connotation of Government funding, does it not? If it is Government funding and State Government funding it is a different issue. However, it is Federal Government funding, as I understand it. They are meant to be academically independent, and probably we could make a lot of criticisms about the universities regarding the way in which they sometimes manage their affairs and structure their courses, and so on, but that is not really a matter for the Government to be involved in, in my or this Government's view.

Of course, there is a different structure: with the University of South Australia and Flinders University there are persons appointed to the governing bodies by the Governor or by the Parliament, but not—

The Hon. C.J. Sumner: They are picked up by the existing Act.

The Hon. K.T. GRIFFIN: The University of Adelaide is not, I would suggest, because it does not have on the governing council members who are appointed by the Governor, whereas the others do. There is a distinction between those.

The other aspect that we are endeavouring to focus upon was some consistency of approach, and that is why we have sought to remove universities from the purview of State instrumentalities. They are not in fact State instrumentalities in either the normal or the legal understanding of that concept.

The Leader of the Opposition did refer to a Minister constituted as a corporation sole. It is my view that they are not caught, anyway, and it does raise some important questions about whether or not Ministers as corporations sole should be the subject of this parliamentary committee review when in other respects Assembly Ministers cannot be summoned before Legislative Council committees and *vice versa* without the concurrence of the House of which they are a member. Then you have that tension between the responsibilities of the Parliament as opposed to the responsibilities of the Executive Government.

My amendment seeks to put that question beyond doubt. I do not believe it compromises the integrity of the operations of the parliamentary committee. It may be that if there is some measure of agreement on some aspects of my amendment and that of the Leader of the Opposition we can deal with these on a paragraph by paragraph basis with a view to getting a compromise on the amendments which are before us. However, for the purposes of consideration I ought formally to move my amendments.

The Hon. R.D. LAWSON: Have tertiary institutions previously been the subject of parliamentary scrutiny as to either public or capital works, or has there been any other form of scrutiny by this Parliament? A director at one of the universities told me that previously there had been some form of scrutiny from which they had only recently been released.

The Hon. K.T. GRIFFIN: As I recollect, under the Freedom of Information Act the universities are certainly not subject to the same measure of scrutiny as are Government agencies. There was certainly a question raised by the universities in relation to the SAFA legislation, where they were excluded from the pooling arrangements for funding under the authority of the Treasurer. I think that the Technical and Further Education institutions are certainly covered by the principal Act: they are directly under the control of the Government. I think universities would vary. If one looks at the definition of 'State instrumentality', one would see that they are certainly not an administrative unit of the Public Service.

The Hon. C.J. SUMNER: What about section 15(a)(i) of the current Act, dealing with the Social Development Committee, which covers it, anyhow?

The Hon. K.T. GRIFFIN: I suppose that covers any matter concerned with the health, welfare or education of the people of this State. I suppose parliamentary committees can find any sort of angle. Remember, at the end they can perform such other functions as are imposed on the committee under this or any other Act or by resolution of both Houses. So, ultimately they can all be brought before the committees if the Parliament wishes that to occur.

I was going on to indicate that 'statutory authority' is defined in the principal Act as a body that is established by or under an Act and is comprised of or includes or has a governing body comprised of or including persons or a person appointed by the Governor, a Minister or an agency or instrumentality of the Crown or is subject to control or direction by a Minister. Certainly, universities are not subject to control or direction by a Minister.

The point I was making earlier is that Adelaide University is not caught in my view under the definition of 'statutory authority', because none of the members of its council are appointed by Governor or a Minister or an agency or instrumentality of the Crown.

In respect of the other two universities, all the councillors of the University of South Australia are appointed by the Governor. In respect of the Flinders University, there are some *ex officio* members and some who are appointed by the Governor, so they would be caught under the Act as it now stands.

The Hon. C.J. SUMNER: I am not convinced by the Attorney-General's arguments in this respect. I think the idea of the committee system was to make it as all-encompassing as possible, to cover all Government or community activities in the State or to have the capacity, through their terms of reference, to look at a broad range of issues when you take the committees as a whole. I pointed out by way of interjection that the Social Development Committee already has the capacity to look at matters relating to education, so presumably it could get a reference on education matters which included the universities. However, it might be more appropriate if it is a technical or financial issue that has arisen in relation to a university for it to be dealt with by the Statutory Authorities Review Committee.

The Attorney-General says that the University of Adelaide is not currently covered, but two universities are covered, and they are the two universities whose Acts have been passed by the Parliament in more recent times. They are the more current view of how to establish a university. I do not believe that the universities should be afraid of the fact that there is this jurisdiction to be exercised if needed. I can envisage instances where there might be a controversy within the university and where the public interest might require the Parliament to look at the issue. They do receive substantial public funds, albeit not from the State; they receive them substantially from the Commonwealth, although from time to time there has been funding of some aspects of the universities' operations from State funds, but I think that it is not a bad premise from which to start to say that this committee system should be as all-encompassing as possible.

Certainly that was the aim of the committee system we introduced in 1991. There should be the least restrictive terms of reference possible. Whether or not the committee decided to conduct an investigation at any particular time would have to be determined by the committee or the Parliament, and no doubt the issues that the universities might want to raise at that time could be put in that debate, but to totally exclude them is wrong in principle, given that these bodies are all established by legislation of this Parliament. I would ask the Committee to support my amendment which leaves in the current definitions, without the exclusion suggested by the honourable member, rather than supporting the Hon. Mr Griffin's amendment.

The Hon. M.J. ELLIOTT: We have not as yet addressed some of the substance of the amendment. However, in relation to universities, I can think of some occasions when a committee may have an interest. I think those occasions may be rare, but they still can and may arise. As far as exclusion by regulation is concerned, for the past eight years in this place I joined with the present Attorney-General on many occasions when he was in Opposition as far as possible in shifting proclamations and regulations back into the Act itself. That is the way I have always preferred things to be.

I have not changed now that he has shifted from the Opposition benches to the Government benches.

Amendment carried.

The Hon. K.T. GRIFFIN: I move:

Page 3, after line 4—Insert paragraph as follows:
(da) a Minister constituted as a corporation sole;.

I will still move this, even though that was part of the amendment I moved earlier which was lost. This deals with the definition of 'statutory authority'. I seek to exclude a Minister constituted as a corporation sole for the reasons I indicated earlier.

The Hon. C.J. SUMNER: I oppose this. This matter was part of the Attorney-General's earlier amendment. I do not think it is a problem. If it appears at some point in the future that it is one, perhaps the Parliament can address it then. For consistency sake, we should oppose the Attorney's amendment.

Amendment negatived.

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

Page 3—
After line 4, insert 'or' between paragraphs (d) and (e).
Lines 6 to 10, leave out all words in these lines.

This means that bodies concerned with the provision of tertiary education will be reincluded in the definition of statutory authority, and there will be no power to exclude by regulation. I believe it is the same debate we have had already.

The Hon. K.T. GRIFFIN: I make the comment I made earlier. I think I can assess that I will not win this one either.

Amendments carried.

The Hon. K.T. GRIFFIN: I move:

Page 3, line 12—Insert 'repairs or' before 'improvements'.

This is consistent with the earlier amendment I moved to put beyond doubt the question of repairs being included as part of the scrutiny.

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

Amendment carried; clause as amended passed.

Clause 4—'Functions of committee.'

The Hon. K.T. GRIFFIN: I move:

Clause 4, page 3, lines 15 and 16—Leave out all words in these lines and insert—
4.Section 6 of the principal Act is amended—
(a) by striking out subparagraph (i) of paragraph (a) and substituting the following subparagraph:
(i) any matter concerned with the public accounts or finance or economic development (excluding the construction of public works);
(b) by striking out subparagraph (iii) of paragraph (a) and substituting the following subparagraph:.

The object is to endeavour to identify the scope of the Economic and Finance Committee's responsibility. It does not have the responsibility for examining the construction of public works, which will be the role of the new Public Works Committee. This is essentially a drafting matter, which picks up the need to ensure that whilst there is some overlap between committees that overlap is minimised. It would seem to me that it is very largely a matter of identifying the scope of the responsibilities of various committees in an effort to eliminate as much overlap as possible.

If one looks at the principal Act, section 6 provides:

The functions of the Economic and Finance Committee are—
(a) to inquire into, consider and report on such of the following matters as are referred to it under this Act:

Presently it provides:

any matter concerned with finance or economic development.

That will be substituted by:

any matter concerned with the public accounts or finance or economic development (excluding the construction of public works);

The Hon. C.J. Sumner: Would it not be better if you put in a second placitum: have 6(a)(i), and then placitum (i)(a), 'Any matter concerned with the public accounts', or something like that? It makes it clearer in terms of the debate we had previously.

The Hon. K.T. GRIFFIN: I am sorry to do this to the table, but as a result of some consultation the suggestion is that new paragraph (i) should read:

any matter concerned with finance or economic development (excluding the construction of public works).

So that you would have what is in the existing Act at the moment. This will then achieve the objective of identifying that this committee, in the light of the establishment of the Public Works Committee, does not have the responsibility for investigating construction of public works, which will be with the new Public Works Committee. I seek leave to move it in that amended form.

Leave granted.

The Hon. M.J. ELLIOTT: I am not certain whether we have got it quite right. In fact, I am not sure whether that exclusion was absolutely necessary.

The Hon. K.T. Griffin: Are you going to support me?

The Hon. M.J. ELLIOTT: No, I do not think the whole amendment was necessary is what I am saying. This causes me similar concern but not to quite the same extent as a later amendment where there is an exclusion made in relation to the ERD Committee. It appears to me that there may be some aspects of the construction of a public work which may be of interest to the Economic and Finance Committee: not the detailed analysis of the actual construction itself but, let us say, for example, the Economic and Finance Committee wanted to look at the question of a north-south railway line to Darwin.

It is a public work but the committee would be looking at it from a particular angle, which I think is relevant to that committee. The description of the committee seems to be self-evident as it stands, which will be the appropriate committee to handle matters, and it is a matter that can be resolved between the committees in any event. I am not quite sure in those circumstances whether this amendment is necessary at all. In those circumstances, I ask the Attorney-General to respond: what is the import of this, and is it in fact restricting, on some occasions, to the work of the Economic and Finance Committee?

The Hon. C.J. SUMNER: I was prepared to look at the drafting of the amendment, but I think that issue has now been resolved. Subject to what the Attorney-General may say, I am inclined to agree with the Hon. Mr Elliott that there are possible overlaps through this committee structure. Indeed, there are overlaps in the existing committee structure where matters can fit into social development, economic and finance, and so on. When we considered the Bill in 1991 these issues were to be resolved by informal discussions where possible and, if not, by formal directions and consideration in the House. I do not know whether this has occurred, but it was intended that the Chairs of the committees would meet on occasions and discuss their work programs and attempt to remove areas of overlap. The Hon. Mr Elliott is correct in saying that we should leave it open and let the House sort it out. It is not the only area of overlap. I think it would be wrong to pick out this one area to try to exclude the

potential for overlap. It is envisaged that the Public Works Committee will look at the technical aspects of construction, but it may be that the Economic and Finance Committee, the Social Development Committee or the Environment, Resources and Development Committee might like to look at policy in relation to the construction of a public work. I think there can be that distinction which, if there is a dispute, would need to be resolved by the Houses.

The Hon. K.T. GRIFFIN: It may be that that is ultimately how it will work out. The Government is trying to send some signals to the various committees that they have specific areas of responsibility.

The Hon. M.J. Elliott: We are talking about a committee which is clearly there by its own formation and objectives.

The Hon. K.T. GRIFFIN: We can debate that later when we come to talk about subordinate legislation. Looking at the existing functions of the Economic and Finance Committee, paragraph (i) refers to 'any matter concerned with finance or economic development'. It deals with a number of other areas of public sector 'functions or operations of a particular public officer or a particular State instrumentality' or any matter concerned with the regulation of business or other economic or financial activity. It seemed to us that, at least in paragraph (i), it excludes the construction of public works. It does not exclude the examination of the financing or economic desirability of a public work, but it is limited to the construction of public works. It is any matter concerned with economic or financial development, excluding the construction of public works. It seems to me that that is fairly limited. It is obviously linked with the Public Works Committee's functions and it does not prevent this committee from getting into the policy issues to which the Leader of the Opposition referred.

The Hon. M.J. Elliott: It depends on your interpretation and construction of the phrase 'public works'.

