LEGISLATIVE COUNCIL

Wednesday 2 November 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 written answers to the following questions on notice be distributed and printed in *Hansard*: Nos 23 and 25.

GILLMAN SITE

The Hon. BARBARA WIESE:

1. Will the Minister for Housing, Urban Development and Local Government Relations provide details of the proposed $4.5 million project involving storm water management, wetlands and corridor planting outside the MFP site at Gillman?
2. Does the project connect with similar works on the MFP site at Gillman?
3. Who owns the land on which the project is to be situated?
4. Who will undertake the work?
5. Who are the main beneficiaries of the project?

The Hon. DIANA LAIDLAW:

1. The $4.5 million provided for the project is from the Building Better Cities program agreement signed 28 July 1994 between the State and the Commonwealth Governments for wetlands and stormwater management in the north-west area strategy. $3.6 million is staged to be expended in 1994-95 and the remaining $0.9 to be expended before the BBC program concludes at the end of June 1996.
2. Yes, this project does connect to the MFP site at Gillman as upstream treatment and management of polluted stormwater before reaching the Barker Inlet.
3. Some parcels of land involved in the project are being acquired by the councils of Salisbury and Enfield. There are other areas that may remain as Crown Land Reserve for specific purposes. The land for creation of wetlands, stormwater detention and pollution traps at the Port Adelaide and Gillman Railway Yards are reverting back to the State from Australian National as agreed to earlier between the State and the Commonwealth.
4. The three councils (Salisbury, Enfield and Port Adelaide) involved will undertake the works with overall project management under the responsibility of the principal drainage engineer from the Department of Transport.
5. The direct beneficiaries of the project will be those people living in Adelaide's north-western suburbs. The environment is the main beneficiary as the project will stop polluted stormwater reaching the Barker Inlet where it is causing a reduction in water quality, damage to the mangrove and fish nursery habitat and has the potential for algal blooms. The stormwater retention and reuse scheme will result in water quality suitable for recreational use and biologically diverse lakes on the low lying areas behind the coastal mangrove reserves, as well as achieving environmental benefits for adjoining areas and contributing to the potential role of eco-tourism in the area.

WEST TERRACE CEMETERY

The Hon. BARBARA WIESE: Has the incidence of vandalism at West Terrace Cemetery increased in recent years and what is the cost associated with this vandalism?

The Hon. DIANA LAIDLAW:

1. There has been no increase in incidences of vandalism in recent years.
2. The last significant act of vandalism was in August 1993. Since then only isolated minor incidents have occurred.
3. All repairs are the responsibility of the licence holders. There is no cost to the department.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The Hon. CAROLINE SCHAEFER: I bring up the report of the committee in relation to environmental, resources, planning, land use, transportation and development aspects of the MFP Development Corporation for 1993-94.

POLICE COMMISSIONER

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

Leave granted.

TATIARA MEAT COMPANY

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a copy of a ministerial statement made today by the Minister for Primary Industries on the subject of the Tatiara Meatworks Ltd.

Leave granted.

TRANSADELAIDE BUS SERVICES

The Hon. DIANA LAIDLAW (Minister for Transport): I seek leave to make a ministerial statement in relation to TransAdelaide bus services.

Leave granted.

The Hon. DIANA LAIDLAW: Today the Public Transport Union has distributed to bus, train and tram passengers a grossly misleading, inflammatory leaflet claiming that the Government's policy of 'competitive tendering will create a disaster' for Adelaide. I understand that the union proposes to distribute the leaflet to households, probably starting in the Taylor electorate in the lead up to Saturday's by-election.

For years, the old guard of the union has sought to frustrate plans by the previous Government and the current Government to stop public transport in South Australia haemorrhaging to death. The PTU will not stop this Government's determination to modernise our public transport system and to win back passengers by investing savings generated from competitive tendering into new vehicles such as mini buses, more frequent services and new services on evenings and Saturdays.

The momentum and need for change is overwhelming and it will not be stopped by a last minute desperate bid by the union, which seems to be more interested in protecting its powerhouse numbers than in providing a service which people want to use and which taxpayers can afford.

In the 11 years to 1993, the old State Transport Authority lost 30.3 million passenger journeys. Over the same period, the Government poured nearly $1.3 billion of taxpayers' funds into subsidising the operations of the STA. Last financial year the loss of passengers fell again, both in terms of journeys (49 094) and boardings (66 168)—although the loss was not as great as in previous years.

Members will recall that the Liberal Party released its blueprint for reform of public transport in January 1993, 11 months before the election. At that time, the Secretary of the Australian Railways Union, Mr John Crossing, endorsed in principle competitive tendering which was the basis of all the policy initiatives.

However, when it came to the time of the election, Mr Crossing and his union mates resorted to Party politics and not reason. They issued to all PTU members a memo urging everyone to vote for Labor candidates in both the Lower and Upper Houses. The election result confirmed that few PTU members took much notice of the union's hysterical

claims—nor should they have. The PTU's claims that a Liberal Government would scrap the current industrial relations award system and turn back the clock on the public transport industry to 1974, pre STA, have not been implemented and never will be because they are not Party policy. But the union never gives up making mischief, peddling fear or defending the indefensible. It did not win its anti-reform campaign last December and it will not now. The PTU appears to have timed is current campaign—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: —to pre-empt a major paper that I will be releasing very soon which outlines comprehensive proposals that will apply to all future service contracts put out to tender by the Passenger Transport Board. I am sorry that the newest member of this place—

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: —is not interested in winning back passengers. You are too negative and naive. The proposals have been prepared in association with bus and coach operators, including TransAdelaide and the Department of Transport. The proposals implement the provisions of the Passenger Transport Act, which all members supported unanimously following a conference of representatives of all Parties from both Houses. It appears to have escaped the PTU that competitive tendering for public transport has been endorsed by this Parliament, not just the Government, as the way to go for the future, and that service parcels will be released for tendering from 1 March 1995.

I appreciate that the PTU is desperately concerned that it will lose members, especially to other unions which will be able to cover drivers working for private companies. I have a high regard for public transport drivers. They are excellent—skilled at their job, which not only involves driving the buses but requires great skills in dealing with the public, knowledge of local routes and the network as a whole. When private companies win tenders, if they in fact do, they are highly unlikely to bring a complete new work force into the area. They will be seeking to employ skilled and experienced local operators. TransAdelaide drivers would have to head that list if, in fact, TransAdelaide had not won all the work through competitive tendering.

In fact, it is most likely that any private company tendering for bus routes would be leasing the existing bus fleet to run the services. The tender system is designed to encourage this to happen, with private companies and TransAdelaide competing on an even footing with access to all existing equipment on the same lease rates. The union is concerned that some of its comfortable arrangements and its old fashioned attitude, that has had a dead hand on the public transport system, will disappear when it no longer has a monopoly. All its scare tactics are based on one premise: that private operators will keep the farebox revenue and, because of that, will be tempted into stand-over tactics with the public with greedy fare rises. This is an outrageous scare tactic and absolutely incorrect. Farebox revenue will still go—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: You don't want to listen, do you. Farebox revenue will still go directly to the Government, as it does now through the Passenger Transport Board (PTB). The computerised Crouzet ticketing system will be the same, allowing the PTB to monitor and control performance and to permit system-wide ticket transfers to continue. Fares will be set in a rational, orderly and system-wide fashion by the PTB, overcoming problems of our present confusing and inconsistent fare system. There will be standard tickets, a standard discount for multi-trips and a standard rate of concessions.

The Hon. M.J. Elliott interjecting:

The Hon. DIANA LAIDLAW: Farebox? The same tickets, so that they will apply across the system, whether it be rail, tram or train and whether it be private operator or public operator.

The Hon. M.J. Elliott: Does that mean regardless of distance?

The Hon. DIANA LAIDLAW: Yes, a standard ticket—the same as the Crouzet ticket. The fare box will not go to the operator: end of story. The operator will be reimbursed in the contract process by a formula that gives an incentive for the operator to increase passenger numbers and improve services. When the Passenger Transport Bill was before this place, those goals were endorsed by everyone here. They will not make a profit if they lose passengers or reduce services and standards. Despite PTU claims, TransAdelaide and other tenderers will not be able to create a monopoly. There will be many different tender packages, the biggest involving only one-seventh of the fleet, and they will only be for a maximum of five years duration. The Government, through the PTB, will always have control.

Qualified tenderers are being sought Australia wide because the Government is primarily interested in providing the best and most progressive service for passengers and the best network for our community at the least cost to the taxpayer. That means everyone—in this place and everywhere else. The service contracting proposals have been designed to ensure that every encouragement is given to potential local tenderers, including TransAdelaide, to compete.

I have stated before, but I will do so again, that it is the Government's expectation that TransAdelaide will be a strong competitor in the tendering process, and I would be most surprised and disappointed if it did not enjoy great success. But the future is in its hands.

The union claim that buses used by private tenderers will be up to 25 years old is either total ignorance or deliberate misinformation. The PTB will set standards for tenderers that are no less than those in place at present regarding safety, condition and comfort. The average bus age at present is 12 years, but the life expectancy of our recent buses is 18 years. The 25 year limit has been introduced to improve (and I emphasise 'improve') school and country services where previously there has been no age limit at all.

In making these claims and others, the union presumes that TransAdelaide will not win any of the tenders. This displays an extraordinary lack of faith in the ability of its members and in the efficiency and capability of TransAdelaide, a lack of faith that I do not share. It also confirms that the Public Transport Union has thrown out the window what credibility it had left.

TEACHER PLACEMENTS

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about teacher placement.

Leave granted.

The Hon. CAROLYN PICKLES: In 1993 consultants Ernst and Young conducted a review of the teacher placement process, the purpose of which was to examine how the process could be modified to enable teachers to know of placements well ahead of the ensuing school year and to promote stability in school staffing and the greater involve-

ment of schools and teachers in the placement process. Will the Minister guarantee that all teachers involved in the placement process this year will be advised in writing of their status at the conclusion of the first round of the placement exercise before the end of term 4?

The Hon. R.I. LUCAS: Certainly that is the Government's intention. The departmental officers are working with teachers and principals to try to achieve that purpose. Obviously, a number of difficult issues need to be resolved by the department, most of which are as a result of agreements entered into by the previous Labor Government and the Institute of Teachers which makes the placement process for teachers a very difficult one. Nevertheless, we are trying to work our way through those agreements and arrangements entered into by the Labor Government with the union, and it is our very best intention to try to meet that time line.

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before directing a further question to the Minister for Education and Children's Services on the subject of teacher placements.

Leave granted.

The Hon. CAROLYN PICKLES: The review of the teacher placement process made 15 recommendations addressing short-term issues for the 1993-94 placement cycle and a further 16 recommendations dealt with long-term options, many of which will require negotiations in the enterprise bargaining process. It is worth noting that this process places about 3 500 teachers annually.

The Audit Commission recommended that these recommendations be fully implemented but the Government has now announced it will adopt them only in part. How will the report be adopted in part and which recommendations have been rejected? What action has been taken to enter into negotiations with the South Australian Institute of Teachers on these proposals?

The Hon. R.I. LUCAS: 'Adopted in part' means what it says: the Government will accept some of the recommendations and not others.

The Hon. Carolyn Pickles: Which ones?

The Hon. R.I. LUCAS: As I said, the Government will accept some and not others. As I indicated to the honourable member in answer to her first question, a number of these issues can be resolved only by discussion with the Institute of Teachers. The previous Labor Government has in effect tied the Department for Education and Children's Services' arms behind its back in relation to—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: Call a spade a spade. The previous Labor Government entered into these arrangements with the Institute of Teachers' leadership prior to the election. Some of these agreements were negotiated in the dying months, if I could describe it that way, of the Labor Government and have tied the hands of the new Government for, in the case of the industrial agreement, a period of 12 months. In the case of the public sector enterprise bargaining framework, which was signed in the dying months of the previous Government, they have tied the new Government's hands for a period up to three years. So, a number of these issues, which could have been resolved quickly, now cannot be resolved quickly without a long period of discussion and negotiation with the Institute of Teachers.

Discussions started as early as December last year or January or February this year, with big picture discussions with the Institute of Teachers' representatives and departmental representatives. There were a number of those meetings through the first four to six months of this year, and we are now about to enter again into the next stage, which is enterprise bargaining discussions, with the Institute and other representatives of teachers to try to develop a whole new teacher staffing policy for schools in order to try to rid the system of some of the inadequacies of the old teacher staffing formula introduced by the Labor Government.

The Hon. CAROLYN PICKLES: As a supplementary question, which recommendations of the Audit Commission has the Government rejected?

The Hon. R.I. LUCAS: I cannot be much clearer: we are not a position to make final decisions until we can talk with the unions. The Hon. Carolyn Pickles is recommending—and I think the Institute of Teachers will be interested in this—that we make decisions without negotiating or discussing with the representatives of teachers the best teacher staffing formula. The honourable member cannot have it both ways. She cannot say that the Government should now indicate which decisions it has rejected and which ones it has accepted without discussing or negotiating it with the Institute of Teachers.

We are a moderate, consultative Government and I am a moderate, consultative Minister. My door is always open to the representatives of the Institute of Teachers. These issues will be discussed fully and frankly with the leadership of the Institute of Teachers and other representatives of teachers out there. We will also have discussions with principals' associations and parents who, of course, have an important view for consideration. We will talk with students and with everyone who has a particular issue.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: This is the hallmark of this Government, that it is prepared to talk on all occasions, and it does talk on all occasions with the Institute of Teachers, but in the end Governments are elected to govern. What I have said on a number of occasions is that, whilst the Government is prepared to listen, to consult and to talk, in the end the Ministers are there to govern and to make decisions not the leadership of unions such as the Institute of Teachers or any other union, including the PTU, as my colleague has just said. That is what the people of South Australia decided at the last election. They did not want a further 10 years of, in effect, a puppet representative of the UTLC making decisions. They want Ministers to make decisions after they have discussed, consulted and negotiated on a variety of issues.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: So I reject the Leader of the Opposition's proposition that I should stand up and say that we are going to do this and that without entering into discussions with the Institute of Teachers and others. That is not the way of this Government or this ministry. We will not operate in that way. We will consult and follow the due processes and then make the decisions. The Leader of the Opposition will then be in a position to know the final decisions of the Government in relation to the individual recommendations of the Ernst and Young teacher placement exercise.

DEVELOPMENT ACT

The Hon. T.G. ROBERTS: I seek leave to ask the Minister representing the Minister for Housing, Urban Development and Local Government Relations a question about the Development Act.

Leave granted.

The Hon. T.G. ROBERTS: My question relates to information I have received regarding the Government's intention to amend the Development Act and the procedures of the Environment and Development Court. In the last part of the previous Government's term, it put together a much awaited document, the Development Act, which had been compiled over a period of two years. This Bill was widely discussed throughout the industry using all the Minister's powers to bring about broad-based consultation. The ink on the Act was not dry before changes were initiated by the incoming Government, as is its right, changes to an Act which had been put together over a long period of time after all that consultation.

The time frame within which the Minister called for a reassessment of the Development Act did not, in my view, allow for consideration of the implications of the Act *in situ*, and it appears now that not only was it the intention of the Government to call for submissions but to change the Act. There are a number of indicators, some of which have been put to me by environmental groups which were not a part of the broad-based consultation. Although the Government indicated through the development of the Mount Lofty Plan that there would be a consultation process that may have included environmental groups, those groups will be sadly disappointed by the negotiations that have taken place regarding the Development Act. My questions are as follows:

1. Are the drafting changes being made to the Development Act and the Environment Development Court Act to dispense with an EIS, which means there will be no provision to have an EIS for a declared major project?

2. Is the category 2 Act dealing with public notification being deleted?

3. Will the proposed changes to the Environment Development Court narrow the court's ability to consider disputes?

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

SCHOOL SERVICE OFFICERS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Education a question about school services officers.

Leave granted.

The Hon. M.J. ELLIOTT: My question follows a statement on this Council by the Minister for Education and Children's Services on 24 August about school services officers, which was in response to a question that I had asked on the previous day.

Members interjecting:

The PRESIDENT: Order!

The Hon. M.J. ELLIOTT: In that statement, the Minister said that no school services officers would suffer a demotion or drop in salary as a result of restructuring into a new award. He also said that, when a school services officer previously classified—

Members interjecting:

The PRESIDENT: Order! The Hon. Michael Elliott.

The Hon. M.J. ELLIOTT: —at a grade 2 was translated to an SSO level 1 in the new award, the salary paid to that officer remained at level 2, and did not revert to level 1. At the time, I did receive several phone calls and letters from people pointing out that they had suffered a demotion, because any future pay rises would be denied them, so they would suffer their pay loss over a couple of years. However, more recently I received a letter signed by 16 school services officers at Christies Beach High School who were previously classified as grade 2 or 3 and who are now school services officers level 1 or 2. They say that they feel they have been demoted. I will quote from their letter:

> As yet we have not had a pay reduction, but—
>
> with 'but' in capital letters and underlined—
>
> should we need to transfer to another school, we can only transfer to an SSO 1 position. As soon as we transfer, we will immediately lose the $1 300 pegging. The recent budget could mean that for 1995 some of the SSOs at this school will be forced to move to other schools, meaning we will have our salaries reduced. How many other SSOs will find themselves in the same position?
>
> Most of us have appealed against the new classification levels we were placed in and now have to wait until the department has time to review our cases. We have been told this will take 18 months to two years. This is on top of the 21 months we have already waited.
>
> SSOs on these pegged salaries will remain on the same pegged salary until the upper salary limit for that position exceeds the pegged salary. This means that those of us on a pegged salary will not receive any pay increases, not even cost of living, for a long time. How long is it since the Public Service has had a $1 300 cost of living salary increase?
>
> To us this certainly seems like a demotion and a loss of earnings. Some SSOs feel as though they have been forgotten altogether or lost in the system. Some feel psychologically disadvantaged by the whole process.
>
> School assistants who were grade 2 on first or second year of service and are now on level 1 and pegged have definitely lost money as they have lost their service award rises. This is telling us that, although we are doing the same jobs as we were previously, our experience no longer counts and we were obviously being paid more than our worth. How demoralising is that?