The Hon. K.T. GRIFFIN: It is any matter concerned with finance or economic development, excluding the construction of public works. It seems clear enough to me.

The Hon. M.J. Elliott: What about the construction of a railway line?

The Hon. K.T. GRIFFIN: That is not the policy issue; that is the construction of it.

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: I would not have thought that is the way that it would be construed. We have discussed it and exchanged views. In my view, it will be helpful in determining the limits of the authority of the various committees. Again, I come back to the point that I made earlier: that these committees can perform such other functions as are imposed on them under this or any other Act or by resolution of both Houses. There is always that scope to go further in any event. I rest my case at that point.

Amendment negatived; clause passed.

Clause 5—'Functions of committee.'

The Hon. M.J. ELLIOTT: I indicated during the second reading stage that I would be opposing this clause. It is the same argument as we have had in relation to the Economic and Finance Committee. I believe that this amendment is at best unnecessary and, depending upon the interpretation of the words, could be seen to be limiting on a legitimate role of the Environment, Resources and Development Committee. During the second reading stage, I noted that the Environment, Resources and Development Committee had looked at the construction of the Hindmarsh Island bridge from a planning aspect, not from an economic, finance or public works point of view. It is a question of how one chooses to interpret those words. I argue in any event that it is unnecessary and I shall be opposing the clause.

The Hon. C.J. SUMNER: It is a similar debate to the one we have just had. I agree with the Hon. Mr Elliott's opposition to the proposition.

The Hon. K.T. GRIFFIN: It is similar to the debate that we have just had. The Bill and my previous amendment are trying to identify more carefully the scope of the authority of the various committees considering that we shall have six standing committees of the Parliament. Whilst we may be able to agree between members informally and Chairpersons of the committees that certain things will or will not be done or that certain areas will or will not be scrutinised, ultimately there is potential for disagreement between the Legislative Council and the House of Assembly in respect of those committees which are solely responsible to one House or the other: the Economic and Finance Committee and the Public Works committee in the House of Assembly, the Statutory Authorities Review Committee in this place, and, of course, the other joint committees where, particularly in relation to the Environment, Resources and Development Committee and the Social Development Committee, there may be some overlap. I acknowledge that the numbers seem to be against us on this clause, but I believe it is good sense to enable the committees to work appropriately without unnecessary overlap or undue tension between them.

Clause negatived.

Clause 6 passed.

Clause 7—'Insertion of Part 4A.'

The Hon. K.T. GRIFFIN: I move:

Page 4, lines 22 to 24—Leave out subparagraph (v) and insert—
(v) the recurrent or whole-of-life costs associated with the work, including costs arising out of financial arrangements;

I hope there will be no opposition to this amendment. It is designed to broaden the scope and responsibilities of the Public Works Committee to take into account 'the recurrent or whole-of-life costs associated with the work, including costs arising out of financial arrangements'. It was put to us by a member of the Public Service that if one looks only at the recurrent costs it does not extend to financial arrangements and even the personnel required to manage the public work once it has been completed. I gather that in the public sector now one focuses more on the whole-of-life costs, and that includes the personnel consequences of building a public work in a particular manner. It concerns the nature of the work, building it in a particular manner and the consequences of doing it in that way. I think this will broaden the scope.

The Hon. M.J. ELLIOTT: What is the significance of the removal of the latter part of the original subparagraph (v)? I understand why you have inserted 'whole-of-life' but I do not understand why '. . . associated with the construction and proposed use of the work' has been removed.

The Hon. K.T. GRIFFIN: My understanding is that on a technical basis whole-of-life costs means not only the cost associated with the construction, but the costs associated with the public work throughout its life, not just during the period of construction. That then encompasses the proposed use of the work. I make the point that as I understand it the whole-of-life costs allow the personnel consequences of building a public work in a certain manner to be taken into consideration. This refers to the construction, the nature of the construction and the purpose for which it is to be used. There is nothing sinister in the amendment. It is designed to cover all the whole-of-life costs of a particular building.

The Hon. R.D. LAWSON: Should not the conjunctive 'and' follow 'recurrent' rather than the disjunctive 'or', so that it would read 'recurrent and whole-of-life costs'? Surely it is not intended that the committee only examine recurrent costs on the one hand or whole-of-life on the other?

The Hon. K.T. GRIFFIN: I do not think it matters.

The Hon. C.J. Sumner: They spend days debating those things in courts. That is how they keep up business.

An honourable member interjecting:

The Hon. K.T. GRIFFIN: It gives them a choice. I do not mind whether it is 'recurrent or', or 'recurrent and' whole-of-life costs.

The Hon. C.J. Sumner: Or means and.

The Hon. K.T. GRIFFIN: That's right.

The Hon. R.D. Lawson: They are quite different things.

The Hon. K.T. GRIFFIN: We can argue about it all day. My advice is that it is one of those occasions where you could use either 'and' or 'or'.

Amendment carried; clause as amended passed.

Clause 8—'Insertion of Part 5A.'

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

Page 5, lines 19 to 31—Leave out all words in these lines and insert:

(i) the efficiency and effectiveness of the authority and whether it is achieving the purposes for which it was established;

(ii) whether the structure of the authority is appropriate to its functions;

(iii) whether the authority and its operations provide the most effective, efficient and economical means for achieving the purposes for which the authority was established;

(iv) the functions of the authority and the need for the authority to continue to perform those functions;.

The amendment still covers all the items which have been included in the original clause. However, I was concerned that the wording as constructed was highly political. The very first question asked, under the Bill as it is before us at present, is the need for the authority to continue in existence. In fact, if one looks at the flow of the construction of that particular clause it really does read from the beginning as though it is an attack on statutory authorities generally. It is quite plain from my amendment that it may be worth considering the question of whether that existence should continue. I think the construction should be more politically neutral and we should start asking questions about efficiency and effectiveness, whether it is achieving its purposes, whether it needs to change its structure to function more effectively, whether the authority and its operations provide the most efficient and economic means for achieving the purposes and, finally, the functions of the authority and the need for the authority to continue to perform those functions. What I am really seeking to do is to give it terms of reference which I think are politically neutral.

The Hon. K.T. GRIFFIN: I do not think either sort of framework is so-called politically neutral. I am all in favour of putting statutory authorities on notice that they may be subject to review. The whole object of a review is not only to look at the way they carry on business but whether you need to continue with the statutory authority. I refer to the principal Act, under the functions of the Economic and Finance Committee, section 6A(3), which provides that the Economic and Finance Committee is to inquire into, consider and report on such of the following matters as are referred to it under this Act, and then any matter concerned with the functions or operations of a particular public office, State instrumentality or publicly funded body or whether a particular public office or State instrumentality should continue to exist, or whether changes should be made to improve efficiency and effectiveness in the area. I hold a very strong view that we ought to be questioning not only the way the statutory authority is run but whether—

The Hon. M.J. Elliott: You say the question should not be asked?

The Hon. K.T. GRIFFIN: I would ask the honourable member to reconsider his amendment because unless there is some reference in the functions of the committee—

The Hon. M.J. Elliott interjecting:

The Hon. K.T. GRIFFIN: It says the functions of the authority and the need for the authority to continue to perform those functions. That does not go to the question should it continue to exist. All it talks about is the need for the authority to continue to perform those functions.

The Hon. M.J. Elliott interjecting:

The Hon. K.T. GRIFFIN: It can deal with some functions and not others. In any event, there is some repetition in the amendments in paragraph (i), the efficiency and effectiveness of the authority, and paragraph (iii) refers to whether the authority in its operations can provide the most effective, efficient and economical means for achieving the purposes. There is some duplication. I draw attention to those functions which are in the Bill; not only the need for the authority to continue in existence, but the functions of the authority and the need for the authority to continue to perform those functions. That identifies the two issues I have just been referring to. That issue should continue in existence but, if it does continue in existence, should it continue to perform those functions in the more general sense? I also refer to the net effect of the authority and its operations on the finances of the State, which as far as I can see is not picked up in the amendments by the Hon. Mr Elliott. I ask members to oppose the amendment and to leave the Bill as it is because it is much more direct and does raise all the issues which ought to be addressed in the context of a review of statutory authorities.

The Hon. C.J. SUMNER: I am not as concerned about this as the Hon. Mr Elliott is. While I hate to break our very happy and convivial unity ticket that we have had on this Bill up to date, I intend to oppose the amendment.

Amendment negatived.

The Hon. K.T. GRIFFIN: Mr Chairman, I draw your attention to a typographical error: 'economic' should be 'economical' in new section 15C(a)(iv).

The CHAIRMAN: A clerical correction will be made.

Clause passed.

Clause 9 passed.

Clause 10—'Insertion of s.16A.'

The Hon. K.T. GRIFFIN: I move:

Page 6—

Lines 10 and 11—Leave out 'out of money provided by Parliament or by a statutory authority'.

Line 14—Leave out 'out of money provided by Parliament or by a statutory authority'.

These amendments are consequential on an earlier amendment to ensure that the scope of the function of the Public Works Committee is not limited by the way in which the money is obtained for a particular construction project. By deleting the words 'out of money provided by Parliament or by a statutory authority', it broadens the scope of the function of the Public Works Committee.

Amendments carried; clause as amended passed.

Clauses 11 to 14 passed.

Clause 15—'Regulations.'

The Hon. C.J. SUMNER: Our opposition to this clause is consequential.

Clause negatived.

Clause 16, schedule and title passed.

Bill read a third time and passed.

PASSENGER TRANSPORT BILL

Adjourned debate on second reading.

(Continued from 10 March. Page 217.)

The Hon. M.S. FELEPPA: I wish briefly to contribute to the second reading debate on this Bill. The changes to the structure of the public transport system in South Australia as proposed by the Bill now before the Council are undertaken in the belief that they will solve the problems of declining patronage and the increasing cost of providing current services.

If the Bill is successful, we will have to wait and see whether what is proposed will actually accomplish what is intended. I have some doubts that the solutions proposed by the Minister (Hon. Diana Laidlaw) are based on the correct premises or conclusions.

As I have already said, I have some reservations that the solution to the problem has been found. However, I compliment the Minister in having the fortitude to amend the original draft Bill that was circulated in December last year. It certainly needed some amendments, but I was surprised that there were so many defects—over 100—as admitted by the Minister some time ago. The need for some amendments was simply due to the drafting of the Bill, but many more were related to the underlying philosophy upon which the Bill is based.

The main problem with public transport is the fall in patronage. That is my view. It is undeniable that this drop has occurred. The population has increased considerably over the past 20 years and use of public transport services has not kept pace with our increase in population. The facts are that fewer people use public transport today than they did 20 years ago. To simply say, as the Minister does, that there is a need to stop the rot does little to solve the problem honestly. The Minister admits that the decline in patronage was a problem recognised by the former Labor Government as far back as 1974.

The strategy then was to buy out private bus operators, and I quote the Minister, as follows:

> With the benefit of hindsight, we could see that this strategy could provide only temporary relief.

At least that action did work up to a point. It seemed then, and it still seems now, to have been the right strategy, given the circumstances at the time. The Minister goes on to admit something else. When we look at the taxi industry there are more cabs chasing the same amount of business, or even less thereof. The Minister states:

> There are fewer customers per cab to cover costs so there is a great pressure on individual cabbies to charge higher fares to cover those costs.

If we put both the State Transport Authority and the taxi industry together, we see simply that both are suffering from the same illness: loss of patronage. Therefore, we can conclude that the cause of the problem could lie elsewhere than with the kind and cost of services provided. The problem probably lies with the increase in the number of private vehicles on the road today and, I believe, with the cheaper parking facilities available in the city, especially with the glut of high rise parking stations that we see all around Adelaide.

It may also lie with the spread of suburban retail outlets, with the customers no longer attracted to the city and Rundle Mall shopping precincts as once was the case. As I have said, we will have to wait to see whether the efforts outlined by the Minister will bring the expected result, and I wish her well. I believe that these efforts will again provide only temporary solutions and that more permanent solutions will need to be found elsewhere. People need to be given reasons for using our currently adequate public transport system rather than their own private vehicle.

I believe that one change is vital in the section concerning the decisions of the Passenger Transport Board, and the need for all three members of the board to make a decision rather than having a quorum of just two. There are many other areas, of course, but this has promptly come to my attention. In my view, section 14 concerning this matter is not sufficiently clear in its wording. I indicate that I will move an amendment on this question during the Committee stage. On the direction of Parliamentary Counsel, I will be moving that amendment not to clause 14 but instead to clause 8, as I am advised that it is better placed there.

One other matter in the Bill is also not clear, and that is whether or not the accreditation of drivers and the payment of the prescribed fee will be substituted for the driver's licence currently issued by the Motor Registration Division. This applies also to the taxi-driver's licence. Does accreditation amount to an additional charge on drivers, for instance? Perhaps the Minister can reply to this question later.

Importantly, the Minister has recognised the need for the cooperation of the union movement, and that is really great, but there is no guarantee that I can foresee. I suppose the changeover proposed in the Bill will be the success for which the Minister herself hopes. The United Trades and Labor Council has made its view on the Bill clearly known. It seems to reject the philosophical basis of the Bill as neither necessary nor desirable. It has reason to believe that the rationale behind the Bill is purely to cut costs while on the face of it supposedly improving services. What the Bill in fact seems to be doing is redistributing the cost of running the services, and that can be observed in the Bill.

In the main, the service is good for the size of the population that we have in South Australia. If one looks at the north-east busway to Tea Tree Gully, the transit link services (and there are several of them), the cross-suburbs service and the ring routes, one can see that they are all working well and are being patronised. It may be necessary to upgrade those services, but there will always be that need. The transport system will never be perfect, given the changing times and population, but do we need a radical change as has been proposed in the Bill now before the Council?

The transport union rejects such a radical change on well considered grounds. Placing all elements of public transport under one body will not necessarily draw passengers to use the service. Those who now need the service more or less get it, in my view. There is no guarantee that costs will come down with the changeover, for instance, but many will rise; I suspect that they will skyrocket with the cost of the changeover on top of running costs.

The Minister has made much of the idea of competition by bringing private bus operators into the system. The real fact is that there will be competitive tendering for the service, not competitive service of routes. The public will be locked into what is in the service contract, and so will the board. In

my view, profit is the motive in tendering for a service. The public will therefore be at the mercy of the minimum service for maximum profit.

Competitive tendering will offer nothing to the public and it will certainly not reduce the cost of total passenger services. Cost cutting on the part of the private operators is a real concern of the United Trades and Labor Council. Wages are also an area where cost cutting can be applied, and the trade union movement has expressed fear about the loss of conditions of labour in relation to competitive tendering.

The Bill contains no guarantee, for instance, that there will be no collusion in tendering. That is quite possible, and should be a matter for detail in the Bill. I ask the Minister to pay a little attention to the concerns that I am now expressing, and I hope she will consider an amendment to that effect.

There is no guarantee that TransAdelaide will always tender a reasonable and fair figure for any particular part of the service. I suspect that it will put in an unreasonably high figure in order to rid itself of a difficult and troublesome route. It may then be up to a desperate private company to pick up a crumb in an act of desperation to obtain a small slice of the action.

So, while the Minister will certainly need to get the trade union movement on her side, the union movement does not see that the Government has a mandate to implement the radical content of the Passenger Transport Bill. Further, I may add that the Liberal Party did not include the proposals in its election campaign. To be honest, it was particularly silent on public transport and the ramification of its intentions when it floated the election issues.

An honourable member interjecting:

The Hon. M.S. FELEPPA: That is why I did not expect the trade union movement to respond favourably to the Labor Party on this issue. The trade union movement has had a long and conscientious interest in public transport throughout its representation of public transport employees and through its interest in the broader transport using public.

In conclusion, let me say that the magic wand of our new broom is not likely to sweep the public transport system clean, and it remains to be seen if this Bill can be proved otherwise. It will stir up a lot of dust, I suppose, and cloud the real issue. In the long run, I believe that it will prove to be a more costly solution, but time will tell as I have already mentioned. The real issue in my view is to provide a more attractive alternative to the use of the private car and then persuade the public to use public transport, not as an alternative but as a preferred option.

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

ELECTORAL (ABOLITION OF COMPULSORY VOTING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 March. Page 307.)

The Hon. ANNE LEVY: I will be very brief as many of the issues have been covered already in the contributions of other members. I totally oppose the second reading of this legislation, and I do so from a stand of principle. It is anomalous that this Bill should come before us in the centenary of women's suffrage when this year we are celebrating the proud South Australian achievement of granting the franchise to females throughout this State. Voting is something which is highly prized in many countries. It is still not available to many people in many countries of the world, and it is something which, as a nation, we have long supported. I can cite as an example our sanctions against South Africa while it maintained a totally undemocratic system which prohibited 80 per cent of the population from voting.

The ability to vote is an important part of citizenship. Citizenship not only implies rights but also responsibilities, and this is maintained in a great deal of our legislation. The responsibilities of citizenship of a country include voting, sitting on juries, the payment of taxes and other such duties. No-one has ever suggested that whether or not people pay taxes should be voluntary. No-one has ever suggested that whether or not people sit on juries should be voluntary. These are duties of citizenship.

I feel that the duties of citizenship include voting. It is not an onerous duty, imposed on people once every four years to spend half an hour to go to a polling booth. I stress that it is half an hour every four years to go to a polling booth. What a citizen does with their voting slip when in the privacy of a polling booth is, of course, their business. Whether they actually vote, leave it blank or deliberately vote informal is a matter for the citizen, but it is not an onerous responsibility to impose on a citizen. It is in fact much less onerous than having to serve on a jury should a citizen be called up for jury service. That is not a voluntary matter and can in some cases take weeks of a person's time. Admittedly, having done it once, they are not likely to have to do it again. Half an hour every four years is not an onerous responsibility, but it is one of the responsibilities of citizenship. It is something which has been fought for very hard. It is something which in other countries people have died for.

The Hon. M.S. Feleppa: Further, it is a privilege.

The Hon. ANNE LEVY: It is a privilege, a right which has associated with it responsibilities, and I strongly feel that the responsibility of voting by citizens is something which all citizens accept as they accept other responsibilities of citizenship. There has been a great deal of discussion whether we should do a poll of countries in the world, as to whether they have compulsory or voluntary voting. Some have one, some have the other, but I agree with those who state that that is an irrelevant argument. At the time this State gave votes to women, there was only one other place in the world which did so, on a universal basis, so a poll of countries that do and do not follow a particular practice would certainly not have resulted in female suffrage had the logic of that argument been followed.

I reiterate: my opposition to this Bill is on the basis purely and simply that citizenship involves responsibilities as well as rights. We all have the right to vote. We all have the responsibility to vote. I strongly oppose any measure to remove that dual right and responsibility which to me go hand in hand.

The Hon. T.G. ROBERTS: I rise to oppose the position being put by the Government. I suspect that it has arisen out of the frustration of almost 20 years in opposition. I suspect that the policy development that was experienced through the frustrations of a system of proportional representation in the Upper House and not being able to control that, and of single member electorates in the Lower House, and not being able to get across the line with more than 50 per cent of the vote, has bred into the present Government the desire to change the

system to another system where it now thinks it would give it a greater advantage in being able to win elections.

I do not think it had in its mind the majority that it now operates with, through the system that we are now operating with, when it brought together the Bill which we find ourselves debating now. I suspect that, during that frustrating period of opposition, strategists within the Liberal Party would have been sitting around saying, 'Just how can we get these Government benches away from the Labor Party. We always seem to get very close but we can never get hold of the treasury benches.' A bright idea has been put across the table, 'Oh, I know, let's go for voluntary voting.' This would eliminate the advantage that the Labor Party has in a large swag of seats, thereby transferring the power back over to the conservatives who are then able to hold on to Government using an unfair electoral system.

In 12, 18 months the heat will have gone out of the debate within the Liberal Party about voluntary voting and about whether it is compulsory or not on the basis of the advantage it now enjoys, with the number of seats it holds in the Lower House. Much of that frustration will have been eliminated. I suspect that what the strategists will do now is sit around tables and determine that their problem is the Legislative Council. That will be the frustrating piece of democracy that sits between the Liberal Party and ultimate power within this community, and the strategists will be working on ways to change that. Ultimately, I do not think the debate ought to be regarded as about partial participatory democracy: it is about complete and ultimate power.

The focus of the debate will be the number of Bills that will be frustrated in the Upper House around the legislative program that the Liberals will be trying to put in place over the next 12 months. Already the focus of the debate by the *Sunday Mail* has shifted, not to the reform of the Legislative Council, not to a change in the way in which the Legislative Council elects its members, but the abolition of the Legislative Council. That is the debate in the forums of the know-nothings within the public domain, and I include the *Sunday Mail* editorial piece in that.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: The progressive elements of the Labor Party were frustrated during those days when the Legislative Council was not a democratic forum within in this State. But it now is; the reforms are now in place; we now have one vote one value; we now have voting that is not determined on ownership and franchise. The debate now, not by progressive members of the Labor Party, is how to be rid of the Legislative Council; how to have not a bicameral system but a single House system of Government by which you could—

The Hon. R.D. Lawson interjecting:

The Hon. T.G. ROBERTS: We could close the Assembly, as the honourable member suggests, but that is not the suggestion being put forward by those in the public debate who are looking closely at not just the electoral system but at how Governments are formed and what system of Government you have. The discussions around participatory democracy have been with us for any number of years and Australia has had, I think, probably one of the fairest and one of the most participatory democracies in the western world. I do not think you need to change the system of compulsory voting to get any better system.

Some people would say that you get a more refined system, with a more educated voter. Who knows, we may be issuing licences very shortly; you might have to do a test about what makes up a Government and what makes up political power in a community. People can be eliminated on that basis. My view is that, with the responsibility that comes with compulsory voting, all manner of people who, from time to time, take no interest in politics but spend all their time concerned about how they make ends meet have to consider placing a vote in a box to enable them to participate in the democratic process. It is the only time they are consulted.

What I find frustrating is not the compulsory aspect of voting but the fact that in a lot of cases people really want to have no truck at all with members, Parties and alternatives. That is the challenge that as legislators and as members of political Parties face in the future. I find disturbing the number of people who are not registering to vote and who are not turning up to vote at the ballot box—this is by choice—and it is an early indication of some anarchy forming in the electorate.

The Hon. K.T. Griffin: Anarchy! You are joking?

The Hon. T.G. ROBERTS: It is an anarchistic form of expression. It is people saying, 'I do not like the choices before me. I do not see any difference between the Labor Party, the Liberal Party and the major Parties being put up.' They see only suits, wandering around looking for jobs and, in the expressions of electors, it is Tweedledum versus Tweedledee and, at the end of the day, nobody is looking after the interests of those people who need to be looked after. They are looking after their own interests. I am sure that members on both sides of the House have encountered that attitude while door knocking.

The challenge to legislators and members of Parties at the moment is not to exclude people by getting them to switch off by having a non-compulsory form of voting or a voluntary voting form, which would, by definition, absolve people of their responsibility to even weigh up and consider those options that they consider not options at all. People would switch off completely and have no responsibility to the formation of Government whether it be a progressive Labor Government or a conservative Liberal Government. They then decide that with no responsibility comes no power and with no power they are absolved from an individual's rights and contributions within society and they tend not to participate at all at any level.

Australia and South Australia have had traditionally three levels of Government, two of which have compulsory voting requirements, and one of which has a non-compulsory or an optional voting system, that is, local government. In relation to State and Federal Governments there is a compulsion to attend the poll, not a compulsion to vote. That is the other point that the Bill does not address and those people who support it do not address, and that is that it is not a compulsion to vote but a compulsion to attend and to discharge your responsibilities. As other members have said, people can vote informal as a choice; people can determine to screw up their ballot-paper as a choice. But there is a compulsion to consider screwing up your paper and a compulsion to consider voting informal, a compulsion to consider giving the Liberal Party a landslide victory, or to vote the Labor Party out for its past mistakes.

In doing that, there is a compulsion to weigh up and to make that decision, which makes it a participatory decision by a person in a democracy. With Australia's fairly stable form of democracy, that is something that we should not change. I do not like doing comparisons with other countries but in the United States a recent President was a butt of ridicule generally; he had very little or no respect throughout

the United States itself. I suspect that if you spoke to those people privately who voted and supported Ronald Reagan they would say that they had reservations about his ability to handle the job. They had probably more respect for the chambers by which the Government process was made, formed and carried out, rather than for their President. I think the level of participatory democracy in voting for the Congress and the Senate is probably consistently higher than in voting for the Presidential circus.