My questions to the Minister are:

1. Can the Minister deny that school services officers forced to move to other schools will not have their salaries reduced?

2. Will he investigate whether this is against the requirements laid down in the prescribed award?

The Hon. R.I. LUCAS: As I indicated last time, there would be salary maintenance. The honourable member has quoted a letter that, in effect, confirms that. I have written down the words: 'As yet we have not had a pay reduction.' That is clearly the undertaking given. I cannot add much more than that—

The Hon. M.J. Elliott interjecting:

The PRESIDENT: Order! The honourable member had a fair chance to ask his question. In fact, it was a very long explanation.

The Hon. R.I. LUCAS: I cannot add much more than that. The honourable member confirmed the statement I made back in August. This agreement was arrived at and entered into willingly by the unions and the Labor Government. We inherited this agreement negotiated for school services officers by the Institute of Teachers and one other union some two years ago. It is an award or an agreement entered into willingly by union leaders with the previous Labor Government on behalf of school services officers.

The Hon. Mr Elliott seeks, by inference, to indicate that this Government in some way has inflicted or is inflicting some sort of dastardly deed on school services officers. We are, as we are in many other areas such as the State Bank, inheriting the decisions taken by a previous Labor Government with union leaders, both past and present. This particular arrangement is extraordinary, where the union leaders and the previous Labor Government decided that this arrangement would operate on the basis that each and every one of the 3 700 school services officer positions would have to be individually analysed and then classified in accordance with

level one, two or three. That is the decision that the union leaders and the Labor Government entered into.

The Hon. Mr Elliott and the Labor Party are the ones saying that we cannot break award conditions and agreements. We should not; this is inviolate. There is a principle that the Government should not break. Those arrangements have been entered into; this is the safety net. Throughout the debate on the Industrial Relations Bill the Hon. Mr Elliott stood up in this Council, together with Labor Party members, saying, 'This Government wants to break award conditions. This Government will not ensure that there is a safety net. I will ensure that the interests of members are protected. The safety net will remain. The award conditions will be there.' That was the rhetoric of the honourable member in relation to award conditions.

These arrangements are the award conditions entered into by union leaders and by the previous Labor Government representing the interests of school services officers. The school services officers have to live with the results of those arrangements and discussions.

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Redford says that they might have been sold out by SAIT. That may well be the case; I do not know. All I can say is that these arrangements were entered into voluntarily. They had nothing to do with the Liberal Government. It was a decision arrived at by the Labor Government.

In relation to the specific questions, if the Hon. Mr Elliott is stating that in some way the award conditions of the State are not being observed then I will have the situation investigated.

The Hon. M.J. Elliott: That was the question.

The Hon. R.I. LUCAS: I just said that. You have said many other things and I have said many other things as well—as is my right. The honourable member has mentioned the name of the school—Christies Beach High School. So we are now in a position to look at the arrangements in relation to that school. If the award conditions are not being adhered to, I will follow it through to ensure that they are. I am required to follow the award conditions, anyway. I am happy to look at that.

However, what I do reject is this notion or inference that in some way the new Liberal Government has done anything that in any way seeks to reduce the conditions of school services officers when the honourable member full well knows that it is not a decision of this Government: it was a decision of union leaders and the previous Labor Government.

TRANSADELAIDE BUS SERVICES

The Hon. BARBARA WIESE: I seek leave to make brief explanation before asking the Minister for Transport a question about TransAdelaide bus operators.

Leave granted.

The Hon. BARBARA WIESE: Earlier today, we witnessed another disgraceful union bashing performance—

An honourable member: That's comment.

The PRESIDENT: Order! That is comment, opinion.

The Hon. BARBARA WIESE: —by one of the Ministers in this Government concerning actions that have been taken in the past 24 hours or so by TransAdelaide bus operators. It was interesting in hearing this statement to see how selective the Minister was in addressing the issues that have been raised by TransAdelaide bus operators with their passengers as they have been handing out these pamphlets on bus services. We certainly heard from her about such things as the farebox arrangements, monopoly situations and maintenance standards for buses for the future.

However, we did not hear from her on other issues that are being raised by bus operators with their passengers that demonstrate the interest that they have in preserving a public transport system that will be affordable for those who use it. She made no comment, for example, about the fact that they have warned passengers that fares will be increased greatly, especially for people in the outer suburbs.

She failed to address the fact that concession fares will increase greatly as a result of policies that are likely to be adopted by this Government. She also failed to address the issue being raised with members of the public in the interests of the bus operators along the lines that under this system to be introduced by the Government wages and conditions for TransAdelaide operators will be cut by some 25 per cent against the wages that are currently received if TransAdelaide is to be able to compete with private sector bus companies.

She also failed to address the further point that was made in the pamphlet that at least 700 TransAdelaide bus drivers, many with 20 years' experience in the system, will be forced to take low-paid jobs elsewhere in the Public Service or to take redundancy with little prospects of another job or, perhaps, if they are lucky, they might be able to get a job with one of these private sector companies that offer their drivers much less favourable wages and conditions than those currently offered by TransAdelaide. She did not address those issues; she is very selective about those issues; she clearly has no interest in the welfare of passengers or of the work force.

The Hon. R.I. LUCAS: I rise on a point of order, Mr President. I just ask whether or not you could indicate whether you believe that the honourable member is voicing an opinion, contrary to the Standing Orders, in relation to what is meant to be an explanation to a question.

The PRESIDENT: I must admit that there is a certain amount of opinion in the explanation. I ask the honourable member to continue her question and try to avoid the opinion.

The Hon. BARBARA WIESE: I have finished what I wanted to say about those matters, but I would suggest that it is fact rather than opinion. It brings me to the point that I would like to highlight in the Minister's statement, which it seems to me is at the nub of this whole issue. On page 2 of her statement, the Minister states:

> The PTU seems to have timed its current campaign to pre-empt a major paper that I will be releasing very soon which outlines comprehensive proposals that will apply to all future service contracts put out to tender by the Passenger Transport Board.
>
> The proposals have been prepared in association with bus and coach operators, including TransAdelaide and the Department of Transport.

It seems to me that that last sentence lies at the nub of the issue. Does the Minister agree that the action being taken by bus operators comes about because the Minister's relationship with some key players in the industry has broken down?

The Hon. Diana Laidlaw: What has broken down?

The Hon. BARBARA WIESE: Your relationship with key players in the industry.

The Hon. Diana Laidlaw: Who are they?

The Hon. BARBARA WIESE: Namely the trade union movement and bus operators. You had not thought of those, had you? The Minister had not thought of those people as being key players within the industry. They are only the people who keep it running. Does she attribute this problem to the fact that she has been selective with regard to whom she speaks within the industry? In particular, does she agree that it was inadvisable for her to ignore requests from the

Public Transport Union for meetings to discuss the future of competitive tendering? Is it true that the Minister issued an edict forbidding TransAdelaide drivers from handing out literature to bus passengers? Does the Minister also disapprove of TransAdelaide bus drivers talking to passengers as they board the buses?

The Hon. DIANA LAIDLAW: I cannot help but laugh. In terms of bus drivers talking to passengers, of course I would not forbid it. I talk to them myself, so why should I suggest that they do not talk to other bus passengers? I talk to them when I catch the bus; I talk to them in the buildings; I talk to them in the concourse; I talk to them at bus stops.

The Hon. Anne Levy: That's a pretty large sample!

The Hon. DIANA LAIDLAW: Yes, it is a large sample, because I see and meet with them every day of the week. In terms of whether I have issued any edict, no, I have not. I indicated to the union that at any time—and I repeat again—I am available to talk to them.

The Hon. Barbara Wiese interjecting:

The Hon. DIANA LAIDLAW: Every request that I have received I have responded to. I have met—

The Hon. Barbara Wiese interjecting:

The Hon. DIANA LAIDLAW: I am not sure what last request; perhaps it came in this morning and I have not heard of it. I have met with the national union on two occasions. It cancelled the last meeting—that would have been the third meeting. I do not know why it should be held against me that it cancelled the meeting. I have met with every single union representative in the Public Transport Union on numerous occasions at my request and at their request. I do not know what the honourable member is concerned about.

I have spoken to them at their home, at the workplace, on the buses and everywhere that they would wish to speak to me, at any time they wished to speak to me. If a message has come through in more recent days, I have not received it, but I will make inquiries in my office. I did interject at the time the honourable member made some comment about key players. I have not lost confidence in the Public Transport Union when it keeps talking in terms of the interests of its work force and passengers.

What I have taken offence at today is the falsehoods, fear and distortion which is in this pamphlet. I have a right, on behalf of passengers and the passenger transport work force, to put the other side of the story and the facts. It has not put the facts. It knows, as I said in this statement, that there is a paper coming out very shortly. In terms of TransAdelaide having been involved in that, I understand that there have been regular discussions with the work force and the unions, not only the Public Transport Union but all the unions, in relation to the future arrangements for TransAdelaide. When I included TransAdelaide, I include the work force: they work together—management and employees. Perhaps it is the divide and rule way that you used to run things, but it is not the way it operates today.

The Hon. Barbara Wiese interjecting:

The Hon. DIANA LAIDLAW: I am in the real world. I know that passengers want better services than the cutbacks in services that you delivered, the infrequent services that you delivered and the loss of services altogether. We are creating new services; we are going to create more services; and we are going to put guards, in the form of passenger transport assistants, back—

The Hon. Barbara Wiese interjecting:

The Hon. DIANA LAIDLAW: No, in the form of passenger transport assistants. Guards were removed. We will be putting a new form of guards who have a more responsible role back onto passenger transport. That is something for which the public has been crying out. They want customer service; they want fare evasion to stop; they want increased security. We have taken measures in all those respects. There will be competitive tendering. There is money to be saved in this system. Union members come up with those savings on a weekly basis: on a weekly basis they tell me of savings that are in the system. We can make savings and from those savings we can invest in more frequent transport, new services and more personnel on trains—the issues the public wants addressed.

I am not prepared to tolerate, as the former Government tolerated, massive haemorrhaging in public transport use in this State at a time when the costs are skyrocketing through the roof. I will not tolerate it. I will not be party to any falsehoods as have been made in this deceitful pamphlet that has been put out by the Public Transport Union today. What I have done is make a statement that puts the record straight. I have not stopped anybody handing out literature. What I am disappointed in is that union membership fees would be used—

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: —for such a disgraceful publication, a publication very similar to the one issued—

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: —before the last election. This old guard in the union will not give up. I understand why—because they are concerned about their power base, their union membership base, because there are others keen to operate services and others equally able to do so. In my view, TransAdelaide has the capacity to operate every service it wishes to bid for if it wishes to do so. As I have said before, it is in its own hands.

BANKRUPTCY

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Minister for Education and Children's Services, representing the Treasurer, a question about South Australian bankruptcy statistics.

Leave granted.

The Hon. L.H. DAVIS: The 1993-94 annual report of the Inspector-General in Bankruptcy was recently tabled in the Australian Parliament. The very detailed information on Australian bankruptcy statistics on a State by State basis reveals that there were 1744 bankruptcies in South Australia in 1993-94, a decrease of some 3.3 per cent from the 1804 bankruptcies recorded in 1992-93. The bankruptcy figures for the 1994 September quarter have been released in the last few days and they show that bankruptcies in Australia fell by 8.5 per cent in that quarter and that South Australia's bankruptcies were virtually static. As the Minister would be aware, South Australia's bankruptcy statistics in the latter years of the Labor Government made this—

The Hon. Barbara Wiese interjecting:

The Hon. L.H. DAVIS: Well, that was one of the problems of the Government. I asked the question, but it certainly did not listen. As the Minister would be aware, South Australia's bankruptcy statistics in the latter years of the Labor Government made this State arguably the bankruptcy capital of Australia. That has quietened them down, hasn't it! The Inspector-General in Bankruptcy's statistical report in recent years has been improved significantly by—

Members interjecting:

The Hon. L.H. DAVIS: If you are not interested in the plight of bankrupts in South Australia, I want to say that I am. I have been on record over a long period of time and continue to be on the record as—

Members interjecting:

The Hon. L.H. DAVIS: If you listen, you will find out.

Members interjecting:

The PRESIDENT: Order! I think the honourable member should stick to his question and not get sidetracked by inane interjections.

The Hon. L.H. DAVIS: I just hope that the Hon. Ron Roberts is not the shadow Minister for FACS.

The Hon. R.R. Roberts: Facts have never bothered you in the past.

The Hon. L.H. DAVIS: And if he were in New Zealand, it would be another matter. The Inspector-General in Bankruptcy's annual report in recent years has been significantly improved by providing a range and depth of statistical information about bankruptcies including age profiles, causes of bankruptcy, segregation of business and non-business bankruptcies and a breakdown of bankruptcies by occupation and industry. The age profile of non-business bankruptcies in South Australia in 1993-94 reveals that 632 people (55.8 per cent of these bankruptcies) were under the age of 34; 184 bankrupts (nearly 30 per cent of that total) were under the age of 25. This statistic is by far the highest percentage in the under 34 age group for any State in Australia, with the national average being 47.9 per cent. Unemployment was the main cause of bankruptcy in over one-third of these cases, and an excess of credit was cited as the main cause in over a quarter of them.

While it is pleasing to see a small decline in the overall number of bankruptcies in the past financial year in South Australia, it is disturbing to see many persons becoming bankrupt at a relatively young age. Although bankruptcy is in the Federal jurisdiction, it has significant social and economic consequences in South Australia. My questions to the Minister are:

1. Given that it is clearly desirable to minimise bankruptcies to avoid the high social and economic costs involved, what measures other than implementing policies to assist economic recovery does the Government have or propose to implement that will cut back on the number of bankruptcies recorded in South Australia?

2. Does the Government monitor these bankruptcies by, for example, examining bankruptcies by occupation and industry and regional trends, because that shows up some alarming statistics, particularly in regional areas—which may be of fleeting concern even to the Hon. Ron Roberts?

3. Finally, what counselling advice and support services are available to bankrupts in South Australia?

The Hon. R.I. LUCAS: I thank the honourable member for his most important question and undertake to obtain an urgent response from probably not only the Treasurer but also the Premier, who may well have an interest in this matter, and any other Ministers.

CHILD CARE

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister representing the Minister for Family and Community Services a question about the police and child-care.

Leave granted.

The Hon. ANNE LEVY: In this Council on 23 August I asked a question relating to care of the children of a woman who was being arrested by the police. The woman was a sole parent, had no possible care for her children and was fearful as to what would happen regarding her children if she were arrested. I will not go into all the details of the case. On 13 October I received a reply which is in *Hansard* and which confirmed all the facts I raised and, in particular, indicated that when the police arrived to arrest the woman one of her children was in child-care, the other was at school and she was told by the police that, if she were arrested and taken to gaol, Family and Community Services would look after her children. She rang Family and Community Services and was told that it could not help her in any way.

The answer I received further stated that, when a woman or a sole parent is arrested in such a situation, the police arrange for Family and Community Services to look after the children of such a parent. So, the answer I received indicates a complete contradiction: while it may be policy for the police to arrange for FACS to look after the children, in this case when the woman rang the Department for Family and Community Services she was told it could do nothing to help her regarding her children. This raises a number of questions, such as what is the point in having an arrangement whereby the police will arrange for FACS to look after children if such arrangements are not in place when they are needed? One is left wondering why FACS could not help the woman with her children on that day. My questions to the Minister are as follows:

1. How often in the past 12 months have FACS officers indicated that they cannot help out with the children of an arrested sole guardian of children?

2. From which FACS offices has this occurred?

3. What reasons do FACS people give for not being able to provide the help which it is policy to provide? For instance, is it cost cutting in FACS, which means that they are not able to provide this assistance?

4. What arrangements do police make in these circumstances when FACS indicates that it is unable to provide assistance for the children, in this case of a woman who is being arrested?

5. What would police have done in these circumstances if the woman had not been able to make highly unsatisfactory arrangements, from her point of view, to pay the fines for which she was being arrested and threatened with gaol?

6. Just what would have happened to her child at school when he came home and to her child in child-care when the time came to pick up that child from child-care, seeing that FACS had indicated that it could do nothing?

7. What would the police have done if she had not been able to avoid being put in gaol on that occasion?

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

STATE GOVERNMENT INSURANCE COMMISSION

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister representing the Treasurer a question about SGIC.

Leave granted.

The Hon. T.G. CAMERON: Further to my question yesterday regarding recent increases in interest rates, insurance companies are carrying paper losses running into billions of dollars. The State Government Insurance Commission has a life capital guaranteed fund containing $578 million, according to its balance sheet. Nineteen per cent of

these funds are invested in equities and, according to the balance sheet, 75 per cent are invested in fixed interest securities with a value of $444 million. My questions are:

1. Will the Treasurer investigate this fund and give the Council an assurance that the tens of thousands of South Australian policyholders are not having the value of their retirement funds eroded by investment decisions taken by SGIC?

2. Will the Treasurer, as a matter of urgency, report to the Council the extent of the losses, if any, and what impact these losses will have on the policyholders' retirement benefits?

The Hon. R.I. LUCAS: I will refer the honourable member's question to the Treasurer and bring back a reply.

DEVELOPMENT ACT

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Housing, Urban Development and Local Government Relations, a question in relation to the Development Act.

Leave granted.

The Hon. M.J. ELLIOTT: Like the Hon. Terry Roberts, I have also sighted some material in relation to proposals that the Minister has for changes to the Development Act. In that material I note that the Minister established a reference group, and I also noted that it was comprised of planning lawyers, developers and local government and Government representatives. I note that this reference group that was established had nobody who could be seen to be a community representative.

Probably the five most high profile conflicts that have occurred in South Australia over recent years that come immediately to mind have been the Mount Lofty Development, Jubilee Point, Tandanya, Hindmarsh Island Bridge and Wilpena. In every one of those cases the very groups I just listed in the reference group were all on one side of the argument ranged against the community on the other.

I note that the recommendations coming from this group for changes to the Development Act are all about giving the Minister far more discretion to override any form of opposition, legal or otherwise, and remove a large number of the checks and balances that are in the current Development Act.

Recently, the Government set up a consultative process to try to determine how the Mount Lofty development might proceed, and this was welcomed very much by the community. For the first time with a major project, input was sought early as to what conflicts might arise in such a way that any developer who becomes involved will know what they are getting into from the beginning.

It is an approach which has been argued for in this Council, and I know that a number of community groups have lobbied the Minister for Housing, Urban Development and Local Government Relations saying that we need to change the development process to give more accurate input early so that developers have some certainty. It appears that the current approach being recommended is to try to give developers certainty by the Minister's being able to say, 'Do not worry; we will get it through no matter what.'

Why does the reference group not contain community representatives? How does the Minister feel that he will avoid confrontation in the community if all developments can go through simply by way of ministerial discretion, and the checks and balances currently within the Development Act, as weak as they might be, are to be weakened or removed?

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

TEACHER NUMBERS

The Hon. T. CROTHERS: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question on matters relating to answers he recently gave in an Estimates Committee.

Leave granted.

The Hon. T. CROTHERS: Recently, the Minister told the Estimates Committee that the Government target for teacher cuts for the next three years is 422, with one proviso not just for his portfolio but for every portfolio, namely, that agencies that may have to pay increased salaries will have to meet the cost of these claims from within their existing budget. The Minister said increased salaries could only be met at the expense of jobs. We now know the Government has not opposed the flow-on of the $8 week awarded by the Federal Industrial Commission to nurses and other Government employees. Clearly, teachers are in line to receive a similar award. There is also the potential for the award of two further amounts of $8 per week.

In the last month, the number of teacher cuts has gone from 422 to 547 based on next year's staffing allocations, and recently we have learnt of 30 early childhood worker jobs that are to go. By applying the Minister's own advice it appears that the Government will now cut another 100 to 150 teachers to pay for the futuristic award increases. Will the Minister categorically rule out any further teacher cuts over the next three years and, if not, how many teachers jobs will need to be cut to met an award increase of $8 per week?

The Hon. R.I. LUCAS: I cannot categorically rule anything out over the next three to four years, so the answer to that question is clear. I will attempt to get the honourable member an estimate of the cost of the $8 pay rise, should it be awarded, because, as the member has indicated, there has been no State-based decision yet. The Institute of Teachers are still under a State award and therefore we have to wait for the State wage case decision. I can get some information for the honourable member which will give him an indication of what that cost might be and, if the Government chooses to pay for that solely by teacher numbers, what that will be.

I indicate that that would not be the Government's preferred course of action. As the Government indicated in the budget, it is anxious to limit the effect on class sizes and the effect on teacher numbers to the degree that we are able. We certainly did not accept the recommendations of the Audit Commission in that respect. So, the Government would be anxious to do as much as it could to prevent any unfortunate flow-on effect of that decision. The budget position is as I outlined to the Estimates Committee. It is the same for Education and Children's Services as it is for all other agencies.

ADELAIDE AIRPORT

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister for Transport a question about seating at Adelaide Airport.

Leave granted.

The Hon. ANNE LEVY: I am sure many members have visited a number of airports around Australia on numerous occasions, and the Minister, as I and several other people realise, would be aware of the fact that as there is no smoking

now allowed in airports a number of people stand outside the entrances to airports having a last cigarette or having a cigarette between flights. At Mascot Airport in Sydney I noticed that there were seats outside the entrances where people having a cigarette could sit down. However, both at Tullamarine and Adelaide Airports anyone who stands outside for a cigarette is not able to sit down because no seats are provided near the ashtrays, which are provided.

I recently noticed at Adelaide Airport an elderly person with a walking stick and a number of mobility disabilities come outside the airport to have a cigarette. I felt embarrassed on her behalf that there was nowhere for her to sit while she had her cigarette. I realise that airports are not the responsibility of the State Minister for Transport but I wonder whether, in her capacity as Minister for Transport, she could take up the matter with either the Federal Airports Corporation or QANTAS and Ansett to see whether seats could be provided outside the airports so that those who wished to have a cigarette could be comfortable by being able to sit down while doing so?

The Hon. DIANA LAIDLAW: I will write not only to the Federal Airports Corporation but also to QANTAS and Ansett regarding this matter. I strongly endorse the sentiments expressed by the honourable member regarding seating outside terminal entrances. I complained some time ago about the fact that there were no ashtrays outside for smokers even though smokers were required to go outside. That situation has improved recently, but I agree with the honourable member that seating should be provided not only for those who wish to smoke but for people generally who may be waiting to be picked up. That service and convenience would extend far beyond the needs of smokers. I generally support the underlying contention in the honourable member's statement that smokers have needs and rights. It is about time that smokers united, because I think we are discriminated against and generally we are hardly treated as human beings. It is also about time that service industries, such as QANTAS, Ansett and the Federal Airports Corporation, paid some courtesies to passengers who happen to smoke as well as passengers who do not. At the moment, very few courtesies are extended to us, and we are full fare paying passengers.

DAYLIGHT SAVING

Adjourned debate on motion of Hon. R.R. Roberts:

That the regulations under the Daylight Saving Act 1971 concerning summertime 1994-95, made on 15 September 1994 and laid on the table of this Council on 11 October 1994, be disallowed.

(Continued from 19 October. Page 470.)

The Hon. CAROLINE SCHAEFER: I wish to speak briefly to this motion mainly to point out the hypocrisy of those who moved it. It emanates from the Hon. Ron Roberts, who resides in Port Pirie and the Hon. Frank Blevins, who resides in Whyalla. For as long as I have known them they have resided in those towns and represented the people in their areas, yet—

An honourable member interjecting:

The Hon. CAROLINE SCHAEFER: And I am sure they are very good representatives. However, until now I have never heard them mention any interest whatsoever in daylight saving.

The Hon. Anne Levy: Frank Blevins has been talking about it for years and years.

The Hon. CAROLINE SCHAEFER: Possibly in the Caucus, but certainly not in the House. We suddenly have these latter day crusaders—

Members interjecting:

The PRESIDENT: Order!

The Hon. CAROLINE SCHAEFER: —for the rights of country people who happen to belong to the same Party which still supports Eastern Standard Time. I want to point out the hypocrisy—

The Hon. R.R. Roberts: The Premier supports it.

The Hon. CAROLINE SCHAEFER: I am sorry, but he does not support Eastern Standard Time.

Members interjecting:

The Hon. CAROLINE SCHAEFER: Perhaps members can take that up with the Premier, but at this stage I am fascinated by these two country members who have suddenly acquired an interest in changing the regulations.

Members interjecting:

The PRESIDENT: Order!

The Hon. CAROLINE SCHAEFER: The reason for this latter day interest in Eastern Standard Time is nothing more than mischief making in an effort to cause divisions between country members of the Liberal Party. I am here to tell members opposite that that will not work. Fortunately, members of my Party have the right to cross the floor if they wish, and I have no intention of letting the Hon. Mr Roberts or anyone else know whether I will or will not. However, if this motion is carried, I will remind members opposite in 1996 of the great commitment by the Labor Party to disallow regulations with regard to daylight saving. I will be interested to see whether the Hon. Anne Levy and other members opposite support that disallowance in 1996.

The Hon. R.R. Roberts interjecting:

The Hon. CAROLINE SCHAEFER: No, of course it does not, because it is a one-year wonder in the last 20 years.

The Hon. T.G. Roberts interjecting:

The Hon. CAROLINE SCHAEFER: It is certainly very selective. For one year the Labor Party supports the disallowance of regulations but for every other year it has been a different story, and members opposite tell me that this is not a mischief making little act. While we are talking about it—

Members interjecting:

The PRESIDENT: Order!

The Hon. CAROLINE SCHAEFER: —the Hon. Ron Roberts also wants me to sit over there on shop trading hours, and he lives in Port Pirie which has had 24 hours a day, seven days a week, fully deregulated shop trading hours for the past four or five years. He is not on about anything other than protecting the large traders in Pirie and causing mischief between the country members of the Liberal Party if he can.

The Hon. Anne Levy: What's wrong with that? It's a laudable objective.

The Hon. CAROLINE SCHAEFER: It certainly appears to be, but—

The Hon. Anne Levy interjecting:

The Hon. CAROLINE SCHAEFER: Well, let's be honest and up front about it, as the Hon. Anne Levy says. Let's say that this is just a mischievous and ridiculous little motion that has very little to do with the goodwill of the country electorates.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! You will all make the newspaper in a minute if you do not keep quiet.

The Hon. CAROLINE SCHAEFER: If the Hon. Ron Roberts is sincere, he will, as he has indicated, support what I have moved, and that is a genuine wish to inquire into a long-term solution to the argument about time within this State.

The Hon. M.J. Elliott interjecting:

The Hon. CAROLINE SCHAEFER: And you think the disallowance of regulations for one year is not ducking the issue. Perhaps I can move an amendment and see whether the Labor Party will support it. If I move an amendment suggesting that this disallowance of regulations be permanent, that we permanently support the finish of—

The Hon. R.R. Roberts interjecting:

The Hon. CAROLINE SCHAEFER: I am sure it can be accommodated. We can have it rolling over.

The Hon. R.R. Roberts: Get Dean to move a motion?

The Hon. CAROLINE SCHAEFER: No, I would rather see you do it.

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order!

The Hon. CAROLINE SCHAEFER: We are taking up valuable parliamentary time. All I wanted to do was to point out to the wider electorate that it is being hoodwinked and tricked by a couple of very old political manipulators.

Members interjecting:

The PRESIDENT: Order!

The Hon. CAROLINE SCHAEFER: Mr President, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

BENLATE

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

That this Council calls for—

1. An immediate halt to the sale of Benlate in South Australia;
2. An urgent investigation by the Department of Primary Industries into the detrimental effects of Benlate on crops and human health;
3. The State Government to support affected growers in their legal action against the manufacturers of Benlate should the investigation confirm detrimental effects.

(Continued from 26 October. Page 586.)

The Hon. R.R. ROBERTS: When last we addressed the issue of Benlate, I was concerned about one aspect of the Hon. Mr Elliott's proposal, namely:

That this Council calls for an urgent investigation by the Department of Primary Industries into the detrimental effects of Benlate on crops and human health.

At that stage, I did hold some concerns that we were, in effect, asking the same people who had been handling this investigation so far to do another investigation basically in part into their own activities. I hold some concerns that that may not be the best method of review. Whilst I have had some discussions with other people about this, at this stage I am not prepared to rule out the Department of Primary Industries being that reviewer. However, there has been a bit of a broadening of this debate since the last time I spoke, with a contribution in the weekend papers on Benlate.

I have had the opportunity to read a wider view of the history of this product in South Australia and of the concerns of other people in the industry with respect to the effects of Benlate. I have also been informed of some of the wider uses of this product. Given some of the assertions that have been made about the effects of Benlate on living matter, I was concerned to see that it plays a major part in the fungicide control of some of our export industries. I believe that that makes the investigation into this matter even more urgent, because of the serious impact that this can have not only on the crops that we produce but on export industries in other areas besides cucumbers and the flower industry.

The Opposition is supporting this motion, but this matter will not be determined today, because I do not believe that the Government has responded. However, I will rely on any amendment that we may move after consultation with the Hon. Mr Elliott and members of the Government. I expect that we will get tripartite support on this matter due to the serious nature of the assertions that have been made and from my own knowledge of the history of this product in industry. I will rely on one of my colleagues to maybe move an amendment with respect to who ought to be the reviewer or the person who investigates the effects of Benlate on crops and human health. The Opposition does support the thrust of the Hon. Mr Elliott's proposals and will support a form of his motion when this matter is put before the Council.

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

TWO DOGS ALCOHOLIC LEMONADE

Order of the Day, Private Business, No. 4: Hon. M.J. Elliott to move:

That the regulations under the Beverage Container Act 1975 concerning exempt containers—Two Dogs Alcoholic Lemonade—made on 4 August 1994 and laid on the table of this Council on 9 August 1994, be disallowed.

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

That this Order of the Day be discharged.

Order of the Day discharged.

WOMEN'S HEALTH CENTRES

Adjourned debate on motion of Hon. Carolyn Pickles:

That this Council—

1. Supports the retention of stand-alone women's health centres at Noarlunga, Elizabeth, Adelaide and Port Adelaide; and
2. Opposes any move by the Liberal Government to integrate these existing facilities into the mainstream health services.

(Continued from 26 October. Page 591.)

The Hon. CAROLINE SCHAEFER: I think I probably expressed what I felt about the women's health centres and about this motion on the last occasion on which I spoke. However, I repeat that I have been to Dale Street Women's Health Centre and a number of these women's centres and I acknowledge the very good work they do. However, as I said at that time, when funding is extremely limited within this State and when a number of the people whom I know do not have access to a doctor or ancillary health services I can only say that the gender of the professional who is available or not available, as the case may be, to assist those people pales into insignificance.

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

GAMING MACHINES

Adjourned debate on motion of Hon. Anne Levy:

That this Council—

1. Notes that the then shadow Minister of Transport moved to amend the Gaming Machines Bill on 7 May 1992 to require that at

least 1.5 per cent of gaming machine turnover be set aside in a fund to assist welfare agencies dealing with gambling addiction and to make payments to other community organisations disadvantaged by gambling in their fundraising.

2. Notes that members on both sides of Parliament, and in both Houses, said that their support for the Gaming Machines Bill was subject to promises of additional Government support for agencies dealing with gambling addiction.

3. Calls on the Government to honour the commitment given by the previous Government, at the time gaming machines legislation was introduced, to make up to $2 million in the first instance available from the Government's gaming machines revenue to welfare agencies to deal with the social problems associated with gambling.

which the Hon. R.I. Lucas had moved to amend by leaving out paragraph 3, and inserting:

3. Congratulates the Government on establishing a Gamblers' Rehabilitation Fund which will have access to funding of $1.5 million in 1994-95 to initiate programs to deal with gambling addiction.

(Continued from 19 October. Page 485.)

The Hon. ANNE LEVY: In closing the debate on this motion, I indicate that I am very pleased that the Hon. Sandra Kanck agrees with the original motion and does not support the amendment that has been moved by the Minister for Education and Children's Services. It really is astounding that the Minister seeks to congratulate the Government on establishing a gamblers' rehabilitation fund that will have funding of $1.5 million, which I may say is not $1.5 million from the Treasury. It is only $500 000 from the Treasury and the rest is coming from the Independent Gaming Corporation.

It is rather astounding that the Minister should seek to congratulate the Government on this move when the previous Government had committed itself to providing up to $2 million in the first instance from gaming machine revenue. It is hypocritical of the Government to suggest that it should be congratulated for supplying only 75 per cent of what the previous Government had committed. It seems incredible.

However, I take credit. This motion was moved in the Council way back in early August. It has certainly taken a long while for the Government to respond to it. However, I feel that the fact that it was moved in August was the spur that prodded the Government into actually taking some action. It felt embarrassed by the fact that it was at that stage providing absolutely nothing for gamblers' rehabilitation and that it had shown no sign at all of providing any resources whatsoever for a gamblers' rehabilitation fund. The fact that this motion was moved and laid on the table for such a long time led to the Government's taking, very tardily, the minimal action that it did eventually take.

It is surprising that it took the Government so long to move in this regard given that the Minister for Transport, when shadow Minister for Transport, had wanted to amend the legislation to provide between $9 million and $12 million. She stated that she wished to provide between $9 million and $12 million for gamblers' rehabilitation, some of which she wished to apply to tourism, and I agree with that. Now I imagine that she would rather apply it to the arts rather than tourism. Certainly, the arts budget could do with greater support.

However, the hypocrisy of someone who wishes to provide sums such as $9 million to $12 million and then reneges on that desire shows it was hardly a sincere desire on her part when she moved the amendment. As I indicate, I support the original motion, that we still call on the Government to honour the commitment given by the previous Government to make up to $2 million available from gaming machine revenue for this purpose. While $1.5 million is better than nothing, it does not fulfil the commitment given by the previous Government. This Government has had to be prodded by this motion and the vigorous debate that has occurred about it into taking this paltry, minimal step. I commend the motion to the Council.