That is basically what it has become. The Hon. Mr Redford referred to packaging soap powders. If ever there was an exercise in packaging soap powders and the display of blatant commercialism in trying to get people to vote for the right powder, the Presidential race is something to behold. It is almost a cross-section of all of our celebrations with the Melbourne Cup, Moomba, Anzac Day and probably a couple of other public holidays as well. It appears to me to be a circus that rolls through the nation and the last things that people consider are the political outcomes and views of the individuals as proposed because the advertising agencies have got hold of the campaigns with such a stranglehold that the last things to be discussed publicly in any of the advertising are the various views and politics of the individuals concerned. There is certainly a high circus affair rolling around a public image and many other issues that do not get back to what can be regarded as a base political movement.

In Britain the participatory democratic processes tend to favour the incumbent. It is hard for smaller parties and/or Oppositions to win there. It is not impossible, but it is very difficult. A breakdown of the British vote in relation to the north-south makeup of Britain would show a high participatory democracy in the southern region, whereas in the north—I know this from personal experience—people stay away from the ballot boxes in droves because they have a cynical view of outcomes. It is something that I should like to see avoided here. The point of exclusion becomes a point of total and open cynicism and with that cynicism there tends to be an inbuilt hint of anarchy and out of anarchy can arise a fascist or extremist regime because a majority of the people do not consider what or who they vote for.

I think that Australia can consider itself very lucky. We have had no major confrontation between parties or historically between Governments and Oppositions. There have been orderly transfers throughout history with the exception of 1975, which was a hiccup in the orderly transfer that the Westminster system prides itself upon. If we want a descriptive position for the 1975 hiccup, I think that Australians were not ready for the radical changes that took place between 1972 and 1974. The changes that were being put in place by a Government that had been frustrated by years and years in Opposition were being put together in a package over a very short period of time and Australians, being relatively conservative, were not able to handle the changes being developed in the timeframes that were being argued. They also covered a major economic shakeup internationally. There were some economic adjustments that were not being made by the regime during that period to adjust to the new economic circumstances during the period 1972 to 1975. It was quite easy for conservative forces to take an opposing position and use the media to stampede the electorate into voting for the steps that were being taken by the Senate at that time and voting in a Conservative Government.

The only form of government that we have which is not elected compulsorily is local government. South Australia tends to pride itself on the fact that it is non-party in people putting forward candidates, but I think we all know that is not true. Particularly in country areas it is marginally a battle between National Party and Liberal Party forces with the odd Labor Party candidate thrown in who occasionally sneaks through. Where we get conservatives arguing non-party politics in government, they mean they do not want anybody else's politics in government; they only want their own. If people in country areas were asked what they thought of local government, we would find that its image over the years has been less than glamorous because there is not much confidence in local government administrators to deal with the questions of the day.

That is starting to change. In the past five years local government has started to mature. With that maturity will come a transfer of power, particularly by the Commonwealth, to local government, perhaps bypassing the States to some extent. With regional government developing more power, there will be a responsibility on regional government to have compulsorily elected governments rather than to move to options for non-compulsory voting for State Government. If a State Government moves towards a form of non-compulsory voting, I am sure the status that it will be given by the electorate will be about the same status as local government used to enjoy in the bad old days. The respect that State Governments have now is starting to tarnish a little because the Commonwealth Government is starting to exude more power in relation to the States. If the States want to sign their own political death warrants, the best way to do it is to have a non-compulsory voting form that detracts from the responsibilities of individuals to monitor the way in which State Governments conduct themselves. In that way the State Governments would end up with little or no respect over a very short period.

The change and nature of the way in which Governments are made up in relation to either bicameral or single House systems will be a debate that we shall be having over the next five years and the relationship between the States and the Commonwealth will be a major debate that will be conducted over the next few years. It is starting to happen now. The only way in which we can have a mature democracy and interrelationship between the three tiers is for compulsory voting to remain, and the responsibility for participation in democracy lies with the maintenance of compulsory voting.

The Hon. L.H. DAVIS: I support this legislation which seeks to abolish compulsory voting in South Australia. The contributions from the Australian Democrats and the Opposition have hardly been breathtaking. The argument put forward by the Hon. Mr Elliott was about as effective as being tickled with a stalk of tired celery. As for the contributions from the Labor Party, the former Attorney-General and his left wing colleague the Hon. Terry Roberts, I suggest that the New South Wales right would not even bother to send a bunch of flowers.

The Hon. T. Crothers: Perhaps they would send a bunch of celery!

The Hon. L.H. DAVIS: Certainly for the Hon. Trevor Crothers they would not even send a posy.

The Hon. T. Crothers interjecting:

The Hon. L.H. DAVIS: It depends where they put it, does it not?

The Hon. T. Crothers: I would know where to put it.

The PRESIDENT: Order!

The Hon. L.H. DAVIS: The Australian Democrats have been the subject of some criticism and speculation in the

media. One of the gonzo journalists in the national newspaper scene is Peter Ruehl, who has a column on the back of the *Financial Review*. Recently I was struck with his opening lines in an article, which said, and I quote:

> As a group of people the Australian Democrats are a fun little bunch—you know, always sounding like Thomas Keneally, Willie Nelson and the cast of *Murphy Brown* all rolled up into one. When they hang out together, they get silly after two light beers and play old Joan Baez albums till darn near 10 o'clock at night. (I know, I know, that's a cruel overgeneralisation. Some of them have probably graduated to Joni Mitchell).

An honourable member interjecting:

The Hon. L.H. DAVIS: It just shows that the Liberals do not think much of Joni Mitchell. Whilst that might at first blush sound a little harsh, they are not my words; they were the words of Peter Ruehl. However, I did read them shortly after I had not only listened to but re-read the contribution from the Hon. Michael Elliott. Let us restate the public position of the Australian Democrats as far as electoral systems go. I refer to no lesser an authority than the Hon. Ian Gilfillan, the Leader of the Australian Democrats until recent times in this Council. On 17 March 1983 he put down a position which I have never seen contradicted since by the Democrats. He said:

> . . . at least for the Legislative Council we have got as near to the perfect democratic system of election as there is anywhere in mainland Australia. It allows representation for a minority of people who would otherwise be spending their voting lives watching contestants from the two traditional parties winning the seats, while their votes never contributed to electing anyone in Parliament. Proportional representation is achievable and a goal for which I intend to work for all elected positions in this State Parliament.

If I may interpose, that clearly means that the Democrat view was that there should be proportional representation, not only in the Legislative Council, but also in another place. He continued:

> I am convinced that we would have better government, better Parliamentary representation, and a more participating and satisfied electorate if we incorporated multi-member, proportionally represented Lower House seats, say, seven members elected from seven electorates, making a total of 49. The Australian Democrats will be raising this matter in the Council shortly.

I could go on at length and give more quotes to the Council but in view of the lateness of the hour I will resist that opportunity.

The Hon. C.J. Sumner: That is the first time you have ever done that.

The Hon. L.H. DAVIS: Not at all. When you are here I am forced to be incisive. That is a particularly interesting and appropriate comment from the Democrats because when we look at the contribution from the Hon. Michael Elliott we see something which, in the final analysis, ignores what was laid down as the Party position a decade ago and which, to my knowledge, has remained the position ever since. He, of course, is grunting against compulsory voting, saying it is not fair. He says:

> Whatever the issue of the day, people will manage to mobilise their votes 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 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. 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. . .

He then goes on to say that he will not use proportional representation, which of course is common in Europe, as a debating point. He accepts, of course, that that is the Australian Democrat position. But he argues that perhaps the Greenies, if something of particular interest excites them, may get someone in; in other words, the minority people may well get in because of compulsory voting. Ladies and gentlemen, let me disabuse him of his inconsistency. Let us look at what is happening in the real world in Tasmania. It has the Hare-Clark system, better known to some as the 'harebrained system', a system where there are five provinces of seven seats per province per electorate, and the numbers to elect a member of Parliament in that system, in the sparsely populated State of Tasmania, are necessarily very small.

What results occur in Tasmania, honourable members would ask? If anyone has any familiarity at all with the scene in Tasmania they would be well aware that, for example, not so long ago the Duke of Avram got a guernsey in the Lower House. Who is the Duke of Avram, one may ask? He is a self-appointed piece of nobility from the southwest coast of Tasmania, a sometime coin collector, who managed to garner enough votes (and probably only 2 000 or 3 000 votes) and got in. Never mind that he was an unusual member of Parliament and did not receive another term; but it was a notable result in a system which the Democrats worship. If you look at the proposition put by the Hon. Ian Gilfillan, where you have seven electorates with seven members each, you could work out that a few thousand votes may be sufficient to elect a member in one of those electorates.

It could quite easily mean that a big issue, which was not a State issue but merely a local issue, became the go in that electorate and someone with a very small number of votes received election. I do not want to make a big point about that, except to stay that the Democrats cannot have it both ways. They cannot say if you abolish compulsory voting and have voluntary voting you might get a minority representation in the House, because under their very system of proportional representation exactly the same may occur. We had the remarkable evidence from the Australian Democrats that, either at a picnic of the Australian Democrats or a phone poll or a pigeon poll—we were never told—they had surveyed 300 voters and, hey presto, 68 per cent of South Australians support compulsory voting and 30 per cent support voluntary voting. That is at odds with the polls on this that I have seen over the years.

I accept that on something like that there will be a variety of opinion and community moods on the subject will vary from year to year. But let us not have any nonsense about the Democrats holier than thou attitude of saying that proportional representation is all right, it will allow minority Parties like the Democrats to survive; but we must not have voluntary voting because it may lead to a result. The logic of that, of course, is that it may lead to a minority party getting elected. It is a *non sequitur*. Of course, in the argument that they use, it could well have been that the Riverland grapegrowers may have really been stirred up by an issue. They may have been really cross, for example, that the previous Labor Government had dudded the State economy by its negligent treatment of the State Bank, and they might have said, 'We are going to stop picking apricots and peaches and we are going to vote that Government out of office; we are very cross about this because it is affecting the economy of the Riverland.' So you cannot say, as the Democrats have, that grapegrowers might be busy and they are ill-informed and if

they do not have to vote they will not vote. I do not accept that as a *sequitur* at all. The argument that the Attorney would recognise, if he is honest, is that where voluntary voting occurs, and that is in the majority of democratic countries—

Members interjecting:

The Hon. L.H. DAVIS: The 'shadow' shadow Attorney-General would recognise—

The Hon. C.J. Sumner interjecting:

The Hon. L.H. DAVIS: I am just trying to sweeten you up, you have been so sour for the last three or four weeks. You have been concerned about my welfare, you have been bitching with your colleagues across the front row and behind you. They are all trembling in fear about what you are going to do next to them. You spend as much time attacking your own colleagues as you do attacking us, which we welcome.

The Hon. C.J. Sumner interjecting:

The Hon. L.H. DAVIS: We do not have to tell the former Attorney that, do we? The former Attorney well knows that in voluntary voting that occurs in the majority of Western countries both sides of the political pendulum get their time in government and that the people who do not have to vote will feel strongly about keeping a Government in power and more likely feeling strongly about throwing a Government out of power and will vote accordingly. For the Hon. Michael Elliott to come up with the following breathtaking proposition was really something. It showed the thin veneer with which his argument was coated, because he stated:

> 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—

Let me tell the Democrats something: in 1985 and again in 1989, with 91 per cent of South Australians voting, the people of South Australia re-elected a Labor Government in South Australia. I was not delighted by that sort of prospect. We advanced the arguments about the State Bank before the 1989 election and again after the election, but is that to say that compulsory voting has failed? I am not going to argue that proposition, although on the logic of the Hon. Michael Elliott I could easily do so. There is not one member in this Chamber who could disagree with that proposition.

The Hon. Michael Elliott, having said, 'I am worried about the under privileged and the ill informed, because they are not so likely to vote,' goes on with this little gem toward the end of his speech:

> . . . 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 Hon. Mike Elliott might say that but, if you are a single mother living with three kids some distance from a polling booth and it is a hot day or it is pouring with rain—

An honourable member: And you don't like either candidate.

The Hon. L.H. DAVIS: —and you don't like the Australian Democrat candidate or the Labor Party candidate and you do not know any of the other candidates either, why should you be fined for not voting or turning up? Why should people receive an economic penalty for that? I know of no reason. Most countries in the world do not require that.

Quite often one of the major problems, even in States of America, and the most difficult thing is to get registered to vote. As the former Attorney would remember, in some of the southern States of America the offices where people were required to register would be open in main city centres only between the hours of 3 p.m. and 4 p.m., so it was impossible for people in country areas—blacks or under privileged people—to get to register to vote, anyway. That has been one of the problems. But to go to the other extreme and actually fine someone for not voting is absurd and cannot be justified.