The Council divided on the amendment:

AYES (9)

Davis, L. H.	Irwin, J. C.
Laidlaw, D. V.	Lawson, R. D.
Lucas, R. I. (teller)	Pfitzner, B. S. L.
Redford, A. J.	Schaefer, C. V.
Stefani, J. F.	

NOES (10)

Cameron, T. G.	Crothers, T.
Elliott, M. J.	Feleppa, M. S.
Levy, J. A. W. (teller)	Pickles, C. A.
Roberts, R. R.	Roberts, T. G.
Weatherill, G.	Wiese, B. J.

PAIRS

Griffin, K. T.	Kanck, S. M.

Majority of 1 for the Noes.

Amendment thus negatived; motion carried.

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 18 October. Page 451.)

The Hon. BARBARA WIESE: I support the second reading. Others in this debate have talked about the broad features of the budget, and therefore I do not propose to do that. I will confine my remarks to some comments on the Estimates Committees and transport issues. My first observation about the Estimates Committees is that the performance of individual Ministers varied significantly. Some were clearly confident in their ability to face the Committee, sure of their knowledge of the topic; others were defensive and adopted a filibustering approach.

The two committees with which I had most contact were the those dealing with transport matters and the Housing, Urban Development and Local Government Relations portfolios. The two Ministers involved with these committees, Minister Laidlaw and Minister Oswald, in my opinion approached the work of the committees defensively. Both delivered several long opening statements, some in excess of 10 minutes in duration, and gave long replies to Dorothy Dix questions asked by members of their own Party.

Minister Oswald, in particular, was hesitant in addressing questions, referred to briefing notes constantly and deferred to officers even on policy questions. Such an approach works against the spirit of the Estimates Committees' purpose and severely curtails the Opposition's opportunity to seek and obtain information and to scrutinise Government programs and performance.

As a result, many issues did not receive the attention they deserved, and it is my intention to follow up some of those issues with the Minister for Transport in the Committee stage. I have already addressed other issues by way of Questions on Notice, as members will see by perusing the Notice Paper.

In view of my intention to ask questions, I intend to be brief with my remarks now. In the past I have raised questions about the Government's ability to keep its promises in the road funding area. Estimates prepared for me prior to the election indicated that the present Government would be

some $20 million per year short in the first few years, based on the projected timetable for road funding promises.

During the Estimates Committee the Minister all but confirmed that this was so when she said that in order to seal unsealed South Australian roads she will have to borrow funds which, to use her words, 'will not be as efficient as we would like'. I give notice that I will be seeking further explanation of Government plans in this area.

With respect to the third arterial road, the Minister is still unable to say what money will be necessary and from where it will come beyond the funds provided for in this year's budget for the design stage, even though she vows and declares that the road will be commenced by December 1995.

There are still some unanswered questions in relation to the road funding program overall, particularly now that the department's annual schedule of works has been published. According to the department's figures, Federal funding for national highways this year will be $55.65 million, with an additional $2.83 million for IRTA funding, making a total of $58.48 million. Last year these figures were $57.8 million and $2.1 million respectively, totalling $59.9 million. Last year's Federal funds also included $16.3 million for national arterial roads. This year such road funding is included as untied money in the financial assistance grants. In the financial statement that accompanied the budget, the Government said:

> The budget provides for roads related State-funded expenditure of $197 million in 1994-95. This includes expenditure equivalent to the untied arterial roads funds, which are now paid to the State as general purpose payments from the Commonwealth.

What I am interested in pursuing with respect to this issue is whether there have been any discussions within Government circles regarding the manner in which general purpose payments from the Commonwealth should be distributed in future. In particular, I would like to know what guarantees the Minister can give that the Government will continue to allocate expenditure equivalent to the untied arterial road funds for roads-related activities.

Also, the Minister has advised that State funding for roads has been maintained. On the surface of things, that would appear to be correct. Last year's funding was $153.4 million plus $25.7 million, which is a portion of the motor fuel licence fees levied under the Business Franchise (Petroleum Products) Act. This year the allocations were $154.9 million plus $25.7 million respectively.

But, by the Government's own standards, maintaining funding is not sufficient, because prior to the election the Minister promised to increase road funding by taking an additional $10 million per year from the business franchise petroleum products funding. As it would appear that this extra funding has not been forthcoming I ask the Minister: is this another broken promise, or will the Minister indicate where this funding can be found? In addition, will the Minister explain why expenditure on roads and bridges for 1993-94 was down by $9.247 million on the budgeted figure, and will she provide detail on each project underspent and designate whether they were federally or State funded projects?

Changing tack slightly, it has been interesting to observe the coyness of the Minister in her replies concerning future plans for TransAdelaide following the introduction of competitive tendering. She has been unwilling to talk at all about percentages of business that may or may not be a preferred target for TransAdelaide to retain in the future, but no such reluctance has been shown by her officers. In fact, the very outcome that I warned about during the debate on the Passenger Transport Bill was articulated some time ago by the Chairman of the Passenger Transport Board in discussion with Public Transport Union officials.

Members who took an interest in the debate will know that I tried to convince the Democrats that the attempts they were making to protect TransAdelaide bus services would not achieve the result they were looking for. The Democrats wanted to preserve 50 per cent of bus services for TransAdelaide until 1997. However, the Australian Democrats' amendment did not specify the mode of service, and I tried to point out that such a provision, therefore, would require the Government to provide only 50 per cent of services across modes, that is, bus, train and tram services.

Since competitive tendering of other modes had not been ruled out, it could mean that less than 50 per cent of bus services could legitimately be preserved for TransAdelaide. Whether deliberately or otherwise, the Democrats chose not to understand or support my alternative proposal that would have specified a certain percentage for preservation for each mode of service.

By their not supporting that alternative, uncertainty has now been created and, as I predicted, the Chairman of the Passenger Transport Board seized on this to advise the PTU that, as far as he was concerned, the legislation as amended required that only 38.7 per cent of bus services should be retained by TransAdelaide and, in his view, this would be the maximum business that TransAdelaide would be awarded in the future. I am heartened by the Minister's assurance during the Estimates Committee that, as far as she is concerned, if TransAdelaide is successful in winning more, it can keep that business. However, in view of the Chairman's statement, the Minister should be aware that the tendering process will be watched very carefully by interested parties, and they will want to be assured that TransAdelaide will get a fair go.

Finally, I want to refer to various statements in the budget papers about cost saving within TransAdelaide. On page 334 of the Program Estimates and Information there is reference to a cost saving of $12.2 million if required. Reference on page 345 is made to:

> . . . recurrent funding to reduce by $10 million in line with Government efficiency expectations. . . Service reductions to cut costs by $2.2 million.

Will the Minister indicate the areas in which TransAdelaide is expected to find the $10 million recurrent funding saving, and will the Minister specify exactly which services are to be cut and when in order to achieve the $2.2 million savings target? Will the Minister explain the relationship between the $12.2 million referred to here and the $7 million savings in the funding provided for passenger transport referred to on page 2.9 of the financial statement? Will the Minister indicate where either the $7 million or the $12.2 million is reflected in the Estimates of Receipts and Payments when the appropriation from the Consolidated Account has increased from $140.9 million to $148.7 million?

Receipts are down from $75.9 million to $66.5 million, and capital expenditure has increased from $62.1 million to $113.4 million. In the light of these figures, how does the Government justify its claim of savings in the funding provided for passenger transport?

As I indicated, there are further questions that I would like to address with the Minister during the Committee stage and I will therefore conclude my second reading remarks at this point and reiterate that I support the second reading.

The Hon. DIANA LAIDLAW: Mr Acting President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. CAROLINE SCHAEFER: In supporting the second reading of the Appropriation Bill I take this somewhat belated opportunity, as my colleague Mr Jamie Irwin did yesterday, to welcome Mr Terry Cameron to our midst. In the main this has been a consensus House, in spite of some heat on many issues, but I have always been treated with great courtesy in this Council and I hope that the same courtesy is extended to Mr Cameron. I wish him well in his political career.

I wish to speak, as the Hon. Ron Roberts has intimated, on the lack of funding in rural areas. I will read the editorial from the *Stock Journal* of 20 October 1994 which says it probably better than I can. The editorial says:

> What a tragic juxtaposition. Both stories made the front page of the national daily, *The Australian*. Both quoted Prime Minister Paul Keating. One was spread across half the front page. The other was tucked modestly into a single column. One trumpeted Labor's $250 million cultural revolution—a massive injection of Federal funds into the arts. The other recorded the Prime Minister's requests to bankers that they stand by Australian farmers in this tough, tough season. As a typographical representation of Paul Keating's priorities, the front page said it all. No prizes for guessing which story made the bigger splash. Having basked in the daily media glory which was dutifully dished up in the wake of his whirlwind tour of the eastern drought hot spots, Mr Keating can now apparently move on to more pleasant pursuits.
>
> There's nothing wrong with handing out $250 million to promote Australian arts. Nor even dishing out $150 million to tart up a faded Sydney expressway which Mr Keating deems an eyesore. But these acts of fiscal generosity become monstrous barbs to rural Australia when put into context next to Labor's $164 million drought aid package. This assistance is fine—as far as it goes. But the reality is that those farmers who fail to measure up to the Federal Government's tough 'exceptional circumstances' criteria will be eligible only for charity.
>
> The national farmhand appeal has been a remarkable and heart warming success. But it will help only a relative few and then it will run dry—some estimates say by Christmas. Urban Australia has been a big contributor to farmhand. But so has rural Australia. Agribusinesses which rely on the farm sector have been major and generous contributors. The State farmer groups have been energetic in their support—witness the SAFF's [South Australian Farmers Federation's] big farmhand concert.

As a rather sad aside, I draw attention to the fact that that farmhand concert has had to be postponed due to lack of ticket sales. The editorial continues:

> Individual companies have been creative and supportive. . . .Elders, for example, with its $60 million drought loans offer. But until Paul Keating puts the same monetary emphasis on ensuring the survival of our rural export industries that he does on sponsoring an antipodean renaissance, we can only worry deeply about our nation's future.

I sometimes wonder whether I am too narrow in my outlook because, as Mr Ron Roberts rightly points out, I almost always in this place seem to speak on matters rural. But then I consider the fact that I represent the people who are still responsible for 53 per cent of this State's export income. Certainly I represent an isolated group of people, and there are times when I and members on both sides of the House who attempt to represent these people also feel isolated. However, they are my interests and I will continue to support them in the best way that I possibly can.

I hope that, after a year, we are coming out of the worst drought that this State may have ever seen—certainly, statistically, it is already the second worst drought ever—but it does not come in isolation, it comes at the end of a series of tragedies which country people have had to bear. These include: extreme and heavy summer rains, which ruined crops; the mouse plague; severe frost; an upturn in interest rates; and a downturn in commodity prices. We are not talking about the inefficient but about the unfortunate. I am grateful for the efforts of the Minister, Dale Baker, who has successfully moved for the declaration of drought in regional areas. I am equally grateful to the Federal Minister, Mr Collins, who has listened and, with some compassion, grasped the enormity of the problem.

In this nation we have a situation which should, and I think has, transcended Party politics. More accurately, the lines are drawn between those who live in urban areas and cannot hope to understand and those who live in country areas and wonder why they do not. I am interested in headlines in newspapers which trumpet the fact that due to the rise in grain prices bread will rise by 50¢ a loaf. I have in front of me figures which prove that the quantity of grain in a loaf of bread is worth 6¢. If prices double as they are projected, that could make the value of the wheat in a loaf of bread 10¢; yet, we are told that bread prices will double. We are also told that meat prices will double, yet I know, and I am sure the Hon. Ron Roberts knows, that people are selling stock in poor condition for next to nothing to keep their land in place so that it is not eroded and does not blow away. No great gain is to be made by selling meat on the hoof at this stage.

There is a move by a very small group of feed lotting people to say that the increase in the price of grain will mean that they will have to increase the price of export beef, in particular. Pig farmers will probably be badly affected by the shortage of grain. However, there is some suggestion that some of this talk is merely designed to block the import of grain to keep it at a sound level of cost for these people. I therefore urge the people in the cities, who have been led to believe that their beer, meat and bread and almost every consumable will double in price due to the shortage in country areas, to look at where the actual margin is being made, because it is certainly not being made by rural families.

It is a known fact that farming families are at an all time financial low with an average income of little less than $20 000 per annum. ABARE currently tips that the 1994-95 season will see that income slump by an average of 20 per cent. It is against this background that I was alarmed this morning to hear when I was driving to Parliament the Federal Minister for Development, Mr Brian Howe, say that he does not believe there should be any special treatment in respect of regional development in country areas. He spoke today at some length on 5CK (the regional station to which the Hon. Mr Roberts and I listen) about the fact that any extra assistance to regional development within country areas would only widen the gap between country and city people. It astonishes me that a man in his position can have such a narrow view of what is happening, because the gap is there, and any special treatment we hope would narrow that gap.

It is a sad but inevitable fact that many farming families will have to leave the land within the next year or two. The only hope, therefore, for the infrastructure of rural towns is that those people, by some sort of diversification, can be kept in the areas where they live, belong and have their families. The only way in which this can happen is with intelligent regional diversification, funding for which must come in a bipartisan way from both Federal and State Governments. Therefore, it is a great disappointment to me to note that the Federal Minister appears to have such a short-sighted and narrow view of what is happening in the greater land mass of this State. We are becoming an increasingly urbanised society, and we have lost sight of the fact that the real dollars that turn around and around in this society are generated by export industry. Certainly there is a big push for secondary industry, high technology and the smart State, but in the

meantime we are still dependent on that 53 per cent of our export income which comes from farming families.

I would also like to speak a little on what is happening to farming families not in the usual bleeding hearts way but because I was impressed when I went home last weekend and attended a barbecue with a group of women (and their spouses) who take for granted their equality to the extent that one young woman to whom I spoke, in an effort to keep her family on the farm, quite offhandedly and casually stated that she runs a piggery of 50 sows. She single-handedly assists the birthing of the pigs; she injects them twice a week; she docks their tails and ears; she does all the things that traditionally did not fall within the realm of women on farms—and she is not an exception. The thing that struck me is that she is very much the type of young woman who wants to continue farming and who wants her family to continue farming. I urge this Parliament from the bottom of my heart to do anything it can to assist people like this.

The Hon. BERNICE PFITZNER: In speaking to this Appropriation Bill I welcome our newest member to the Legislative Council, the Hon. Terry Cameron. I know how it feels to be the newest member and to come in on a by-election, so to speak: it seems very unfamiliar and there is no other person who is at the same stage to share this strange environment. However, we all learn to cope, and in fact it might even be considered like the settlement period of a newly arrived migrant—we are all the stronger for the experience.

As this State is in economic difficulties due, in part, to the previous Government's mismanagement, this Government must be vigilant with respect to all costs in all areas and in all departments. The Government's budget emphasises economic development and job creation and provides over $150 million to this end. That includes $60 million for the Economic Development Advisory Board, the Economic Development Authority and the economic development program; $31 million for the development associated with the MFP; $28 million for industrial and commercial programs for the South Australian Housing Trust; $24 million for the South Australian Development Fund; $12.5 million to look at providing jobs for school leavers and the long-term unemployed; $8 million for tourism infrastructure and marketing; $3.7 million for the South Australian mining exploration initiatives; $12 million for manufacturing modernisation programs; and the Government's capital works program is increased by 14 per cent, a real increase in the 1994-95 year to $1 174 million, which will sustain 17 000 existing jobs and create 2 000 new jobs.

The gross capital outlay includes: $167 million on education and further education, which is an increase of $18 million; $155 million on housing and urban development, which is an increase of in $6 million; $103 million on health, which is an increase of $5 million; $121 million on energy, which is an increase of $16 million; $185 million on transport, which is an increase of $2 million; $95 million on water resources, which is an increase of $7 million; $69 million on economic development, which is an increase of $47 million; $67 million on natural resources and environment, which is an increase of $12 million; and $37 million on recreation and culture, which is an increase of $22 million. As will be noted, there is an increase in all areas for capital works, and $90 million is set aside for schools, preschools and child care centres, and $82 million for health facilities.

The Commission of Audit has advised that to repair the State's finances we must do it through reductions in outlays and not through increases in revenue. However, although we must be economically oriented, life must go on, as must the services that this State has provided so successfully but which now must be reduced and limited due to the last Government's economic mismanagement. However, this reduction must not be so stringent as to leave the Government's services in such a condition that the South Australian community becomes too disadvantaged. I will address three areas in which I have serious concerns: first, in the family and community services area, we will look at the continuing tragedy of child abuse; secondly, in the health area, we will look at the deadly virus of HIV/AIDS; and, thirdly, we will look at our environment, in particular the Adelaide hills face zone and the Mount Lofty Ranges catchment area.

A new report has been written on child abuse by Professor Freda Briggs of the University of South Australia, Magill campus, and is soon to be released. It is based on research relating to sexual abuse of boys. It is generally known that 93 per cent of child molesters have been sexually abused themselves in childhood, and this report looks specifically at abuse of boys and demonstrates to us the tragedy that is around us and points out that more must be done to address this issue. The report is based on evidence given by 179 men, all of whom have been abused as children and half of whom are now imprisoned as child molesters. The question was raised as to why male sexually abused victims are not identified, and the experts concluded that male victims often do not see sexual abuse on them as abuse, because the sexual experience is acceptable in the male culture.

This report by Professor Freda Briggs is a depressing one for, although I have been involved in child protection groups, I find this particular type of abuse, involving two boys, almost unbelievable. However, it is a direct recounting of abuse which the general community might find difficult to accept. I will now relate some of the findings in Professor Briggs' report. The types of abuse on the boys were: oral sex, exhibitionism, genital fondling, anal rape and sexual intercourse. Depending on the age of the child and whether the offender was male or female, I believe the types of sexual offences varied. The male offenders were most likely to be stepfathers, cousins, grandfathers, and the female offenders were most likely to be grandmothers, mothers and female neighbours. That takes away the myth that engendered the protective instruction of not talking to strange men in cars.

The report also looks at what were the factors that were more likely to turn an abused child into a child molester. These were: that they left school at an early age; that they had a lower tertiary study rate; that they were more likely to have unskilled jobs; that they were more likely to have children; that they were more likely to come from relatively large families; that they had lived in more homes before the age of 17; that they were more likely to have fathers whose occupation was rated as unskilled; that they were more likely to have mothers who were either not employed outside the home or who had unskilled jobs; that were more likely to have received severe beatings as children; that they were more likely to report not ever being hugged or cuddled; and that they were more likely to have experienced verbal abuse during their childhood.

Further, they were also more likely: to have experienced sexual abuse from a neighbour; to have been sexually abused by a female; to have experienced sexual abuse, including intercourse; and to have reported liking the sexual abuse they experienced. They were more likely to have initially thought that the sexual abuse they experienced was normal, and they experienced abuse from a significantly great number of

offenders. This report tells us that most victims accepted the abuse as normal and enjoyable. This was explained in the following ways: that it started out as a hide and seek and that it was exciting; that these were affectionate times and enjoyable; that 'my body liked it and my conscience only began to bother me when I was a lot older and eventually realised that it was wrong'; that 'I didn't like it at the start, but with peer pressure I joined in and it became normal'; that 'he made me feel good about it, he played with me, talked to me, listened to me, he hugged me and cuddled me and told me he loved me and things that dad never did. I thought he was wonderful'.

'I was sexually curious,' another says. 'I could ask him questions I never dared ask my dad and he gave me answers. He taught me about sex.' Another says, 'It started when he took me to bed and I woke crying from nightmares, and from then on I associated it with comfort.' 'It was the only affectionate touching I ever received,' says another. 'I felt privileged; it was like membership of a secret club. I felt flattered. After all, the priest was God's representative.'

A most tragic, depressing and almost unbelievable paragraph in this report explains the 'wheres' and the 'whys' of this abuse. The report states:

> Men were introduced to sex when they entered boarding schools and children's homes. They disliked this initially because it was pervasive and intrusive. House masters and house fathers 'did it' to all of the boys, encouraged older boys to 'do it' to younger boys (often in the master's presence and on his orders) and the younger boys replicated the abuse with each other. This happened several times a day: in showers, dormitories, bathrooms, behind the house master's desk, in the classroom, in his office, his bedroom, behind bushes, in sports changing rooms, store rooms, piggeries and even in classrooms and libraries. Boys were carried from their beds late at night to provide sex for the masters in their bedrooms or offices. Although the boys hated it, because it was the only 'loving' attention that they received, they suffered pangs of jealousy when others were selected. Bed-wetters were abused most frequently; house masters fondled their genitals on the pretext of investigating whether their beds were dry.

The report also indicates that there is association between the gender of the past offender and the gender of the new victim. It states:

> The men who abused younger boys were themselves being abused by men. The men who abused younger girls were being abused by adult females. Those who abused both boys and girls were being abused by male and female adults. When mothers or older sisters abused boys there was a strong likelihood that the boys would repeat the abuse with younger female relatives. When older brothers abused them, the boys abused younger brothers and younger peers.

This report also concurs with the experts as to why there is so little reporting of this abuse, as it appears that either the victim did not see it as abuse, just the norm, or they were not believed and were told by their mother to stop talking dirty.

What must we do about this whole poorly reported scene? Professor Briggs tells us that we must provide more realistic child protection programs. The present child protection programs, she states, are:

> . . . vague and rely on the recognition of unsafe feelings, uncomfortable, bad or yukky touching and avoid mentioning sex and the possibility that it might feel good.
>
> Protection programs ignore the fact that children are sexually tactile beings and we present genital fondling and oral sex as exciting. . . fun. Boys feel very safe if it is presented in a loving way. Boys get abused not because they hate sexual touching but because they like it or the affection and attention that accompanies it. Paedophiles specialise in making kids feel good about themselves.

A further criticism about our child protection program states that:

> . . . [they] fail to address the seduction techniques used to target boys. We should be telling kids (especially boys) to avoid and report older kids and men who use dirty talk, dirty pictures, magazines and videos. They should be warned to steer clear of men who offer to teach them about sex. However, this will only be effective if parents are more open and honest with their kids. We spent months and even years grooming children (and their parents) before we introduced sexual touching. Sex is presented as fun, exciting and something that males do together when they have a special relationship. Protective behaviours is totally irrelevant to boys. In these situations, they feel safe and it never occurs to them that it's wrong.

Further, these male child molesters or people who have been abused say that child protection programs should teach and provide opportunities for children to practise reporting skills. They stated:

> Few of us here reported what was happening to us because we didn't realise that it was reportable. When everyone else is doing it you think it's normal. And even when we hated it, we didn't know what to say. . . we had no-one to tell.

Freda Briggs emphasises that children need to know that they should report sexual behaviour regardless of the relationship and authority of the initiator. She tells us that we must be more open in discussion of sex with our children. Child molesters kept in prison without counselling are unlikely to experience any behavioural change. Therefore, re-education must be emphasised.

This abuse occurs because our society does not confront sexuality in a more honest and a less hypocritical way. The latest figures from the Adelaide Women's and Children's Hospital on physical abuse indicate that the problem does not seem to be improving. In January 1993 to 30 June 1993 there was a total of 148 children who were physically abused and in the same period to 1994 there was a total of about 137. It was not statistically significant that there was any decrease, according to Dr Terry Donald of the Child Protection Unit. This report will, I hope, galvanise the Family and Community Services Department into initiating and providing more appropriate educational, reporting and treatment programs, especially for males and male children, in particular.

I now move on to AIDS and HIV—this depressing area of infection with AIDS and HIV. It is a virus which in my opinion is not treated with the respect and caution that it deserves. A newspaper article in the *Weekend Australian* (1-2 October) entitled 'The next plague', describes other more virulent viruses that make AIDS look tame. These are the viruses known as Marburg and Ebola viruses. They are filoviruses which are thread-like viruses very much like AIDS and which, when magnified 28 000 times, look like a ball of hair. In 1967, about the time when the pandemic AIDS virus was germinating, this other virus appeared in a German laboratory. Extracts of the article are as follows:

> Initially its victims experienced blinding headaches, fever and muscular pains. Soon followed nausea, violent vomiting, cramps and diarrhoea. Then came the blood, seeping from the eyes, the mouth, the nose. . . as the unknown agent shredded the delicate capillaries. . . [In the] final phase—the victim went into violent seizures that sprayed virus-laden blood everywhere. Their hospital rooms were later described as resembling a slaughterhouse. After death the ravaged cells of the corpses. . . and organs began to liquefy and the fluids that leaked out were hot with virus. This other virus '. . . causes the highest mortality in humans after rabies and AIDS, which is considered 100 per cent fatal.

These viruses have emerged from the African rainforests, which is possibly the source of the AIDS virus. Scientists now advise that there is a growing menace to humanity from the ecosystems that we humans have destroyed. In the article Dr Richard Preston tells us:

> From a viral point of view, humanity is as an enormous lump of meat just waiting to be colonised. We are the biggest target on the planet. If we clear away the rainforests, viruses come under huge pressure to find new quarters.

These new quarters may be us. The latest statistics on AIDS/HIV show that by the year 2040 some 40 million people will have died of AIDS. In Australia people diagnosed with HIV to December 1994 live to an average age of 33 years: 91 per cent are males, 8 per cent are females and 1 per cent are transsexuals. Of those with HIV, 80 per cent of males reported homosexual contact, 5 per cent reported the use of IV drugs and 14 per cent reported heterosexual contact. To the end of December 1993 in Australia 17 737 people were diagnosed with HIV infections, 4 753 people were diagnosed with AIDS infection and 3 212 deaths had occurred from AIDS. The rate of HIV infection appears to be three per thousand. We have done well in protecting the infected from discrimination and prejudice. We now ought to find new strategies to protect the majority who are not infected.

As we speak of the destruction of the rainforests in other countries, I would like to turn now to the environment of South Australia. On my return to Australia from around South-East Asia I am always pleasantly surprised as to how blue and clear our skies are and at the clarity of the stars in the night sky. Yes, we have an environment to be proud of, but are we looking after this gift as we should? It concerns me to identify that perhaps we are not. I speak about our Adelaide hills area, in particular (in planning jargon) the hills face zone and the Mount Lofty Ranges watershed area, two very important areas in South Australia. I live in the hills face zone and I am geographically close to the Mount Lofty watershed area.

With regard to the Mount Lofty Ranges review document, it has been a disappointment in terms of what it originally set out to do and has not done, the length of time it has taken so far, the length of time it will take to complete and the lack of results it has achieved on the ground. Ironically, the review has brought about more development in the region than if there had been no review at all. This is of particular concern in the watershed areas where pollution limits are already being exceeded. The generation of more development than usual has been caused by the generally incompetent manner in which the new restrictions were introduced in this area. The failure of previous Governments and bureaucracy to sell to the general public the urgency of the need for stronger management controls in the watershed and the introduction of harsh restrictions without consideration being given to compensatory provisions for landowners brought about an enormous backlash which was inevitable and which should have been foreseen. This backlash has led to the major watering down of key objectives for this region. The question now is whether that watering down has compromised the region to a point where some of the most important objectives will not be attained.

Over the past 12 months, such has been the haste to deal with the political pressures emanating from these problems associated with this Mount Lofty review, one has wondered whether hard, scientific evidence to back policies is ever bothered about any more. Certainly there is very little hard core scientific evidence in the latest report to indicate that in future the introduction of new planning measures, for instance, will see a reduction in pollution levels in the Mount Lofty watershed. These levels already exceed world health standards.

The strategy plan does contain much useful material, but most of it is of textbook nature, and there are few immediate action plans for specific areas that will achieve positive results on the ground within the next few years. A disturbing amount of the document resembles the Adelaide Planning Strategy in that it contains a considerable number of motherhood statements which are meant to placate all interest groups without causing controversy. At the same time, however, it never resolves the major issues at hand. There are many areas where policy research is only just beginning, and it could be another three to four years before we see any positive results emanating from these studies. It must be criticised that, although many of the major issues dealt with in this strategy report were raised about four or five years ago, little or no action has been taken on these matters. A clear case of this relates to the mandatory pumping out, which was announced some five years ago, but still no major action has been taken. Only two councils have carried out this procedure to this time.

The fact that the hills face zone—a major and significant part of the Adelaide hills—has been left out of the review tends to undermine the whole credibility of the document, particularly when the reasons for this omission are examined in detail. A quick assessment of the strategy report found at least 50 policies which currently do not apply to the hills face and hills face zone which should be applied. Some of these policies relate to the all-important topic of bushfire protection and prevention measures. Generally the report has not lived up to earlier expectations and long-awaited promises. Although in the short term the current strategy report may allay the fears of various individuals and interest groups, we have been strongly protesting about any form of major restrictions in the region. In the longer term, it seems likely that many of the existing problems of which we are aware will return. I refer, for example, to the warning that was put out by Water Resource Management South Australia (the EWS Department) which stated:

> Should water pollution continue to increase, then either the cost of treatment will continue to rise or the effectiveness of treatment will deteriorate and the benefits of the water filtration program may then not be fully realised.

Major concerns are also expressed about the enormous potential of further development in the watershed, particularly on vacant allotments, and Water Resource Management further states:

> Population is an important factor in relation to the decline of the watershed's water quality. The potential for further urban and semi-urban development is enormous in the watershed. Even if land division was immediately halted, the watershed population could more than double by the uptake of just existing subdivision allotments.

I would just like to move on to concentrate on the Hills face and the Hills face zone, the area in which I live and which we do not appreciate sufficiently. I guess we might appreciate it when it is no more. Nowhere could we drive for 15 minutes from an international airport and be up into a rural area that is as unique and beautiful as the Hills face zone. It is of grave concern that the Hills face zone has been left out of the Mount Lofty Ranges Review yet again, and the explanation that has been provided as to why it has been left out is unsatisfactory. It says that the scope of the regional strategy plan in a geographic context excludes the Hills face zone except for the portion which falls within the Mount Lofty Ranges watershed, because the Hills face zone already contains detailed and stringent controls on development, including residential development, and is included within the Metropolitan Open Space System SDP.

In considering the first of the reasons given, namely, that the Hills face zone already contains detailed and stringent controls, a search through the strategy documents to find out how many policies in it do not currently apply to the Hills face zone found that there were at least 50 such policies covering a wide range of topics, including mining and

quarrying, general watershed catchment protection, bushfire protection and prevention measures and the preservation of scenic amenity. These 50 policies are not covered in the Hills face zone area.

The fact seems to escape the minds of our planning bureaucrats that the Hills face and the Hills face zone have some of the greatest fire hazard and mining and quarrying problems in the whole of the Mount Lofty Ranges, and that most of the current policies related to the issue are totally inadequate.

The second reason given for the exclusion of the Hills face zone, that it was included within the Metropolitan Open Space System (what we call MOSS SDP) is equally unconvincing. The MOSS SDP fails to address any of the major problems and issues in the Hills face zone, including those related to the provision of open space.

The only item of any real significance in the SDP in fact which refers to the Hills face zone is a map which shows the current boundaries of the zone. We would like, and it would be good if this happened, 50 or so of these policies currently contained in the strategy plan of the Mount Lofty Ranges, which do not apply to the Hills face zone, to be applied to that area in future.

We also believe that the plan for the Hills face and Hills face zone, including proposals for a super park, should be included in the strategy plan. Further, there are some other concerns with regard to transfer of planning powers from the State to local government which will result from changes to what is known as schedule 10 of the Development Act regulations. This schedule applies to the Hills face zone and to the Mount Lofty Ranges, and this will give council, rather than the State, a planning power to decide.

I will refer to a submission from the District Council of East Torrens, in whose area I live, and I will relate some of the concerns it has should this planning power be transferred to the local government council. The council wishes that it remain with the State Government. First, both the Hills face zone and the Mount Lofty Ranges watershed are of special State significance. The council is consistently of the view that these State assets will become increasingly valuable to South Australia in the years to come.

The State authority, the Development Assessment Commission, is the logical planning authority and in protecting these vitally important State assets the State authority is less likely than the local government authority to be influenced by local vested interests or pressures. Professionally qualified State Government officers should be more likely to make wise decisions on development proposals than would a varied assortment of volunteer local government councillors who will frequently experience difficulties in opposing a development of a friend or fellow ratepayer or elector.

Experience has shown that local government responses on important planning development issues are erratic, to say the least. In the case of any lax planning decisions creating a precedent and hence a catalyst for progressive loss of assets, the local government authority will be more likely than the State authority to make expedient rather than wise planning decisions and will experience greater difficulty in reversing these decisions with subsequent applications.

The Hon. T.G. Roberts interjecting:

The Hon. BERNICE PFITZNER: Yes, but more might be transferred to local government. There are, of course, some circumstances where a proposed development is considered to have special and State enhancing qualities and where it may be possible to support the proposed development if it is in a form which will neither diminish significantly the natural assets nor create an unfortunate precedent.

Such development proposals should be assessed by the commission. Unwise decisions by the State authority or decisions which create precedents should be conscientiously avoided, as they will predispose to a progressive loss of natural assets which in time and for future generations serve effectively to kill the goose that lay the golden egg.

There are other concerns regarding the role of concurrence which will be considered an extremely valuable part of planning processes and should not be diminished. There also is the threat of an appeal against a planning authority ruling which should not prejudice wise decision making, and then there is the value of uniformity in decision making which will not happen with all different councils.

I support the Appropriation Bill and hope that we will try harder to make the balance of development and conservation such that it is ecologically sustainable after the definition of Brundtland's report, which defines sustainability as 'development that meets the needs of the present without compromising the ability of the future generation to meet their own needs'. I hope that with our economic strategies we will be in a position more fully to support the environment and to improve strategies to address child abuse and AIDS as it impacts on the uninfected population. I support the Bill.

The Hon. ANNE LEVY: I support the second reading of this Bill. I wish to make a few comments relating to the arts budget and the budget relating to the Minister's portfolio as Minister for the Status of Women. I have a number of questions, and I realise the Minister may not be able to supply answers thereto before the Appropriation Bill passes the Parliament. I do not wish to hold up the Bill and would be happy to receive the answers at a later time as soon as they become available.

Before the last election the present Government made much of its promise to maintain arts funding in real terms despite the economic difficulties facing the State. This is another of its broken promises, because the Government has not maintained arts funding in real terms. It can hardly claim that this is because it found there were economic difficulties facing the State, as the commitment realised that there were economic difficulties facing the State. However, I am sure this is only one of a very long string of broken promises but one which is of considerable importance to the arts community.