The Attorney-General mounted a brave argument and admitted that the Liberal Party had a consistent view on voluntary voting, and it was put very coherently by the Liberal Party in the Bill's second reading. The Attorney-General admitted that this was no new measure, and it is not as if the public of South Australia do not know about it. Not only in 1985 or 1989 but also in 1993 we made this an issue at the election time and in the weeks leading up to it. It is not a novel proposal.

The Hon. C.J. Sumner: Is this me you're referring to again?

The Hon. L.H. DAVIS: It is. Apart from your speech and a brave contribution from your left wing colleague, the Hon. Terry Roberts, you have really been carrying the argument, haven't you?

The Hon. C.J. Sumner: I'm not the Attorney-General.

The Hon. L.H. DAVIS: I called you the former Attorney-General. Of course, he reverts to the same argument, because he stated:

> . . . Mr Clinton was elected by 25.9 per cent of citizens eligible to vote.

I can remind him, if he wants to play with minority figures, that in 1989 the Labor Party was elected by a figure of much less than 50 per cent, anyway.

The Hon. C.J. Sumner interjecting:

The Hon. L.H. DAVIS: I said a figure much less than 50 per cent.

Members interjecting:

The Hon. L.H. DAVIS: It is much less. It is less than 48 per cent. We had this emotional plea from the Attorney-General based on what has happened in Italy.

The Hon. C.J. Sumner: The former Attorney-General.

The Hon. L.H. DAVIS: The former Attorney-General. Old habits die hard. The former Attorney was just there for so long, like a bad record, like the LP that would not stop. Quoting from an article which he wrote and which appeared in the *Advertiser* on 23 February 1994, he commented about the Hon. Mario Feleppa. I must say that I have a great respect for the Hon. Mario Feleppa's position, along with that of the Hon. Julian Stefani, and their interest in Italy. The Attorney went on to state:

> He [the Hon. Mario Feleppa] 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.

I do not deny that point. Later on he says, for instance, that Italy has compulsory voting and has come out of the period of some political turmoil and sees compulsory voting as worth having. All honourable members will agree that that compulsory voting has not made any difference to the problems that Italy has confronted in its parliamentary system. It has not made it a better system. To try to manufacture a false argument out of facts—

The Hon. C.J. Sumner: You said the argument was one you agreed with.

The Hon. L.H. DAVIS: In relation to the war. In this second argument that I am making it simply does not stand up as an argument. It has been said that Greece and Spain had

difficulties with their democracies and chose to implement compulsory voting, but it is not a sequitur to say that compulsory voting has turned the countries of Greece and Spain around. I have not seen that argued seriously as a proposition until the Attorney-General introduced it in a desperate attempt to give his second reading contribution—

The Hon. C.J. Sumner: The former Attorney-General.

The Hon. L.H. DAVIS: The former Attorney-General—some substance. Finally, the Hon. Chris Sumner could not help himself, because he said that if the honourable member really wanted to know the Labor Party platform called for the abolition of the Legislative Council, after referendum, and for restriction on the powers of the Legislative Council to deal with money Bills in the interim. Again, that shows how much he is out of touch with the contribution that the Legislative Council has made over the past 11 years whilst the Labor Party was in office.

Let us look at some of the questions and issues raised in this Council of which the former Attorney-General would well know. Had he taken more notice of them and treated them more seriously, the Labor Party might well not be in the parlous political position it is in today. Think back to the issues that have been raised in this Chamber, the second House, which the Labor Party wants to abolish. The honourable member is talking about not wanting radical changes, but here is the Labor Party in a speech designed to be moderate, in a speech designed not to rock the boat and in a speech to maintain the *status quo*, saying, 'We want to abolish the Legislative Council.' Is there nothing radical about that? The Hon. Chris Sumner should think about those issues such as the $60 million Scrimber loss; SGIC's $400 million, technically bankrupt and bailed out by the Government, and the South Australian Superannuation Fund. Those matters were raised in this Council.

I refer also to the State Bank: although much of the material gathered by Legislative Councillors was fed into the main political cauldron in another place, certainly there was a lot of activity on the part of Legislative Councillors designed to draw the Labor Party to the realisation that something was rotten with the State Bank.

So, a flimsy argument has been mounted against voluntary voting by both the Labor Party and the Australian Democrats. I came into this debate persuaded that the time for voluntary voting has come, but nothing has been said by the former Attorney-General as the Leader of the Opposition or the Hon. Michael Elliott as Leader of the Australian democrats to persuade me otherwise.

The Hon. SANDRA KANCK: I will be opposing this Bill, because voting is a right, and all freedoms and rights have a counter-balancing responsibility. The Democrats believe that we have a civic responsibility to vote. In the debate so far, the Hon. Mr Redford has made a lively contribution, and I recall at one stage when my colleague the Hon. Mr Elliott was speaking, he objected with, 'What about freedom of choice?' Well, what about freedom of choice? Anyone who chooses not to go down to their polling booth and vote is still exercising their freedom of choice. What happens is that they face a fine if they exercise that choice.

The Hon. Ms Levy raised the question of freedom to pay tax and said that at no stage had anyone ever suggested that we have freedom of choice to pay tax—although that may be unofficial Liberal Party policy. What about the freedom to drive on the right hand side of the road? We have that freedom as well. I suggest that the Hon. Mr Redford might like to try that and see what happens, but certainly he has the freedom to do that. He might end up with a few more bandages than he currently has.

The Hon. Mr Redford told us that the problem that the Government is trying to address with this Bill is about uncaring and ill-informed people getting the right to vote. If that is the problem, let us do something about these people being either uncaring or ill-informed. First, beginning in primary school, let us provide education about Governments, Parliaments and voting systems; let us educate people to see that what happens in Parliament has a direct bearing on their lives.

I might mention that, having been a former primary school teacher, I can assure members who are a bit scared of introducing political education at that level that eight year olds already know how they will vote. There is little that teachers can say or do to alter that, because most children have had their parents' beliefs inculcated in them. Secondly, for those people who are already of voting age and beyond education and who are uncaring and ill-informed, we could put some options on the ballot-paper. We could provide, as we do in the Democrats' internal ballots, an option 'none of the above' or a square they could tick that says, 'I do not wish to register a vote.' These are the options that could be used if we are concerned about uncaring and ill-informed voters.

The Hon. Mr Redford made a number of comments about the Democrats which require some response. He referred to the Democrats' internal ballots and to some sort of inconsistency in stating that we think voting should be compulsory. We are saying that people should turn up at the polling booth, not that they should put anything on their ballot-paper. We have that expectation of the population, in the Democrats' internal ballots everybody receives a ballot-paper. It is up to them to decide whether or not to put a mark on it and return it, but everybody gets it. There is absolutely nothing inconsistent between that position and our position about attending a polling booth to have your name crossed off and picking up a ballot-paper.

The Hon. Mr Redford diverted into the issue of handing out how to vote cards, which the Democrats oppose. He showed a level of contempt for many of his electors in the comments he made, but he also failed to recognise that there are registered tickets up on the wall inside every cubicle of every polling booth in the State.

The Hon. Mr Redford also misrepresented my colleague Mr Elliott when he said that in suggesting a referendum on this issue the Democrats were trying to drag the people of Elizabeth out to vote again. I am not sure how many times things have to be said before they are understood, but what the Hon. Mr Elliott said was that, if the Government felt so strongly about the matter, it could be put to a referendum at the next election.

The Hon. Mr Redford also said that non-compulsory voting would reduce scaremongering—the sort we have had for the past few elections. Again, if that is the reason for introducing non-compulsory voting, we are tackling a problem with the wrong solution. The solution in that case is the need for truth in advertising. If the Liberals are truly interested in reducing scaremongering, we must examine the issue and come up with an explanation as to why on seven occasions in the past 10 years his Federal colleagues have voted against Democrat legislation to bring electoral advertising under the Trade Practices Act.

I can also promise the Hon. Mr Redford that the day he is looking forward to—the day that the Democrats give up

pushing proportional representation—will never come, so he had better not hold his breath.

The Hon. Mr Davis and a number of his Liberal colleagues raised the question of the poll that the Democrats had conducted. All I can say about that is that members of the Government are exercising their freedom of choice to be obtuse, because, if they have listened to or read in the papers what has been said, they would know that the Democrats commissioned a poll of 300 people. I know that is not a great deal, but we are not a very rich Party, and it is a statistically valid number of people to conduct a poll. We needed to conduct that, given that on an almost daily basis we were being told by the *Advertiser* that this is what is what the public wanted. We needed to find out whether they did want voluntary voting, and it showed very clearly that they did not want it. So, we feel that we are at the very least operating from a position of knowledge.

In the system of voluntary voting which operates in the US and the UK and with which I am familiar, the campaigners start off by saying that the first priority is 'GOTV'. That means 'getting out the vote'. From what I have observed from people who have returned from campaigning in those elections, it is a very intrusive form of campaigning which I believe will lead to invasions of privacy.

Looking at a recent edition of US magazine *Campaigns and Election*, I noticed a number of advertisements for lists, that is, databases that you can buy. One company called Strub Media Group is offering 500 000 names nationwide for gay and lesbian lists. I consider it to be incredibly intrusive stuff if you find yourself on one of these databases, but these are the lengths they are going to in the US in order to 'get out the vote'. If it is happening there—and they are the gurus—it will start to happen in other places.

Who will exercise the right to vote under voluntary voting? I would start off by saying that well educated people will exercise that right, but people with less education will not. I attended a public meeting recently, organised by people supporting the South African elections, and I asked a question about the voting system that will be used on 29 April. First, it will be proportional representation, which I was thrilled to hear about, and secondly it will be voluntary. The Black African people are concerned about that, because they say they will have a real problem with illiterate people, and an added problem in South Africa is the threat of violence, so that people who are a little timid are much more likely to stay at home because it is a voluntary voting system.

Who else will exercise that right to vote under voluntary voting? People who speak English well. I believe there will be much less likelihood of people who are using English as a second language to be out voting. People who believe they have power or who believe they have the right to exercise power will exercise their right to vote. Certainly, in the U.S. again, we see that Afro-Americans are much less likely to vote because they do not perceive that they have any power, and they do not see that their vote will make any difference. Similarly, I believe here in Adelaide the people of the northern suburbs who also believe they do not have power would tend not to turn out to vote. Those who can best mobilise the vote will gain out of exercising voluntary voting. That will be the rich, not the poor. The bigot will be always there ready to exercise his right to vote, and men in particular will be the winners in this.

I want to share with members a little anecdote from when I was handing out how to vote cards in the Adelaide by-election in 1988. As we stood on the edge of the pathway and people came along, a couple speaking a foreign language came past and I think there must have been four of us handing out how to vote cards. The man took one, which happened to be the Liberal Party card, and the woman took one from everybody else. As they moved down the path, he continued to talk to her and pointed very vigorously at the Liberal Party how to vote card and gave her some very clear message. They went into the polling booth through one door, and five minutes later they came out through the other door. When they got back onto the path, the man said something to her again. She replied, and he stopped and raised his voice and continued to berate her as they walked up the path. When they drew level with us, the woman turned to me and said in broken English, 'He is angry because I did not vote the way he wanted me to.' She took a couple of steps on, turned and said to me, 'Women's lib!'.

I have told that story to a number of women and everyone has the same response: if we did not have compulsory voting, that woman probably would not even have been allowed to come out to vote, but because we had compulsory voting she was able to come out and register a vote that was different from that of her husband.

The Hon. M.S. Feleppa: The way she wanted.

The Hon. SANDRA KANCK: The way she wanted. In a voluntary voting system, her husband probably would not have allowed her to vote. I will tell another story that another woman shared with me about her own experience. She was the mother of five children. On election day, her husband discovered she was intending to vote differently from him. He stormed out of the house, jumped into the car and yelled out to her that she would have to find her own way to the polling booth, and did not turn up again until much later. Because she was committed to voting, she found somebody who was prepared to look after the children whilst she attended the polling booth to vote. In other cases like that, women put in situations like that would give up.

Traditionally, women are the caregivers in our society. On election day, if they are looking after a sick child or sick parent, or being the one running the children around to basketball or football games, the chances of a woman missing out on voting are increased if that obligation to turn up at the pooling booth is reduced. It is quite appalling that in this year, the centenary of women's suffrage in South Australia, a Bill such as this is being introduced. I believe that it is a backward step for South Australia.