Since the Government came into office we have had the amazing saga of the Film and Video Centre, where the Government made a decision late in June to march down and close the centre without having thought through the implications of what it was doing—either in cultural, financial or practical terms as to what it was to do with the assets of the Film and Video Centre. There have been motions in Parliament, and there have been many questions both in Parliament and in the Estimates Committees regarding what will happen to the stock of the Film and Video Centre. We keep being told that the videos have gone to the public library system and that about 1 000 of the films will go to the Mortlock Library, although I gather they have not gone yet. What is to happen to the other 12 000 films we do not know.

In a response to the Leader of the Opposition following a question he asked in the Estimates Committee, the Minister indicated that some 5 000 films might be available for loan, these being the 5 000 which are most frequently borrowed, until there was no longer any demand for them. We do not know where they are to be borrowed from, who will look

after them, what resources this will take or even whether such a decision has been made. Even if that were to be settled and if these 5 000 videos are to be available for borrowing, I would like to know where they will be borrowed from and what staff and resources will be required to look after them.

It still leaves the question of what will happen to the other 8 000 films. They appear to have dropped off the map and nobody cares about them, certainly not the Minister. There is a deafening silence as to what will happen to these assets of the Film and Video Centre.

It is now more than four months since the Film and Video Centre was abruptly closed, yet four months later we still do not know the fate of at least 8 000, and probably 12 000, of the films in the collection. I hope the Minister will inform us soon what is happening to all the films in the Film and Video Centre collection. Will they be dumped? Will they be sold, and, if so, to whom? I suspect that the Minister's counterpart in New South Wales would very much welcome being able to lay his hands on these films and put them into the imaginative film centre which he is planning for Sydney. That would certainly mean their permanent loss to South Australians—the permanent loss of an asset which has been of incalculable cultural value to South Australia.

Will the Minister report at some time, either to the Parliament or to me in answer to this question, what progress is being made on the redevelopment of the National Motor Museum at Birdwood, including details of the funds which have been expended? The Minister probably recalls that the Labor Government last year allocated significant funding for the redevelopment of Birdwood Museum. I presume something is happening and that this funding did not vanish into a black hole, but I would be pleased to receive a report from the Minister as to how those funds were expended, what funds are currently being provided and how the redevelopment of one of the jewels in our crown, the National Motor Museum at Birdwood, is proceeding.

I would also like to make a few comments about the bail-out of the 1994 Festival of Arts. The Minister made great play of the fact that up to $850 000 would be required to bail out the 1994 festival which, although an artistic success, could not be called a financial success. The annual report of the festival indicates that the supplementary State Government grant was $350 000 not $850 000. I presume this indicates that the mooted deficit of $850 000 was an enormous over-exaggeration on the part of someone and that, in fact, the deficit for the 1994 festival was $350 000, a not insignificant amount but certainly $500 000 less than had been mooted by the Minister.

The Department for the Arts had to find $100 000 for this bail-out, although we have never been told from what area of the department's activities that $100 000 was taken. We also know that the Adelaide Festival Centre Trust was pressured into finding $200 000 towards the festival bail-out. With the department finding $100 000 and the Festival Centre Trust finding $200 000, this indicates that the so-called massive bail-out by the State Treasury was in fact $50 000—hardly an exorbitant sum. It is interesting that recognition of this has never been given any publicity, that in fact the State Treasury had to find only $50 000, which in their terms is peanuts.

The annual report of the festival also states that the Festival Centre Trust contribution to the last festival was $410 000. I presume this is for goods and services and staff time, not cash. I see the Minister nodding, so I take it my presumption is correct. This means that the total contribution by the Festival Centre Trust to the 1994 festival was worth $610 000: $410 000 in kind and $200 000 towards the bail-out. The report of the task force on the arts set up by the Minister when commenting on the Adelaide Festival said that contributions to the festival from the Festival Centre Trust should be properly disclosed and accounted for in the festival accounts.

Does this mean that the Government contribution to the festival will be increased so that it can buy services from the Festival Centre Trust and that the Government grant to the Festival Centre Trust will be correspondingly decreased? My fear is that this bookkeeping arrangement whereby the grant from the Government to the festival is increased so that it can pay the trust for the services it uses could make it look as though Government support for the festival was substantially increased when in fact it would not have increased by one cent. I would be grateful if the Minister could explain what accounting procedures will be used in this regard and whether it will be made clear that increased funding to the festival so that it can buy services from the Festival Centre Trust is not a real increase.

I would like to make a few comments about library services. In the Estimates of Payments and Receipts it is seen that this year's budget the total expenditure on the State Library has apparently risen from $21.5 million to $21.7 million, which suggests an increase of $200 000. However, this is an apparent not a real increase; in fact, it is quite the contrary. The 1994-95 budget figures include $417 000 for the public library's video borrowing scheme. This, of course, was transferred from the Film and Video Centre when it was closed, reducing considerably the saving made by closing the centre. The expenditure on the State Library for this financial year also includes an item of $492 000 for insurance and risk management. This is a new item which the State Library never had to find from its own budget before. I do not object to such accounting being done, but it has never appeared in the accounts of the State Library previously.

These two items add up to over $900 000, which is not far short of $1 million, when the apparent increase in State Library funding was $200 000. This means that for the activities carried out by the State Library, which it has always carried out and continues to carry out, its budget has been reduced by $700 000—a $700 000 cut to the State Library. This is how the figures in the budget papers read. I presume they are accurate, because I cannot imagine that the Government would permit inaccurate figures to be published in the statement, and it certainly reads as a cut of $700 000 to library services generally, funds administered through the Libraries Board. I suggest that this could be absolutely disastrous. It may well be that there are some pluses and minuses which are not apparent on looking at the figures, so I would be grateful if the Minister could let us know just what was the size of the cut to the State Library, because it has certainly had a cut, for activities which it carried out last year and which it continues to carry out this year.

Also with regard to libraries, during the estimates debates, the member for Napier asked the Minister a question regarding the new agreement between local government and the Libraries Board regarding the State subsidy to the public libraries. The Minister has indicated that negotiations are proceeding on this but have not yet been finalised, though I am sure the chair of the Libraries Board wants them to be completed before the end of the year. There was a misunderstanding on the part of the Director of the State Library, when the member for Napier asked, 'Will the Government insist in the new agreement that its contribution for each library would be at least matched by the relevant local government body,

as applies at the moment?' The Director of the State Library I think misunderstood the question. He said that there was no 50-50 funding agreement, that while it might have been overall about 50-50 at sometime in the past, overall it was now more like 60-40, with 60 from local government and 40 from State Government, though, of course, it does vary considerably from one local government area to another.

As I understood it, there had always been a commitment by the Libraries Board that, in funding any local government library, the contribution provided by the State Government—on a formula relating mainly to population but also to region and other local factors—had to at least be matched by the local government authority that was providing the library service. I can certainly recall one local government authority which did not wish to put up as much money as the sum to which they were entitled from the State Government and consequently they received less than their entitlement because they were not prepared to match it. I ask the Minister: within the new library agreement still being negotiated, will she insist that each local government authority providing a library service must at least match the contribution it receives from the Government, as applies at the moment? I certainly hope that that condition will continue to apply.

I would like to ask just a few questions in the area relating to facilities for women, and I have three or four questions only, which obviously the Minister would need to take on notice. The budget indicates that there is currently $100 000 being provided for the Women's Suffrage Centenary. Of course, this is only a small proportion of the money provided in the previous budget which was for 12 months and obviously there was only six months for the suffrage centenary in this budget but the sum provided, $100 000, was less than half that provided by the previous Government. I ask the Minister whether information can be supplied on how that $100 000 is being spent: how much of it for salaries, rent, general administrative matters, postage, phones, and so on, and how much on actual events for the suffrage like the events which we hope will be proceeding on 18 December, the actual centenary date for the celebrations?

The Minister has also indicated in a reply to me that contributions from Government departments through various projects which they are undertaking total $300 000, which, of course, adds considerably to the Government contribution to the suffrage centenary year. I would like to get information from the Minister as to how much of that $300 000 contributed by different Government departments was part of the 1993-94 budget for the different Government departments and how much of it is in the 1994-95 budget for the different Government departments. We do need to know the split up of that $300 000 and what proportion of it is in one budget and what proportion in the other.

I have one further question I would like to ask of the Minister for Education. I am sure the Minister is well aware of the Women's Studies Resource Centre and the very valuable contribution which it makes to education in this State. It is currently jointly funded and has been for a number of years through the Minister for Education's budget and through the Minister for Further Education's budget. Because it services both the State education system and also the tertiary system through TAFE, it is obviously appropriate that it receive money from the two sources. I understand that the resource centre has received its budget from TAFE sources for the next calendar year but has not yet received an indication of what resources it is to receive from the Education Department. It is grossly unfair on a body such as the Women's Study Resource Centre that just two months before its calendar year funding begins it still does not know what resources it will have available to it for the financial year. It is impossible for an organisation to make plans to develop programs for the year, when it does not know what resources it will have at its disposal.

The Hon. Carolyn Pickles: If we had a women's budget we would know all this.

The Hon. ANNE LEVY: Yes, a women's budget would certainly have provided this information. Certainly, as of last weekend the Women's Study Resource Centre had not received any indication what sum it would receive through the education budget. I ask the Minister: can he hurry up the procedure and let people know and tell us what sum they are to receive and when that information will reach them. Apart from anything else, it is just so discourteous and inconsiderate to expect people to do a job when they do not know what resources they will have to do it with.

There are a number other matters relating to the arts area particularly. For example, when will we get a director for Carrick Hill which has now been without one for four and a half months? When will there be a new director of the Maritime Museum, which has had an acting director for about 15 months? It is grossly unfair on these institutions to not settle these matters sooner, and the Minister and department are to be condemned for not having seen that these matters are attended to more rapidly. These two institutions are amongst those which contribute to our cultural tourism potential. They are praised and certainly used in advertising our State—quite rightly—but how can they be expected to perform as we wish them to perform when they are without directors or with what seems a permanent acting director? It is grossly unfair on the institutions, and the Minister stands condemned for not seeing that something was done about it at an earlier stage. I have various other queries, but I will try to take them up in Question Time, as they are not strictly budget matters. Meanwhile, I support this second reading.

The Hon. J.C. IRWIN secured the adjournment of the debate.

PAY-ROLL TAX (SUPERANNUATION BENEFITS AND RATES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 October. Page 461.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading, but we oppose the content of the Bill. As I have previously indicated, as this is a budget Bill we will support its passage through the Council. Members of the Opposition in another place have made lengthy contributions on the reasons why we oppose this measure. I do not intend to go over those points again, but I refer members to the House of Assembly *Hansard* of 12 October 1994, where I believe that my colleagues in another place have made their points quite clear.

However, I would like to stress that the measures contained in this Bill are a tax slug. This is a Government that touts its support for business but, coupled with the land tax increase, this gives business a double slug—yet another broken promise. It is a fundamental shift in this Government's philosophy. It is not the pro-business, pro-private sector Party that it tries to tell us it is. It is a Government that is finding a backdoor way of raking in $16 million. It does nothing to help the economy or to generate wealth. While we

support the passage of this budget Bill, the Opposition protests most strongly at its content.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank the honourable member for her contribution on behalf of the Opposition to this second reading debate. We acknowledge the position that the Opposition has adopted in both Houses on this issue. As the Leader has indicated, it is consistent with the position that the Opposition and the Leader have laid down when previously we debated the land tax legislation. I acknowledge and I thank the honourable member for her contribution.

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

STATE DISASTER (MAJOR EMERGENCIES AND RECOVERY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 October. Page 519.)

The Hon. T. CROTHERS: The Opposition supports the Bill. The Bill, in generic terms, is aimed at embracing into the Act proper the type of medium disaster such as we have experienced in the Gawler River area recently and from time to time with toxic spills both within our rivers and off our coast. This Bill proposes to do three main things. First, it aims to allow the State disaster plan to be implemented for major emergency incidents that do not reach the level of disasters as currently defined in the Act. Secondly, it seeks to improve measures for the recovery from disasters by individuals, families and communities so as to include the formation of subcommittees of the State Disaster Committee to prepare and maintain recovery plans. Thirdly, it would seek to make some administrative changes in relation to the membership of the State Disaster Committee itself and, in addition, to make some provision for workers' compensation.

In addition to those three measures, and other measures picked up, the Bill will provide, as a contingency measure only, the option of using the State Disaster Plan and organisation for civil defence measures should they ever be necessary. I am mindful of the fact that a report is due shortly from the select committee that we set up in the previous Parliament—in 1990—in respect of the Stirling bushfires. Without wishing to pre-empt the findings of that committee, we believe that, whatever the report of the select committee, at a future time and as quickly as we can do it, there will be the necessity for some form of body to be set up under the terms of the main State Emergency Act to ensure that never again can litigation be used in respect of holding up settlement plans or proposals that go to the distressed victims of emergencies, such as has been experienced occasionally in this State. Just how that would be funded would need to be investigated.

I do not wish to pre-empt the committee's findings. The Opposition realises that you cannot deny people litigation. However, we found a situation in Stirling where people were using litigation to hold up payments—and those payments were to some people who may not ever own anything more in their life than their own house. It is all right when people pursue courses of action, whether they be insurance companies or whatever, in respect of trying to get a court settlement of claim imposed or inflicted on them because of a natural disaster. That is one thing, if they have the wherewithal to do it. It is yet another thing when people are left without a roof over their head for three or four years due to action taken by way of litigation.

Having said that, I indicate to the Minister that the Opposition is happy with the Bill. I have talked with my colleagues, the shadow Ministers in both places, and they are of the view—and I concur with them—that we should insert an amendment that will facilitate quick settlement in respect of people who suffer damage as a result of disasters of the nature we are dealing with. In this case this amending Bill may not have sufficient strength to do that which may be sought to be done.

They believe—and I concur—that it will be better once the Stirling select committee report is brought down. It may well be better that the whole Bill be amended by a further amending Bill so as to provide rapid relief for those people without much wherewithal who have suffered both personal injury and injury to property as a consequence of a disaster such as we have witnessed from time to time in this State. The Opposition supports the Bill. We have no amendments to move during Committee.

The Hon. J.C. IRWIN secured the adjournment of the debate.

[Sitting suspended from 6 to 7.45 p.m.]

STATE LOTTERIES (SCRATCH TICKETS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 October. Page 565.)

The Hon. T. CROTHERS: As with all matters of social conscience, the Opposition has made this Bill an issue whereby voting is not compulsory: it is voting of the same nature as existed with respect to the palliative care Bill. However, when we addressed that Bill there was much debate about the age when people should have the capacity to make a deliberation. During the Committee stage of this Bill I will move an amendment, the effect of which will be to delete '18' (in two places) and substitute '16'.

The rationale that underpins the amendment is fairly simple and straightforward. The other evening the Hon. Mr Lawson said—and quite correctly so—that one of the reasons why he favoured 18 years as opposed to 16 years was because there was much more consistency over a whole variety of legislation relative to the palliative care Bill. In some respects he is right, but in other respects he is not. I put it to this Chamber that there are just as many areas where a 16 year old gains at the very least a *de facto* if not an official recognition as to their ability as young adults to think for themselves.

I give some examples. I understand that for admission to events such as the football, cricket and so on people who are 16 years of age and over—it may even be less than that—are charged the adult entry fee. Child endowment, in a reverse way but it still means the same thing, ceases to be paid to the parent of the child or children when the age of 16 years is reached. That is a recognition by the Federal Government as to when a child crosses the borderline between childhood and adulthood. Most 16 year olds in the community, those who can find a job or who are not attending some form of tertiary education, are in the work force and are taxed. It does not matter to the Federal Government what is their age: if you earn an income you are taxed. The Federal Government does not seek a parent's permission to levy tax on income earned by people who are under 18 years of age. That is a recogni-

tion by the Federal Government that, by and large, children are off their parents' hands by the age of 16 years—and the exceptions are those who are furthering their education as they go on into adulthood.

I understand that 16 year olds can hold a driver's licence. I have not checked it, but I believe they can hold a pilot's licence as well—before they turn 18 years. Unlike the issue we have debated over the past five or six days, this is not a matter of life or death. Perhaps it does not have the same sort of impact on people's minds when considering the matter I will place before them. People under the age of 18 years can buy interstate lottery tickets, which are often sold through the mail. I am sure that all members have had tickets from different lotteries posted to them which they have or have not bought that have emanated from interstate. Children can operate a bank account if they are under 18 years. As I understand it, provided they are properly cashed up they can buy any goods and services they like—just about—without parental consent.

It would be a farce to have 18 years as the age where people can legally buy scratch lotto tickets. What about the odd chook raffle run by the football club and other raffles to which this does not apply? I understand the number of complaints that many Lower House members are getting from their constituents about the amount of money whom the children they have to maintain are spending willy-nilly on lottery tickets, without there being any way of arresting the habit. This often places the children in debt, from which they have to be bailed out by their parents.

It is rather like the age limit that prevailed for the purchase of cigarettes and tobacco. It was there and everybody knew it was there, but every day hundreds if not thousands of people broke it. How do you police a matter such as that unless you want to become almost Orwellian? I think that will be an ongoing problem. Nonetheless, at least if it is 16 years it gives the parents a right, if they find that a lottery operator is selling to children who are under 18 years and are not, under broad State law, regarded as adult, to go to the store, wave an accusative finger at the operator and tell him he can expect ill-bodings if he does not understand once and for all that children are under the age at which it is legal to sell them tickets.

I am not very enthusiastic, but it is on that reason that I base the concept that there ought to be a cut-off age relative to their purchase. If this matter is not policed—and I do not think it will be policed—by the State authorities, it certainly gives the parent that additional right to enforce his viewpoint on any recalcitrant shopkeeper or operator of a lotteries sales point. The problem I have with 18 year olds is a very simple one: people under 18 now are permitted to ride racehorses and to drive trotters and pacers, and sometimes they do that when there are hundreds of thousands of dollars at stake, both in prize money and wagers—and sometimes they do so quite successfully. Can any honourable member tell me where the immaturity lies here?

I merely mention this because the Bill before us is also about people involved in having a wager. The laws that exist do not prevent people under 18 years of age being professionally employed within the horse racing and harness industries; and these are people who, at least in part, are paid by moneys emanating from gambling and wagers laid within the industry that employs them. Yet, here we are by the actions of this Bill preventing those very same people under 18 from buying a $2 scratch ticket. The thing is ludicrous, and I seek the support of members in this Council to reduce the legal age from 18 to 16 years.

Note that I have said 16 years and not any age lower than that, because below the age of 16 years in this matter I see some merit, as I have previously said. It gives a concerned parent some additional options to be exercised if in fact shopkeepers, lottery store owners or their children refuse to heed any warnings that are given about their ongoing purchase of lottery tickets. As I said, that is the reason that attracts me to having a cut-off point; there is no reason other than that. When I put the matter in the scales of balance I see perhaps slightly more merit for having a cut-off age than for having any age whatsoever.

When we come to the Committee stage I will move my amendment. I know that my colleague the Hon. Anne Levy has amendments and, although I do not know whether Mr Elliott or any other member has amendments, I will certainly be moving mine to the Bill, and I commend that part of it with which I agree in its present state, except for those amendments of mine, to members present.

The Hon. M.S. FELEPPA: I wish to contribute briefly to this debate. The amendment to the State Lotteries Act now before the Council deals with two matters: one is an amendment dealing with an appeal from a decision of the Lotteries Commission which says that a particular ticket is not a winning ticket. With that amendment I have no problems, and if it is passed it will be section 18AA in the principal Act. The amendment allows for a mechanism for appeal where previously none was provided. Justice would be served.

The next amendment, to section 17A in the principal Act, is one that should be passed as it removes any doubts about what is a winning ticket with a dual panel scratch ticket. The amendment is needed as problems may arise from the example of a winning ticket as presently provided for in the Act.

In my view, there could be a challenge in the court which may well succeed in favour of the ticket holder. It is the intention of the Lotteries Commission that only one panel should produce a winning ticket, and a successful challenge by a ticket holder with the winning symbols in more than one panel in my view is contrary to the original intention of the commission.

The change in the amending legislation is not a ploy on the part of the commission or this Parliament to limit the opportunity for winning a prize. To make clear just what is a winning ticket and what is a non-winning ticket, examples are included in the Bill. There is, however, a problem with the example of the winning ticket that is the right-hand panel in the example.

The winning panel has two sets of winning symbols. One set is of a digit, 250 000, and the other is a set of digits and letters, 250 in digits and the thousand in letters. I do not imagine that anyone would ever find such a ticket but, if they did, it would be open to two interpretations: either the winner has to have two sets of three winning symbols to win, which is not the terms, I am sure, if one is to win; or that there is always a chance that a winning ticket might be worth double the prize amount, which in this case would be $500 000.

I do not for a moment imagine that it is the intention of the Lotteries Commission that the prize amount be $500 000, but the example as it stands does suggest that possibility. However, if I am incorrect in what I am saying the Minister, when he replies later, perhaps will endeavour to clarify the matter. I do not intend to produce any amendment to the example in the Bill, but I ask the Minister to note the problem and, if necessary, endeavour to correct it before the legislation passes through the Council. If I am correct in supposing

that there could be a double win and the matter is not corrected, the Lotteries Commission could well be taken to court for not providing the possibility for a double win as is implied in this amending legislation.

There is another matter that is not addressed in the amending legislation and, indeed, is not even suggested in the Act. My understanding is that, under section 19 of the principal Act, which deals with the penalties under the Act, minors are not prevented from purchasing instant lottery tickets. Mr Quirke, our colleague from the other place, successfully moved an amendment, to be section 17B, which makes it an offence to sell an instant lottery ticket to a minor and an offence for a minor to buy a ticket or have an adult buy one for him or her. The amendment was further amended and now stands in the Bill that has come to this Council.

I strongly support the principle that minors should not be permitted to purchase scratch tickets or to play Club Keno or X-Lotto, just as they are not permitted to purchase, as mentioned by the Hon. Mr Crothers, cigarettes or alcohol. I was alarmed at the report which appeared in the *Sunday Mail* of 16 October this year showing the problem to be, as severe as it is, minors stealing money to buy scratch tickets and others spending up to $300 per week on tickets and indulging themselves legally and uncurtailed. It shows that there is a definite weakness in the law that does not protect our children.

As for its being parents' responsibility to educate their children about the pitfalls of gambling, as mentioned in the debate in another place, the making of a law like this does not negate or usurp the responsibility of parents. This law would reinforce the role of parents rather than hinder them in their responsibility.

In relation to the insertion of section 17B in the Act, at this stage I draw the Minister's attention to some aspects of section 17B on which I must be satisfied if I am to agree to the principle therein when that principle is attempted to be put into practice. I ask the Minister to take up these points when he is closing the debate. Who will be responsible for policing the offences under section 17B as it stands? What kind of work load would be involved? Would it really be possible to gather evidence for a prosecution.

If the Minister's answers were such that the law would be only a threat and in practice be unenforceable for one reason or another, then in my view the law would be seen as less than useless as it would bring about contempt, and not respect. When such is a possibility I believe that no law should be enacted.

So that intention of the Act is quite clear, the relevant clause should provide that it is not an offence for minors to purchase scratch tickets or to have scratch tickets in their possession or for a minor to be in the act of scratching a ticket. If an adult bought a ticket and handed it to a minor to scratch, in my view that would not constitute a crime. But where a crime of purchasing a ticket at the request of a minor is committed it would be easy to deny that there was such a request, and the denial would constitute a defence. It seems that it would be almost impossible to prove that a crime has been committed.

For a prosecution to succeed—and perhaps Mr Acting President with your legal background you will disagree or agree with what I am about to say—the onus of proof would be on the prosecution to show that the purchase of the ticket was at the request of a minor. If the request of the minor could not be proved, and it would be difficult to prove as I have already shown, the prosecution must fail.

In the practical world it is not likely that it would go to court. The prosecution for the sale of a ticket to a minor and the purchase of a ticket by a minor would be easier to prove, but it would still be faced with difficulties in detecting. That should not be surprising.

When closing the debate I would like the Minister to answer my queries and consider the implications and the practicality of section 17B, which will be inserted by this Bill and which prohibits minors from purchasing what is to be called lottery products. If section 17B is not sufficiently practical, will the Minister be good enough to address this serious matter which I have raised in terms that make it possible to keep minors from performing the gambling habit? There also is the possibility of a doubling of the prize money to which I already have drawn the Minister's attention. I support the Bill.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

ELECTRICAL PRODUCTS (ADMINISTRATION) AMENDMENT BILL

Adjourned debated on second reading.

(Continued from 27 October. Page 631.)

The Hon. M.S. FELEPPA: When the Minister introduced this Bill in the House of Assembly he said that ETSA would divest itself of the role of testing electrical products. In the explanation that he gave the Minister said:

> ETSA's administration of this role is a cost burden reflecting tariffs that. . . would be more appropriately borne by a Government department.

The Bill seeks to place the role under a Minister and a department, and then immediately makes provision to privatise the responsibility. I have personal and serious doubts about the cost-effectiveness of privatisation. The Audit Report upon which the Government placed so much reliance assumes that there are cost savings in privatisation, but an examination of the report shows that there are not always cost savings, as the private industry needs to make profits to satisfy shareholders. Section 6A to be inserted into the principal act says in part:

> . . . if the Minister is satisfied that a person or its agent—

I emphasise the word 'its', which shows that the agent need not be a natural person but may be an incorporated body which is a person at law. Such a body may be a private company. What causes me great concern is that a private company which manufactures or distributes electrical products possibly may be granted a contract to test its own and other companies' electrical products.

Clearly, there is a possibility of conflict of interest and an opportunity for creating an advantage for the testing company. The opportunity might not be taken but, in my humble view, the risk would remain. Impartiality on the part of the testing body should be guaranteed to avoid exposure to a risk of conflict of interest, and this protection of the public should, in my view, be included in the provisions of the Bill or, at the very least, borne in mind when setting out the terms on which an application will be considered acceptable. In concluding my support for the Bill, I would need to be assured again that the possibility of conflict of interest or the future potential for conflict of interest will not occur by only enterprises removed from the manufacture or distribution of electrical products being eligible to tender for a testing contract.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

The Hon. R.I. LUCAS: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

APPROPRIATION BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 716.)

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank members for their contribution to this debate. As has been the tradition in the past under the previous Government during consideration by the Legislative Council of the Appropriation Bill during the second reading debate, a number of members have outlined to Ministers of the Government a list of questions to which they seek a response. This has been an effective way of handling debates on the Appropriation Bill in previous years, and it has certainly assisted the process of handling the debate this year, and I thank members for that. The normal procedure is that Ministers, either for themselves or on behalf of other Ministers in another place, during the Committee stage place on the record or have inserted in *Hansard* a list of answers to questions. Those who have been unable to pull together a quick response give an undertaking to write to members who have raised questions in the coming week or so and provide the answers. If at a later stage members require those answers to be inserted in *Hansard*, that procedure can be facilitated. I thank the Leader of the Opposition who has listed a series of some 13 questions to which she seeks a response. Late this afternoon, I received the first draft of some of those responses, which I am amending to my satisfaction, and I will have those available for the honourable member—

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: No, I am amending them to my satisfaction. I assure the honourable member that she will have those answers by the completion of the debate tomorrow afternoon. Should any further questions arise from those initial responses, a number of opportunities are available by way of follow-up questions in the last two or three weeks of the session, or if the honourable member wishes to correspond with me I would be prepared to seek to follow up any questions on which she seeks further information. As with all questions, having been asking them for 12 years, I assure the honourable member that the answer is not always to the satisfaction of the individual but that is part of the—

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: Exactly, that is one of the wonderful traditions of the Appropriation Bill debate, but we will endeavour to work with members to the best of our ability. The Hon. Barbara Wiese asked some questions today, some of which the Minister for Transport will be able to answer, but obviously others will need to be handled by way of the other process of either writing to the honourable member or having the answers inserted in *Hansard* later. In due course, the Minister, together with an officer of her department, will be available to answer questions in Committee.

The Hon. Anne Levy also asked questions just before dinner relating to the Arts portfolio. I suspect that in respect of the vast majority of those the Minister for the Arts will have to chase up those questions with her officers and bring back replies as part of the process I have explained. There may be the odd question that she may be able or indeed wish to respond to in Committee, but I will leave that to my colleague. Just before the dinner break, the Hon. Anne Levy asked a question about the Women's Studies Resource Centre. She said that she had been told that, as at last weekend, the centre had received no indication at all of its budget for 1994-95. She said that that was grossly discourteous, an abomination and a whole range of other things that were not very flattering, that the Government had treated the Women's Studies Resource Centre badly by not at least outlining for it its budget for 1994-95.

All I can say is that I am not sure to whom the honourable member was talking on the weekend, but it is simply not correct. I actually received some correspondence from the Women's Studies Resource Centre last week making some comment about the budget decisions that the Government had made in relation to the Women's Studies Resource Centre. I am now in the process of having a reply prepared to send back to the representative of the Women's Studies Resource Centre. I just simply say that it is not correct to say that the Government has treated the Women's Studies Resource Centre with any discourtesy in that, as claimed, we had not advised it as of last weekend of the budget allocation for 1994-95. With that, I thank members and indicate we will do our best to assist during Committee.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

The Hon. DIANA LAIDLAW: I have answers to a number of questions that the Hon. Barbara Wiese asked during her second reading speech. I was interested to see her reference to my being coy in terms of my replies concerning future plans for TransAdelaide. I have been accused of many things in my life, coy is not one.

The Hon. R.R. Roberts: Are you happy with evasive?

The Hon. DIANA LAIDLAW: Evasive I've never been. In terms of the 50 per cent limit to which the honourable member referred, Ms Wiese is correct in her statements about percentages. However, she is wrong in her assumptions about the outcomes. All the Act does is provide TransAdelaide the opportunity to control at least 50 per cent of services until March 1997. How much TransAdelaide actually ends up providing will depend on two things: first, how successful it is at winning tenders (and that we have all known since we debated the Bill in this place); and, secondly, how quickly the board puts services to tender. In that respect, the honourable member would be aware, because it was contained in her amendments to the Bill, that expressions of interest in tendering will commence on 1 March. I and the Government certainly would have liked to commence the process earlier than that, but the Parliament as a whole through the conference process decided that 1 March would be the date for putting the parcels out for tender.

With respect to the former, it is defeatist of the Hon. Ms Wiese to presume that TransAdelaide will lose on all its tenders and so have to rely on the protection of this clause in the Act. I do not hold the same defeatist attitudes. As I indicated in my ministerial statement today I, unlike the Public Transport Union, have more confidence in TransAdelaide, that it will be ready to compete in respect—

The Hon. Barbara Wiese interjecting:

The Hon. DIANA LAIDLAW: Well, there's not a Chairman of TransAdelaide. The Public Transport Board will be completely open. It will be a level playing field, and I will be able to provide more information on all those critical questions and a personal briefing for the honourable member if she would like on these matters very shortly. As Minister

responsible for TransAdelaide, and ultimately responsible for the Passenger Transport Board, I can assure the honourable member that TransAdelaide will be given a very fair go. With respect to the rate of progress of the board putting services to tender, as I indicated, I will be able to provide advice to the Hon. Ms Wiese about that very shortly. There will be a staged release of services over the next few years. I have always claimed that we will not be following the Victorian example (and the statement I will release shortly will reinforce the fact) where all services were put out for tender at once, and a New South Wales company came in and won the right to operate 80 per cent of those services. I have always argued and will continue to argue, and I have presented such arguments to the Passenger Transport Board, that to replace a public monopoly in TransAdelaide with a private monopoly is not in the best interests of customers, and that will be a future focus for public transport services.

In terms of a fair go for TransAdelaide, the Government is committed to ensuring that competition between TransAdelaide and the private sector is fair and in the interests of all parties. TransAdelaide will neither be hindered in its ability to compete nor will it be given advantages over the private sector. To this end, the Passenger Transport Board is developing a set of tender rules in consultation with the public transport industry, including TransAdelaide, that will govern TransAdelaide bids. As we debated in Question Time toady, I have always considered that, in reference to TransAdelaide, management and unions work together in these matters. Reference to TransAdelaide does not just refer to management. These rules will be publicly available in a very short time.

There will also be a fair and thorough tender evaluation process that includes external expertise. In terms of TransAdelaide savings and how these savings will be achieved, this is essentially something for TransAdelaide to address, and I have indicated time and again that it is in TransAdelaide's hands. TransAdelaide, management and union have made steady, healthy progress in this field, and I understand that developments will be announced very shortly. However, the Hon. Ms Wiese has mixed up her figures that were quite clearly explained in the estimates.

The TransAdelaide savings target is $12.2 million. This is made up of $7 million in savings, as we move towards competitive tendering, and $2.2 million required because the Labor Government of which the Hon. Ms Wiese was Minister of Transport Development, did not fund—I repeat 'did not fund'—the service extensions it put forward shortly before the last election. So it announced those services, did not fund them, and we have been left the cop the cost. It was the previous Government that required the then STA to make offset savings—the balance of $3 million in savings required to offset the cost of separation packages. So that comes up to the figure of $12.2 million. Of course, these figures are taken into account in the Estimates of Receipts and Payments. With respect to the increase in appropriation, it seems that the honourable member is comparing appropriations to the former STA with those of the Passenger Transport Board. She has made the simple error of overlooking the fact of organisational changes that make such comparisons inappropriate. Some of the PTB's appropriation is for functions taken over from the Department of Transport and some of the STA revenues, for example, are still retained by TransAdelaide.

Finally, as often happens in these cases, and they are complex—I do give the honourable member some credit in that respect—there are accounting changes, and the full year effects of the changes introduced part way through the year are to be taken into account. If the honourable member wishes, staff of the Passenger Transport Board and TransAdelaide can be made available—and I am certainly happy for that to occur—to brief her or the shadow Minister for Transport on the complex changes that have occurred between the two financial year presentations.

The Hon. Ms Wiese also made comments about road transport and, particularly, about road funding issues in terms of the third arterial road. In relation to the design, this matter has been considered by a consultant who has recently reported to me. I will be in a position to announce the Government's decision about the future location or pathway of the third arterial road and other funding issues very shortly. What I will confirm at this stage is that the road will commence by December 1995.

In terms of the Government's commitment to seal rural arterial roads that are currently unsealed in council or incorporated areas, a strategy has been developed and is yet to be approved. We have in the meantime found $5 million this financial year and have commenced work on a large part of this strategy, which will extend over 10 years.