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

WORKERS REHABILITATION AND COMPENSATION (ADMINISTRATION) AMENDMENT BILL

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

The Hon. DIANA LAIDLAW (Minister for Transport): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This Bill is the second in the package of three Bills relating to structural reform of South Australian workers compensation and occupational health, safety and welfare laws. In the second reading speech to the overriding legislation, the WorkCover Corporation Bill, the government's policy objectives and the justification for these measures were outlined.

This second Bill proposes amendments to the Workers Rehabilitation and Compensation Act to:

- introduce statutory objects which balance the interests of employers and employees in applying the WorkCover legislation.
- provide for the restructuring of the board of the corporation.
- establish the workers rehabilitation and compensation advisory committee
- abolish compensation under the WorkCover scheme for most injuries arising during journeys to and from work
- abolish compensation under the WorkCover scheme for most injuries arising during authorised breaks but outside of the workplace and outside of the employers control
- abolish compensation for certain injuries caused by alcohol or drug consumption by employees
- vary the provisions relating to compensation for stress related disabilities
- clarify the provisions relating to the power of WorkCover to commute weekly payments to a lump sum
- clarify the appeal powers of the workers compensation appeal tribunal

These amendments are aimed at streamlining the operation of the corporation and removing compensation for certain injuries which are clearly outside the control of the employer and do not occur at work. These amendments introduce greater equity in balancing the interests of employers and employees. These amendments reduce the capacity for abuse and exploitation of the WorkCover system.

These amendments are also expected to improve the financial viability of the WorkCover scheme as a first step towards improving the competitive position of south australia regarding the costs of workers compensation insurance.

OBJECTS OF ACT

The current Act does not contain specific statutory objects. The government believes that outlining statutory objects in industrial legislation is of value to a proper understanding of the purpose and policy objectives of the Act. It should also be of value to the courts when interpreting and applying provisions of the Act. The objects proposed for the Workers Rehabilitation and Compensation Act reflect the necessary and appropriate balance between the interests of employers, the interest of employees and the public interest in legislation of this type which has important industrial, social and economic significance. The proposed amendments specifically requires judicial and quasi judicial bodies (such as the Workers Compensation Appeal Tribunal and review officers) to interpret the Act in light of its objects and without bias towards the interests of employers or workers. Whilst this legislation is remedial, it is remedial to both the interests of employers and employees, and should be interpreted and applied as such.

BOARD AND ADVISORY COMMITTEE

The structural changes in relation to the corporation's powers and functions and the establishment of the advisory committee are outlined in the report on the WorkCover Corporation Bill. The proposed amendments in this Bill are simply to remove the existing parts of the Act relating to the board and its powers and functions.

The advisory committee to be established under this Bill will be responsible for the provision of advice to the Minister on—

- the formulation and implementation of policies relating to workers rehabilitation and compensation
- proposals to amend the Act or regulations
- any other matters relating to workers rehabilitation or compensation.

It is intended that this advisory committee will enhance the tripartite consultative process, but have sufficient flexibility in membership (and through its sub committees) to properly perform its functions. In order to sharpen the focus of accountability for policy matters, the Minister with advice from the advisory committee, will deal with matters of policy in relation to the legislation. The WorkCover Corporation and its board will be responsible for managing and administering the scheme in accordance with those policies.

COVERAGE

There are three areas of coverage under the current scheme which this Bill proposes to remove; namely—

- injuries occurring during journeys to and from work
- injuries occurring during authorised breaks outside the workplace or unconnected to work
- injuries caused by alcohol and drug consumption

JOURNEY CLAIMS

It is proposed that injuries arising as a result of a journey to or from work (such as a journey between the worker's place of residence and workplace) not be compensable. It is further proposed that injuries arising from journeys between two workplaces with different employers also not be compensable. Most of these journeys will , however, be compensable under the compulsory third party motor vehicle insurance system. However, journey injuries will continue to be covered if the journey is undertaken as part of the worker's employment or at the express direction or request of the employer.

This approach to journey claims has already been taken in some other Australian jurisdictions and is consistent with the recommendations in the recent draft report of the industry commission inquiry into workers compensation arrangements in australia. It is both necessary and equitable. Workers compensation legislation should compensate workers for injuries at work—not outside of the workplace. South Australian employers should not fund road accidents or injuries outside of their control—that is the combined responsibility of the community at large and the individual worker. Further, the extent to which the current journey provisions are abused and stretched beyond their intended application is a matter of grave concern to the government—a concern which can only be remedied by parliamentary action. In recent weeks the government has already provided this parliament with examples of these abuses. Journey accidents represent about 4.5 per cent of claims, and approximately 7 per cent of annual costs, after recoveries. The rate of claims is increasing. When translated to dollar figures there are significant costs to the scheme. Some $22 million per year before recoveries and $15 million dollars per year after recoveries. The removal of these claims will enhance the financial status of the scheme, will enable a clearer focus on maintaining fair benefits for employees genuinely injured at work, and reduce the current premium pressure on employer levy rates. As mentioned, this measure will have a net cost saving to the scheme of approximately $15 million dollars per year.

AUTHORISED BREAKS

This Bill also proposes the removal of compensation cover for injuries occurring during authorised breaks away from the workplace, or at the workplace before or after work where the worker is involved in an activity unrelated to his/her employment.

Again, this approach is consistent with the views expressed by the industry commission that employers should be held accountable for injuries that are within their control or influence, but should not be accountable for injuries outside of their control. These claims represent approximately 0.5 per cent of claims, or approximately $1 million dollars per annum, of which only $100 000 is recovered. This measure will therefore have a net cost saving to the scheme of approximately $900 000 per year.

DRUG AND ALCOHOL RELATED CLAIMS

It is proposed that compensation be removed in relation to injuries which are wholly or predominantly attributable to the influence of alcohol or drugs voluntarily consumed by the worker (other than a drug lawfully obtained by the worker and consumed in accordance with the directions of a legally qualified medical practitioner, dentist or pharmacist).

This provision is an extension of the existing serious and wilful misconduct provision contained in the Act and is justified by reference to the government's priority on safety in the workplace. The amendment recognises that employees as well as employers have responsibility for workplace safety. It is also warranted by the current community standards in relation to drink driving and the unlawful use of drugs. It is also consistent with the principle that employers should only be accountable for injuries which are within their control.

The proposal is necessary and reasonable. A worker's injury will only fall outside the ambit of the Act if a clear causal link is established between the injury and the voluntarily consumption of drugs or alcohol. Similar provisions are contained in workers compensation legislation in some other Australian jurisdictions. The 1971 South Australian Act, repealed by the previous Labor Government in 1987 also contained a provision which embraced this concept.

COMMUTATION OF WEEKLY PAYMENTS

The Act currently provides that a worker (or dependant spouse in the case of a deceased worker) may ask the corporation to commute his/her entitlements to weekly payments to a lump sum. Interpretation of the current provisions by the courts in some recent cases has resulted in the corporation having very limited discretion to refuse an application for a commutation in cases where it does not

consider it appropriate (such as where the future liabilities are uncertain). In some cases the courts have also determined that the worker is entitled to receive a lump sum partial commutation and continue to receive (reduced) weekly payments, thus undermining the main purpose of the commutation, that being the finalisation of the liability to make weekly payments.

These interpretations by the court are totally at odds with the original design of the scheme, which intended to remove a 'lump sum' mentality and provide weekly income support. The court's interpretation threatens to undermine the viability of the scheme.

The proposed amendments to section 42 are intended to address these issues by giving absolute discretion to the corporation to make or not make a commutation payment and to ensure that such payment discharges the corporation's liability to make weekly payments. Consequential changes to section 35 (6) and (6a) refer to the effect of a commutation on the worker's entitlement to weekly payments in respect to future separate injuries.

The proposed changes to section 44 are intended to bring the provisions relating to the commutation of a spouse's entitlement to weekly payments in line with those applying to workers under section 42. These measures will have a potential cost saving to the scheme of approximately $5 to $10 million dollars per year relative to present costs.

STRESS RELATED CLAIMS

It is proposed that the provisions relating to stress claims be amended to require a clearer causal link between employment and the disability. The changes would require that stress arising out of employment be 'wholly or predominantly' the cause of the disability. It will include, in this statutory definition, both an illness of the mind and a physical manifestation of that illness. This amendment is intended to create greater equity in the determination of stress claims and will help eliminate, so far as is practicable, claims which constitute an abuse or exploitation of existing benefits. This measure will have an approximate cost saving to the scheme of $6 million dollars per year.

WORKERS COMPENSATION APPEAL TRIBUNAL

The Bill proposes minor amendments to clarify the powers of the Workers Compensation Appeal Tribunal in circumstances where it is necessary for the tribunal to set aside and remit a decision of a review officer.

SUMMARY

In summary these changes complement the necessary structural changes to workers compensation and occupational health, safety and welfare laws. They introduce greater equity, overcome current anomalies and ambiguity, and restrict or remove compensation where the cause of the disability is genuinely out of the control of the employer.

However, employers will continue to be held accountable for those injuries which are within their control or influence and decisive action will be taken to ensure that employers take whatever steps are considered appropriate to prevent or minimise the extent of injury and disease in the workplace and to provide fair benefits for those genuinely injured at work.

These changes represent potential savings to the WorkCover scheme of approximately $27 to $32 million dollars per year—a saving which will prevent any further increases to levy rates this year.

I commend the Bill to the House and seek leave to insert into *Hansard* the parliamentary counsel's detailed explanation of the clauses without my reading it.

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: Substitution of s. 2

It is proposed to enact an objects provision for the Act. The provision will set out the basic principles that underpin the workers rehabilitation and compensation scheme established by the Act and the objectives of the legislation. Subsection (2) is a direction to any person who exercises judicial or quasi-judicial powers under the Act to interpret the Act in light of these objects and to avoid a bias towards the interests of employers or the interests of workers.

Clause 4: Amendment of s. 3—Interpretation

This clause makes various consequential amendments relating to defined terms under the Act. Recognition is also to be given to the role of the new Advisory Committee in providing advice on regulations.

Clause 5: Substitution of Part II

This clause provides for the repeal of Part II of the Act (as the Corporation is now to continue in existence under a separate Act as the WorkCover Corporation). In addition, however, the clause provides for a new *Workers Rehabilitation and Compensation Advisory Committee*. The committee will assist the Minister by providing advice on policies affecting the administration of the Act. The committee will also advise the Minister on various relevant legislative proposals and report to the Minister on other matters relating to workers rehabilitation or compensation. The committee will be able to conduct public meetings and inquiries. A member of the committee will be appointed for a term of office not exceeding two years (and will be eligible for reappointment from time to time).

Clause 6: Substitution of s. 30

The contents of this clause principally address three issues. Firstly, section 30 of the Act is to be rewritten as part of a review of the compensability of various disabilities that occur during attendances at various places, or while undertaking a journey. Limitations are to apply in relation to attendances at workplaces before or after work. Various absences will now not be covered by the scheme. A disability will not be compensable if it arises out of, or in the course of, an involvement in an activity unrelated to the worker's employment and specific mention is made in relation to social or sporting activities. A disability that occurs during a journey will only be compensable if it occurs between two places at which the worker is required to carry out duties of employment. A journey between two places of employment with different employers will not be covered.

Secondly, new section 30A relates to stress-related claims. It is proposed that a disability caused by stress will only be compensable if the stress is wholly or predominantly stress arising out of employment. The Act presently provides that a disability that consists of an illness or disorder of the mind caused by stress is only compensable if stress arising out of employment is a substantial cause of the disability. Furthermore, the matters that cannot give rise to a stress claim have been revised to include any reasonable act, decision or requirement under the Act.

Thirdly, new section 30B relates to misconduct. Subsection (1) is in similar terms to existing section 30(7) of the Act. Subsection (2) addresses the effect of certain actions on a claim for compensation. It will now be a bar to a claim to prove that the disability is wholly or predominantly attributable to serious and wilful misconduct on the part of the worker (compare existing section 56(1)), or to the influence of alcohol or a drug (other than a drug lawfully consumed in accordance with the directions of a recognised expert).

Clause 7: Amendment of s. 31—Evidentiary provision

The key feature of this amendment is found in new section 31(1). It is proposed that the Act specifically provide that a disability is not compensable unless it is established on the balance of probabilities that it arises from employment. The Act is presently silent on where the burden lies when a claim is made under the Act. The exception is, and will continue to be, in relation to disabilities that come within the operation of the second schedule (where the effect is that such disabilities are presumed, in the absence of proof to the contrary, to have arisen from employment). The Advisory Committee (in addition to the Corporation) will be able to make recommendations to extend the operation of the second schedule by regulation.

Clause 8: Amendment of s. 35—Weekly payments

This amendment is consequential on proposals to amend the operation of section 42 of the Act and is intended to ensure that proper account is given under section 35 to a commutation under section 42 where a worker suffers two or more disabilities (as a worker cannot receive in any case payments in excess of the worker's notional weekly earnings). The key is to ensure that the worker is notionally taken to still be receiving the weekly payments that the worker would have been receiving if there had been no commutation. This concept is equally relevant to cases that involve an assessment under Division 4A and so existing subsection (6a) is to be replaced with a comparable amendment (new subsection (6b)).

Clause 9: Amendment of s. 42—Commutation of liability to make weekly payments

These amendments are principally concerned to improve and clarify the operation of section 42 of the Act. It will be made clear that a liability to make weekly payments may, on the application of the worker, be commuted to a liability to make a capital payment. The Corporation will have an absolute discretion as to whether or not it allows the commutation. The amendment will therefore make it clear that once the worker has made the application, it is the Corporation's decision as to whether the commutation occurs. However, the worker will still have to agree to the amount commuted; he or she cannot be

forced to accept an unsatisfactory amount. If the commutation occurs, it will discharge all liability to make the weekly payments to which the commutation relates. It will not be possible to claim that a residual liability remains. The maximum amount for lump sums payable under this scheme will remain (fixed to the prescribed sum).

Clause 10: Amendment of s. 44—Compensation payable on death

This makes various amendments to section 44 of the Act that are similar to the amendments to be made to section 42 in relation to commutations. Commutations will be limited to the prescribed sum.

Clause 11: Amendment of s. 46—Incidence of liability

The new provisions relating to "journey injuries" and absences from work mean that there is less reason to continue with the concept of "unrepresentative disabilities" (as presently defined in section 3 of the Act). The concept is therefore being removed. A consequential amendment must therefore be made to section 46.

Clause 12: Repeal of s. 56

Section 56 of the Act is to be repealed (and replaced by new section 30B).

Clause 13: Amendment of s. 64—The Compensation Fund

This clause will allow the Corporation to use the Compensation Fund for various matters allowed by regulation. The amendment is necessary in view of proposals for the Corporation to assume the administration of the *Occupational Health, Safety and Welfare Act 1986* (and, potentially, other Acts as well).

Clause 14: Amendment of s. 67—Adjustment of levy in relation to individual employers

This is a consequential amendment on account of proposals to limit the compensability of a disability that occurs during a journey, or during certain absences from work.

Clause 15: Amendment of s. 73—Separate accounts

This is also a consequential amendment.

Clause 16: Amendment of s. 97—Appeals to Tribunal

This clause makes a technical amendment to section 97 of the Act to ensure that the Tribunal has the power to set aside a decision under appeal (as a prelude to remitting the matter to a Review Officer for further hearing).

Clause 17: Amendment of s. 112—Confidentiality to be maintained

These amendments revise the provision that relates to the confidentiality of information in order to provide greater consistency with proposals under the *Occupational Health, Safety and Welfare Act 1986*.

Clause 18: Repeal of s. 121

Clause 19: Repeal of s. 123

These amendments are consequential on the proposed new *WorkCover Corporation Act*.

Clause 20: Amendment of third schedule

This amendment relates to claims for hearing loss. It is intended to prescribe a threshold of five per cent for claims under the third schedule. A percentage of hearing loss is to be determined according to National Acoustic Laboratories standards.

Clause 21: Amendment of fourth schedule

These amendments are consequential on the proposed new *WorkCover Corporation Act*.

Clause 22: Application of amendments

The amendments will not have retrospective effect, except in relation to the reforms relating to commutations (which will operate retrospectively and prospectively), and the amendments relating to hearing loss (which will operate from the date of introduction of the relevant amendment—23 March 1994).

The Hon. R.R. ROBERTS secured the adjournment of the debate.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (ADMINISTRATION) AMENDMENT BILL

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

The Hon. DIANA LAIDLAW (Minister for Transport): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This Bill is the third Bill in the package of three Bills relating to structural reform of South Australian workers compensation and occupational health, safety and welfare laws.

This Bill proposes structural and consequential changes to the Occupational Health, Safety and Welfare Act. It enables workplace safety to be put back as the overall policy priority in this area. The Bill proposes to abolish the Occupational Health and Safety Commission and establish the occupational health safety and welfare advisory committee in line with the State Government's policy. This will sharpen the focus of accountability for changes in policy and enhance the tripartite consultative process to policy making. It also proposes necessary consequential changes to give effect to the transfer of certain functions of the existing Occupational Health and Safety Commission to the WorkCover Corporation.

Other amendments in this Bill deal with:

- a provision that employers can be required to establish health and safety committees where they have not already done so.
- more effective confidentiality provisions.
- consequential changes to requirements for exemption from the provisions of the Act.
- enabling powers for the transferral or removal of workplace registration fees.

STRUCTURAL CHANGES

In accordance with the Government's policy to integrate services to employers in relation to occupational health, safety and workers compensation, this Bill proposes the abolition of the Occupational Health and Safety Commission in its current form. The responsibility to administer these portions of the Occupational Health Safety and Welfare Act previously administered by the commission would be taken up by the reconstituted WorkCover Corporation to be established under the new WorkCover Corporation Bill.

The occupational health safety and welfare advisory committee is to be established to advise the Minister in relation to:

- the formulation and implementation of policies relating to occupational health safety and welfare
- proposals to amend the Act or regulations
- the establishment and review of codes of practice
- any other policy matters relating to occupational health safety and welfare

It is intended that this advisory committee will be tripartite. It will be an important consultative forum and overcome the current fractured policy and activities of the WorkCover Board. The Minister, with advice from the advisory committee, will determine matters of new policy in relation to the legislation and the WorkCover Corporation will be responsible for the administration of parts of the Act.

Consequential amendments to various sections of the Act will be necessary to substitute the WorkCover "corporation" for the "commission" in relation to the various aspects of the Act.

Other substantive changes to the Act are as follows:

HEALTH AND SAFETY COMMITTEES

It is proposed that section 31 be amended to allow for regulations to be made to require an employer to establish a health and safety committee. This power could be used to require certain categories of employers to establish a health and safety committee if their safety performance or consultation record indicates that a committee is necessary.

This Government is committed to ensuring that employers take their responsibilities in regard to the health and safety of their employees seriously. This proposed amendment will allow appropriate action to be taken in this area. It will complement the Government's commitment to ensure that chief executive officers in the private and public sectors take both legal and practical responsibility for workplace safety.

CONFIDENTIALITY PROVISIONS

It is proposed that the Act be amended to ensure consistency with the confidentiality provisions under the Workers Rehabilitation and Compensation Act and to allow disclosure of information to the corporation as is necessary.

It is further proposed that any person (including a health and safety representative, committee member or consultant) when making a disclosure under the provisions of section 55(1) must, as far as is reasonably practicable, take steps to prevent or minimise any adverse commercial or industrial impact on the relevant employer.

EXEMPTIONS FROM THE ACT

The current Act provides for the Occupational Health and Safety Commission to grant exemptions from the provisions of the Act. With the abolition of that commission it is necessary to make a consequential amendment to the Act. It is proposed that the Minister

have the power to grant an exemption under the Act but that, prior to the granting of an exemption, the Minister must consult the advisory committee and where reasonably practicable, consult with associations that represent employers and workers.

Workplace registration fee

Changes are also proposed in relation to the workplace registration fee to enable the fee to be removed by proclamation should that become necessary or if it is seen as desirable to incorporate or absorb the fee into the WorkCover levy.

SUMMARY

In summary, whilst the changes proposed in this Bill are mainly structural and consequential in nature, they are an important step towards improving the efficiency of occupational health safety and welfare services to employers and employees. These structural changes also provide the necessary flexibility to interrelate the activities of the restructured WorkCover Corporation with the department for industrial affairs, where necessary and appropriate.

I commend the Bill to the House and seek leave to insert into hansard the parliamentary counsel's detailed explanation of the clauses without my reading it.

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, other than the amendments relating to the employers registration scheme, which will come into operation on 1 July 1994.

Clause 3: Amendment of long title

This clause makes a consequential amendment to the long title of the Act.

Clause 4: Amendment of s. 4—Interpretation

This clause makes various consequential amendments relating to defined terms under the Act.

Clause 5: Substitution of part II

This clause provides for the repeal of Part ii of the Act so as to dissolve the s.A. Occupational Health and Safety Commission, and to create a new *occupational health, safety and welfare advisory committee*. The committee will consist of at least five members appointed by the Minister after consultation with relevant organisations. The committee will assist the Minister in the formulation of policies, and will advise him or her on the implementation of policies, relevant to the administration of the Act. The committee will also advise the Minister on various relevant legislative proposals and recommend and review codes of practice under the Act. The committee will provide other advice relating to occupational health, safety and welfare. The committee will be able to conduct public meetings and inquiries. The committee will be expected to make proposed regulations, codes of practice or standards available for public comment, together with an industry impact statement. A member of the committee will be appointed for a term of office not exceeding two years (and will be eligible for reappointment from time to time).

Clause 6: Amendment of s. 21—Duties of workers

The function of the commission to publish or approve policies that apply at a workplace for the purposes of section 21 of the Act is to be taken over by the Minister.

Clause 7: Amendment of s. 27—Health and safety representatives may represent groups

The Minister will now approve guidelines for the purpose of constituting work groups under the health and safety representatives scheme.

Clause 8: Amendment of s. 28—Election of health and safety representatives

The corporation will be able to assist in the election of health and safety representatives (instead of the commission).

Clause 9: Amendment of s. 31—Health and safety committees

An employer will be required to establish a health and safety committee if required to do so by or under the regulations.

Clause 10: Amendment of s. 32—Functions of health and safety representatives

The Minister will now be empowered to approve consultants for the purposes of section 32 of the Act.

Clause 11: Amendment of s. 34—Responsibilities of employers

The corporation will take over the role of the commission in relation to approving of courses of training relating to occupational health, safety or welfare and to establishing guidelines.

Clause 12: Amendment of s. 38—Powers of entry and inspection

The Minister will authorise the people who can exercise the powers of an inspector under the Act.

Clause 13: Amendment of s. 47—Constitution of review committees

It is proposed to allow the president of the industrial court to constitute a review committee of one member in a special case.

Clause 14: Amendment of s. 51—Immunity of inspectors and officers

This is a consequential amendment.

Clause 15: Amendment of s. 53—Delegation by Minister

This will vest the director's powers of delegation under the Act in the Minister.

Clause 16: Amendment of s. 54—Power to require information

The power to require certain information presently vested in the commission will be transferred to the Minister.

Clause 17: Amendment of s. 55—Confidentiality

This clause revises section 55(1) of the Act so that the rules relating to the confidentiality of information have a greater degree of consistency with the rules under the *Workers Rehabilitation and Compensation Act 1986*. A person who makes a disclosure will be required, insofar as is reasonably practicable, to take steps to prevent or minimise any adverse commercial or industrial impact on the relevant employer.

Clause 18: Amendment of s. 60a—Expiation of offences

The form of an expiation notice will now be determined by the Minister. The expiation period is to be extended to 60 days to ensure consistency with the *Expiation of Offences Act 1987*.

Clause 19: Amendment of s. 63—Code of practice

Codes of practice will now be made on the recommendation of the advisory committee.

Clause 20: Amendment of s. 63a—Use of codes of practice in proceedings

This amendment clarifies the intent of section 63a of the Act.

Clause 21: Repeal of s. 65

This clause is consequential on the dissolution of the commission (as annual reporting will now be dealt with under the *WorkCover Corporation Act 1994*).

Clause 22: Amendment of s. 66—Modification of regulations

The Minister will be entitled to receive a copy of any notice of exemption under section 66 of the Act.

Clause 23: Amendment of s. 67—Exemption from Act

The Minister will now be empowered to grant exemptions from the Act, after consultation with the advisory committee and, so far as is reasonably practicable, after consultation with relevant registered associations.

Clause 24: Amendment of s. 67a—Registration of employers

Greater flexibility is proposed in relation to the application of section 67a of the Act, especially as to the amount that will be payable to the department in each year. The Governor will be able, by proclamation, to fix a day on which the section expires.

Clause 25: Amendment of s. 68—Consultation on regulations

This clause relates to consultation by the Minister on proposed regulations. The Minister will be expected to consult with the advisory committee insofar as is reasonable or appropriate in the circumstances of the case.

Clause 26: Amendment of s. 69—Regulations

This clause makes various consequential amendments to section 69 of the Act.

Clause 27: Amendment of first schedule

This clause makes a consequential amendment.

Clause 28: Amendment of second schedule

This clause deletes redundant material.

Clause 29: Transitional provisions

The Governor will be able, by regulation, to make saving or transitional provisions on account of the enactment of this measure.

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

GUARDIANSHIP AND ADMINISTRATION (APPROVED TREATMENT CENTRES) AMENDMENT BILL

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

The Hon. DIANA LAIDLAW (Minister for Transport): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This short Bill is procedural in nature, and is designed to deal with a problem that has arisen during the drafting of Regulations to implement the Act and the *Mental Health Act 1993*.

Section 32 allows the Board, on application by a guardian, to place and detain a person with a mental incapacity. This would allow, for example, an older person with dementia to be held in a secure nursing home. Subsection (3) prohibits the use of these powers to place a person in an "approved treatment centre under the *Mental Health Act 1993*". This prohibition is intended to prevent the use of the *Guardianship and Administration Act* as another vehicle for the compulsory detention of persons who do not have a psychiatric condition (*ie* mental illness) in a psychiatric facility. The mechanism for detention in psychiatric facilities of persons who do have a mental illness is the *Mental Health Act 1993*, and persons must fit the criteria of that Act for detention in that sense to occur.

It was originally intended when the two Acts were drafted that only the psychiatric facilities in general hospitals would be declared to be approved treatment centres. However, it has now been decided to declare the whole of a general hospital to be such a centre, so that the situation is covered where mentally ill people detained in the psychiatric wards of general hospitals, who require acute medical treatment, may be transferred to the most relevant medical (or surgical) ward while still under detention—the *Mental Health Act* only permits such persons to be detained in approved treatment centres.

The unintended consequence of now declaring entire general hospitals as approved treatment centres is therefore that a protected person under the *Guardianship and Administration Act* with say, dementia, could not be placed and held in a general hospital to receive medical treatment they may desperately need.

Explanation of Clauses

The clauses of the Bill are as follows:

Clause 1: Short title

Clause 1 is formal.

Clause 2: Amendment of s. 32—Special powers to place and detain, etc., protected persons

Clause 2 amends section 32 of the Act which sets out certain powers of detention that can be exercised by a guardian in relation to a protected person. It is provided (this is the current intention of the section) that a protected person cannot be detained under this section in the psychiatric ward of an approved treatment centre.

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

MENTAL HEALTH (TRANSITIONAL PROVISION) AMENDMENT BILL

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

RACING (MISCELLANEOUS) AMENDMENT BILL

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

The Hon. DIANA LAIDLAW (Minister for Transport): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This Bill proposes amendments to the *Racing Act 1976*, relating to a number of disparate matters.

Firstly, it proposes amendments to provisions relating to the Racing Appeals Tribunal, viz, the definition of Registrar and the constitution of the Tribunal for appeal hearings.

Secondly, the Bill proposes an amendment to allow for TAB profit to be distributed—55 per centum to the racing industry and 45 per centum to the Government, effective from 1 July, 1994.

Thirdly, the Bill proposes to allow for funds, not exceeding $1 million, from the TAB Capital Fund to be used to supplement distributions to the racing codes for the financial year commencing 1 July 1993.

Fourthly, the Bill proposes to extend the opportunities of betting by bookmakers to include various events declared by regulation.

Fifthly, the Bill proposes to allow bookmakers to accept bets on various events at venues that are declared by regulation.

Sixthly, the Bill proposes to reduce bookmakers turnover tax, which will be phased in over a two year period commencing 1 July, 1994.

Finally, the Bill proposes to amend existing legislation which prohibits any unauthorised person within a racecourse from transmitting both bookmaker and totalisator information off the racecourse. The amendment will enable the communication of totalisator betting information off the racecourse without the necessity of those persons obtaining the prior approval of the Bookmakers Licensing Board. This betting information is freely available to persons off the racecourse through Teletext and Austext television monitors.

The present legislation governing the Racing Appeals Tribunal states that for the purpose of hearing any appeal the Tribunal is to be constituted of a President and two assessors from the code of racing to which the appeal relates.

The operating expenses associated with the Tribunal, including sitting fees of Assessors, are met by the Codes of racing on a 'user pays' basis. Discussions between the Department and controlling authorities resolved that some savings could be achieved if the President was given discretion as to whether an assessor or assessors are required for certain types of appeal.

The definition of 'the Registrar' has been amended by deleting the necessity for that person to be appointed by the Governor. It is considered unnecessary for the Registrar to be appointed by the Governor and now allows for a person to act as the Registrar when the incumbent is absent for any purpose.

TAB profit is currently apportioned 50 per centum to the racing industry and 50 per centum to Government. The current distribution ratio has been in operation since 1 January, 1981. Prior to that, TAB paid a flat 5.25 per centum tax on turnover to Government. The balance of profit, if any, was paid to the Controlling Authorities of the three codes of racing.

The racing industry is a significant contributor to the South Australian economy. The industry currently accounts for about 0.6 per centum of the State's GDP, amounting to some $175 million. Direct employment is about 11 000 people, representing 3 000 full-time equivalents.

It is proposed to amend the TAB profit distribution formula to give the racing industry 55 per centum of those profits with the Government retaining the balance.

The Government, in foregoing 5 per centum of its share of TAB profit, will provide a permanent injection of funds into the racing industry. Based on estimated 1993/94 profit figures this would amount to approximately $2 million per annum.

These additional funds will assist the industry in their basic objective to provide as high a rate of stakemoney to industry participants as is possible. Increased stakemoney also has the flow on potential of attracting better horses and greyhounds, which combine to produce better race fields and increased betting activity. Increased betting activity in turn increases Government and clubs revenue.

The estimated TAB distribution for the 1993/94 financial year will be $3.34 million less than the amount distributed for the previous year. In this regard the estimated shortfall from TAB allocations to the codes is $1.67 million.

To enable the codes to receive the same allocation this financial year as last year it is proposed to make a 'one-off' demand on the TAB Capital Account for up to $1 million and the Racecourses Development Board of $.674 million.

Should the final profit for the TAB this financial year be greater than the amount forecast in the revised budget, then it is proposed that the remaining shortfall, if any, be proportioned between TAB and the Racecourses Development Board in accordance with the maximum amounts currently required.

The *Racing Act* requires amendment to enable funds to be used from the TAB Capital Fund. There is already provision in the Act for funds to be used from Racecourses Development Board monies.

There is evidence to suggest that the Sports Betting Bookmakers in Darwin (who are permitted to accept bets by telephone) attract a significant amount of turnover from punters all over Australia. Annual turnover is in the order of $13 million.

One of the principle reasons for the success of this sports betting operation—other than the telephone service, which we now have—is that they are permitted to bet on any sport or any contingency. eg. Federal and State Elections, Brownlow and Magarey Medals.

If bookmakers are permitted to offer a betting service on an expanded range of contingencies, and field at various sporting venues, turnover is expected to increase considerably.

The current rates for bookmakers turnover tax, which vary for turnover generated either in the metropolitan or country areas, and on whether the investment is on local or interstate race meetings, have remained unaltered for years, despite changes in bookmakers' circumstances such as the introduction of other competitive forms of gambling during the last few years.

It is proposed to reduce bookmakers turnover tax as follows:

Metropolitan Bookmakers betting on Local and Interstate Races, and Country Bookmakers betting on Interstate Races by one half of one percent, phased in over a two year period at the rate of one-quarter per cent per year, commencing 1 July 1994. The reduction is to apply to the share currently appropriated to Government.

With respect to Country Bookmakers betting on Local Races, the turnover tax reduction is to be 0.25 per centum for the first year, and 0.22 per centum in the second year. The reason for the reduction being only 0.47 per centum for non-Metropolitan bookmakers is that the present tax rate is 1.87 per centum. A reduction of 0.5 per centum would impact on the Codes share of taxation revenue, which is 1.4 per centum of turnover.

With respect to the rate of turnover tax on bookmakers sports betting, it is proposed that the current rate of 2.25 per centum be reduced by 0.25 per centum, to 2.00 per centum in the first year, commencing 1 July 1994, and by a further 0.25 per centum to 1.75 per centum for the period from 1 July 1995.

The reduction in turnover tax of 0.5 per centum will result in reduced Government receipts of $514 244 based on bookmakers turnover of $103 928 863 for 1992/93. The corresponding benefit to bookmakers will be $259 433 in the first year, with a further $254 811 in the second year.

It is proposed to proscribe the transmission of bookmakers betting information by a person, within a racecourse or an approved sporting venue, to any venue outside of that racecourse, during the period bookmakers are accepting bets. Previously it was not an offence to transmit betting information, from one racecourse to another racecourse, by an unauthorised person.

Bookmakers betting markets and price fluctuations are a major incentive for the genuine punter to attend race meetings, including the betting auditorium at Morphettville.

It is important that the integrity and security of the official Bookmakers' Prices Service be protected. It is therefore essential that the transmission of betting information, other than through the official sources be proscribed.

Finally, it is proposed to allow radio and television stations or anyone else to transmit totalisator information off the racecourse where previously it could only be done with the approval of the Bookmakers Licensing Board.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of long title

The long title of the principal Act is amended so that the Act provides for betting on sporting and other events.

Clause 4: Amendment of s. 41a—Interpretation

This clause provides for an amended definition of 'Registrar' to mean the Public Service employee for the time being assigned to perform the functions of the Registrar of the Tribunal.

Clause 5: Amendment of s. 41c—Constitution of Tribunal for appeals

This clause provides for an amendment to section 41c so that the Tribunal may be constituted by the President or Deputy President and, where the President considers that the assistance of an assessor or assessors is required, not more than two assessors.

Clause 6: Substitution of s. 41f

The substituted section 41F provides that there is to be a Registrar of the Tribunal who will be a Public Service employee assigned to the position.

Clause 7: Amendment of s. 69—Application of amount deducted by Board under s. 68

This clause amends section 68(2)*(a)* to provide that an amount equal to 45 per cent of the amount deducted by the Board under section 68 is to be paid to the Treasurer to be credited to the Hospitals Fund. It also adds three subsections to section 69 providing for a one-off payment to the controlling authorities.

Clause 8: Amendment of s. 85—Interpretation

This clause proposes to strike out the definition of 'approved sporting event' and to substitute definitions of 'approved event' and 'approved sporting venue' and makes a consequential amendment to the definition of 'registered premises'.

Clause 9: Amendment of s. 93—Functions and powers of Board

Clause 10: Amendment of s. 105—Registration of betting premises at Port Pirie

Clause 11: Amendment of s. 112—Permits for licensed bookmakers to bet on racecourses, at approved venues or in registered premises

Clause 12: Amendment of s. 113—Operation of bookmakers on racecourses

These four clauses provide for amendments consequential on the insertion of the definitions of 'approved event' and 'approved sporting venue' proposed by clause 8.

Clause 13: Amendment of s. 114—Payment to Board of percentage of money bet with bookmakers

This clause provides for the reduction of the weekly amounts payable by bookmakers to the Board in respect of bets laid with bookmakers on races or approved events. Amendments consequential on the amended definitions proposed by clause 8 are also proposed for this section.

Clause 14: Amendment of s. 115—Betting tickets

Clause 15: Amendment of s. 118—Effect of licence

These two clauses also provide for amendments consequential on the amendments proposed by clause 8.

Clause 16: Amendment of s. 119—Prohibition of certain information as to racing or betting

This clause proposes to strike out subsection (3) and substitute a new subsection (3) which provides that subject to this Act, a person who is (or was) within a racecourse or an approved sporting venue during a period when bookmakers are (or were) accepting bets on races or approved events must not, before the end of that period, communicate to a person who is outside the racecourse or approved sporting venue any information or advice as to the betting under this Part at that racecourse or venue. The penalty for an offence against this provision is a division 7 fine ($2 000) or division 7 imprisonment (6 months).

Clause 17: Amendment of s. 120—Board may give or authorise information as to betting

This amendment is consequential on the amendments proposed by clause 8.

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

ADJOURNMENT

At 6.17 p.m. the Council adjourned until Wednesday 30 March at 2.15 p.m.