I do not recall saying—although if the honourable member has quoted me correctly *Hansard* records me as saying it—that if we have to borrow funds this will not be as efficient as we would like. I have never indicated that we will definitely borrow funds. That matter is still being negotiated with the Treasury. I believe that we will be able to fund this program within existing resources arising from restructuring and other outsourcing initiatives. Of course, borrowing would bring some efficiencies and some projects forward, such as the Burra to Morgan road, which would certainly be in the State's interests. However, of course, borrowing has other implications.

The honourable member asked other specific questions. As she concluded her speech at about 5 p.m. I was not able to get advice on all of those questions from finance sections within the road transport agency. As I indicated earlier, I will reply to the honourable member directly and insert those answers in *Hansard* if she wishes. I certainly will be doing so in relation to the questions from the former Minister for the Arts, the Hon. Ms Levy.

The Hon. BARBARA WIESE: First, I would like to thank the Minister for providing answers to some of the questions that I asked before dinner. Her being able to put those answers together in such a short time is greatly appreciated. I also thank her for the opportunity to put further questions to her in the Committee stage.

I note that the Minister has with her an officer from the Passenger Transport Board. Before I ask some questions about that area of policy there are some other issues that I would like to address with her. First, I would like to acknowledge that in the budget papers the Government has endorsed the policy position that was held by the previous Government with respect to the need to develop specific links with sea, port and land transport operators in this State. I also note that the Government has endorsed the proposition that we should attempt to develop a weekly, fixed-day shipping service integrated with interstate intermodal rail services and that this should be a priority.

I certainly believe that it is important that we move in that direction and that was part of the policy direction that the previous Government was pursuing. What progress has been made in securing the services of a world-class intermodal transport operator through Adelaide? What is the status of the ongoing high priority objective of securing a weekly shipping link between Adelaide and Singapore?

The Hon. DIANA LAIDLAW: I have had regular meetings with the management of Sealand both in Australia and with principals from the United States on this matter. They are very keen to see this intermodal link established, based in Adelaide with links through the rail system to Melbourne and Sydney and up to Brisbane. They are being frustrated, and have been over recent months, in their negotiations with National Rail. The price asked by National Rail for the right for the rail component of Sealand to operate over the rail tracks has been exorbitant. It would have meant that the whole initiative would never reach fruition, and we would be frustrated in all other initiatives to attract weekly services to Singapore and to export more through South Australian ports.

I have been advised that there was a breakthrough about three weeks ago in the latest discussions with NR. I have not had further advice since that time. However, I know that Sealand was not celebrating but that it was certainly encouraged by the latest round of talks that it has had with National Rail about the rate per container run over its lines. To that time, I think that NR was offering a rail component to Sealand that was three or four times what it would have cost NR itself to take a container to Melbourne or Sydney. That simply meant that the whole intermodal Adelaide initiative would not have succeeded. So, some progress has been made in more recent times and we hope there will be more.

The Hon. BARBARA WIESE: In relation to that same topic, I note that in the budget some $3 million is included for work on the transport hub. Can the Minister indicate the reason for the allocation of that funding?

The Hon. DIANA LAIDLAW: I will bring back a specific breakdown of that allocation. I know that about $750 000 of it is being used for a new electronic gateway to the port, which will mean that paperwork and the like will not have to be exchanged and which will make the shifting of cargo containers particularly at Outer Harbor among the most efficient operations in Australia. Our State contribution is about $750 000 through One Nation funding. I will bring back a breakdown of the rest.

The Hon. BARBARA WIESE: The Auditor-General's Report this year stated:

> In the course of moving to corporatisation, some statutory authorities in other jurisdictions have advanced the proposition that they should have the right to choose their external auditors. Any move that eliminates the Auditor-General from auditing a Government-controlled or Government-owned entity has, in my opinion, the potential to erode accountability to the Parliament.

Does the Minister agree with the sentiments that were expressed by the Auditor-General? Will the Minister confirm that the Auditor-General will continue as the auditor for the newly formed Ports Corporation?

The Hon. DIANA LAIDLAW: I have received no request by the new Ports Corporation for any change in the current arrangements. It has not been raised in any general conversation, of which we have had many about future financial asset debt arrangements. I could make inquiries. I see no need for a change, and the Ports Corporation has not suggested that there is any need for such a change to the current arrangements.

The Hon. BARBARA WIESE: During the course of Question Time last week I asked the Attorney-General about the Government's policy direction towards contracting out and what policies were in place for the benefit of Government agencies and authorities which to this time may have had little or no experience in the contracting out of services, particularly for major projects. I note that the Auditor-General's Report also addresses this question of the use of external consultants in particular agencies and notes that 'it is important that matters of core competency vital to the operation and financial accountability needs of an agency are not compromised or lost by such processes'.

Since it is the intention of the Government to contract out all roadwork activity to private tender in the future, it seems to me that there is a possibility that some of the skill and expertise which resides in the Road Transport Agency in the road construction field and in the contracts area might disappear as individuals decide that the grass is greener in the private sector, since that is where all the action is likely to be in the future. What guarantees will there be that expertise in setting standards, preparing contracts and assessing tenders can be retained within the Road Transport Agency? What assurances can the Minister give that taxpayers will receive value for money from a greatly expanded use of external consultants and private contractors?

The Hon. DIANA LAIDLAW: The Office of Public Sector Management is providing support to all agencies, whether it be the Passenger Transport Board, as a statutory authority, or the Road Transport Agency, as an agency of Government, to help with all these new concepts for Government instrumentalities. In fact, I met with the CEO of the Department of Transport today about this very question. It was agreed that, with regard to enterprise bargaining, there would be training for both union and non-union employees at the department, for management and for other areas where there is change, such as in contracting out. We will also be engaging, as we have through the Passenger Transport Board, a consultant to ensure that the Government sector does tender on a fair basis with all other tenders, that all costs are taken into account and are not hidden in a tender process.

In all instances tenders will be judged by independent panels which will be chaired by a person who is essentially independent of those who are competing for that work. I must correct a statement made by the honourable member when she said that we will be contracting out all roadworks in the future. That will not be the case. I have said that in rural areas it would be impossible to believe that we could have the situation where it was all on contract. I maintain that we should have our own work force in those areas, particularly in the Far North. I do not envisage a situation in the country and Far North areas, as the member suggested, where all the action is likely to be in the private sector in the future. Certainly there will be more, and there should be more, but if the Road Transport Agency is efficient in tendering, and the union representatives and others within Road Transport are working closely together to ensure that they are competitive, we will not see a situation where the private sector will win as much work as it would like.

The Hon. BARBARA WIESE: Under the previous Government a considerable amount of work was undertaken by the Road Transport Agency in the development of a new principal roads Act and there was extensive consultation with stakeholders in the industry, local government and other bodies which may have had some interest in this matter. It was my understanding that the legislation was likely to be ready for introduction at the beginning of this calendar year. Is it still this Government's intention to proceed with that legislation and, if so, when? Does the Minister envisage any significant changes to the proposals that were put forward last year?

The Hon. DIANA LAIDLAW: I remember asking the honourable member and her predecessor the same questions, because the principal roads Act, which was to replace the

Highways Act, has been an issue on the political agenda and has been raised constantly since the Public Accounts Committee reported on the Bill I think about six or seven years ago. There have been delays in this matter following the establishment of the National Road Transport Commission. In more recent times I have asked the Department of Transport, and the Road Transport Agency in particular, to resolve its core functions and responsibilities in association with local government and other sectors of Government, and then we will move forward with this new Bill. So, I envisage that we will have this Bill in the new year, and it will not be before time.

The Hon. BARBARA WIESE: As the Minister would be painfully aware, the Hindmarsh Island bridge was a long-running saga, and I recall that some time ago in response to questions in another place the Minister indicated that the Federal Government's decision to prevent construction of a bridge at the preferred location may not necessarily release the Government from its obligations to build a bridge at some other location. I believe that the Minister was at that time seeking further legal opinion about that issue. Will she indicate what the outcome of Crown Law's examination of this issue has been and say whether the Government has received any further representations from Westpac or its subsidiaries concerning the construction of a bridge? If so, will she say what they were and what is the Government's response?

The Hon. DIANA LAIDLAW: As the honourable member would know, it is a very vexed, complex issue. Because of the involvement of so many Ministers in this issue, Cabinet has decided to establish a subcommittee, which is chaired by the Attorney-General. I am on that Cabinet subcommittee, together with the Minister for Aboriginal Affairs and the Minister for Housing, Urban Development and Local Government Relations, which incorporates the planning portfolio. We have met on a number of occasions to look at all the ramifications of the decision by the Federal Minister (Mr Tickner), our legal obligations, our contractual obligations and the political realities, and we have also considered advice from interviews that Crown Law officers have had with Westpac.

I am not in a position at this time to divulge the negotiations with Westpac, other than to say that they are complex and delicate. The other very difficult issue to resolve is the supply of water to the island. The honourable member will recall that the bridge incorporated a pipeline carrying mains water. Now that there is to be no bridge at that site, many of the parties to whom the Government is obligated still insist on having a water supply, and that is quite difficult without a supporting structure. Mr Tickner's judgment would suggest that it is impossible across the river bed. So, those matters have all to be resolved.

Our work has been frustrated by the fact that Mr Tickner will not provide any response to questions about what options, within the judgment he made earlier, he would consider were viable or, at least, what options he would be prepared to approve to improve access to the island. Because of the wide-ranging statements made in Cheryl Saunders' report, the temporary ban placed by Mr Tickner and his deliberate vagueness now on what he would accept in terms of improving access, it is making the job very difficult at the present time for the Government.

The Hon. BARBARA WIESE: I presume from the comments the Minister has made about the delicacy of negotiations with Westpac that she is confirming that Westpac or its subsidiaries have approached the Government with respect to its view that a bridge should proceed regardless of the outcome of the Federal Government's deliberations on the matter.

The Hon. DIANA LAIDLAW: Yes.

The Hon. BARBARA WIESE: What was the outcome of the Crown Law investigations on that particular question?

The Hon. DIANA LAIDLAW: I do not want to be deliberately evasive on the issue, but the matters are delicate and ongoing. They are not in the area of my responsibility now but in that of the Attorney-General, and I would not wish unwittingly to compromise those negotiations by revealing facts or speculating on matters that are not within my direct area of responsibility.

The Hon. BARBARA WIESE: How much has been spent thus far by the Government in relation to the Hindmarsh Island bridge project and all the various matters that have occurred along the way, including the penalty amounts and other things that mounted up during the earlier part of this year and late last year?

The Hon. DIANA LAIDLAW: I will provide all the figures in respect of costs incurred by the former Government and the current Government.

The Hon. BARBARA WIESE: Earlier in her remarks the Minister, when addressing the question of the moneys that have been provided this year for the sealing of unsealed roads in various parts of the State, indicated that the Government had found some $5 million for this purpose. As $5 million was made available in last year's budget for the construction of the Hindmarsh Island bridge, can I assume that the money not spent on building a bridge is now being made available to seal unsealed roads this year?

The Hon. DIANA LAIDLAW: No, because the funds had been found before we learnt of the decision by Mr Tickner (as Minister for Aboriginal Affairs) that we could not proceed with the construction of the bridge.

The Hon. BARBARA WIESE: In her earlier remarks the Minister may have indicated that she could not recall talking about the matter of borrowing money for the exercise of sealing unsealed roads. I would like to draw her attention to *Hansard* at page 101 during the Estimates Committee hearing when she, in response to a question put to her by the member for Torrens, indicated the following:

> To complete the more strategically important long-length and costly projects, for example, the Burra to Morgan and Hawker to Orroroo roads, in an efficient way and within a reasonable time frame, we will have to look at the possibility of borrowing money for this exercise; otherwise we will certainly achieve the object by the year 2004, but it will possibly not be as efficient as we would like in the circumstances.

Will the Minister elaborate on what she means by 'not as efficient as we would like in the circumstances'?

The Hon. DIANA LAIDLAW: I referred to the unsealed roads strategy in general terms when the Committee was considering clause 1 of the Bill earlier this evening. In terms of the $5 million, that figure was off the top of my head; it may in fact be more. I would like the opportunity to confirm that in terms of the money the Government has invested in the strategy this year. The strategy, as I recall, will cost an average of $70 million over a 10-year period (an average of $7 million annually) if we are spending $5 million or a little more this year. We are not up to what is required as the average to complete this program. We could do so if we were able to borrow money. We could also enjoy efficiencies in terms of having all the heavy equipment, design work and construction gangs there at the one time. There are efficiencies to be enjoyed in getting long lengths of road done at one time rather than little lengths of three or five kilometres.

Those are the efficiencies and savings that we could enjoy if we were able to borrow funds to do it. As I indicated in an earlier response to the honourable member, there are difficulties in arguing the case for borrowing at a time when we are trying to decrease the debt in this State. That matter is yet to be finalised with Treasury.

The Hon. BARBARA WIESE: This area is of some concern to me because, as I have indicated earlier and on other occasions, I think it will be extremely difficult for the Government to fulfil its promises to seal all unsealed rural roads by the year 2004, particularly when we take into account—and I think my figures are still roughly correct—that roads cost something like $150 000 per kilometre to construct. It would mean that over a 10-year period some $60 million to $70 million would be required to complete the task that the Minister has outlined. When we take into account that the allocation for sealing unsealed roads in this budget is about half what would be required on an average yearly basis to meet the 2004 target, then it seems a pretty big ask for that to be achieved.

When the Minister is checking on the figures of how much she is allocating in this budget for this purpose, will she also check on previous department projections on road works for the future? I think she will find that the allocation in this year's budget for this purpose is no more than what was previously planned in the department's earlier forward planning documents. Far from this being a program which has been accelerated in this budget as the Minister claimed in her budget media statement, I argue that the Government is allocating no more than was intended to be allocated by the previous Government. I would welcome the Minister's checking that and confirming that recollection for me as well.

I now move to questions relating to public transport, and I refer to the issue concerning the contracting out of Government business, and the statements made by the Audit Commission and others with respect thereto. The Audit Commission report stated:

> In order to implement an expanded role for contracting in Government businesses, the State public sector will need to improve its skills in contracting. The skills required for contracting are not necessarily the same as those required for the actual provision of services. Successful contracting is not easy and can lead to higher costs if not carefully implemented. Also, the Government must ensure that valid cost comparisons can be made between the public sector operation and the private tender. This will require the full attribution of costs.

Does the Minister agree with these observations? How many staff within the Passenger Transport Board are involved in setting service provision standards and preparing contracts for tender? From where were these staff recruited and what are their contracting credentials? Will the Minister guarantee that the Government will be in a position to acquire services at the best available price via appropriate due diligence processes?

The Hon. DIANA LAIDLAW: A contract management unit is being established within the Passenger Transport Board at the present time, and that is in line with the Audit Commission recommendations, and certainly the wishes of the Passenger Transport Board. In terms of staff within that unit, there will be staff training and people with specific skills recruited. The Government envisages that two or three people will be engaged in service specifications and three or four in contract management. The answer to the honourable member's last question is 'Yes.'

The Hon. BARBARA WIESE: In the Minister's transport media statement she indicated that only four pilot schemes, two metropolitan school bus services, a night Sunday service at Glenelg and an outer metropolitan service at Aldinga would be let as pilot tenders during this coming period. Under the previous Government, the STA had developed service specifications and was on the verge of calling tenders for services providing solutions in recognised problem areas. For example, in Aberfoyle Park it was intended that a shuttle service would replace the evening hub link bus; a combination fixed route transit taxi service would serve the O'Sullivan Beach area; a fixed route mini bus service would serve the Paradise-Modbury area at nights; and there would be a mini bus service from Klemzig to Hillcrest hospital to partially restore the STA route 292 service at night and on Sundays. Will the Minister indicate whether these services are casualties of the present Government's cost saving pressures on TransAdelaide and, if not, why have they not proceeded?

The Hon. DIANA LAIDLAW: They are casualties of the fact that the honourable member and her former Government announced these services but never provided the funds for them. That is the problem, and I explained that earlier. Perhaps the honourable member just does not want to understand it. In terms of the contracts that I indicated would be let for tender, including three school bus services, the extension of the bus service from Noarlunga to Aldinga has been successfully let to Transit Regency Coaches. The Transit Taxi Service, which has operated on a trial pilot scheme for, I think, some two years, has just been re-tendered, and we will be in a position to make an announcement regarding that service shortly. Regarding the three school bus services, we learnt from that exercise that, at this stage, they are too small to let out in terms of attracting sufficient attention. We will be tendering them as part of a larger package and they will be offered progressively from March next year.

The Hon. BARBARA WIESE: The Minister has laboured the point, both tonight and in previous comments she has made on this issue, that she had to find $2.2 million worth of savings in order to fund services that the previous Government had promised. I am afraid that that response is not particularly satisfactory, and I think she would acknowledge that herself since she has also acknowledged at another time that the Cabinet approval which made way for these new services to start was granted on the basis that they would be funded from within existing financial resources; in other words, that no new appropriation would be made to fund these services.

I certainly would not have put up a recommendation to Cabinet last year about extending services if I thought that new funds would have to be available for them. I put that recommendation to Cabinet about these services because I was assured by the then STA that they could be funded from within existing resources. I can only accept the advice of officers, which I am sure was given in good faith, and I am sure that those same officers would have delivered the goods had the previous Government carried on. So I do not accept the argument that the Minister now puts about that matter. If it is the case that the priorities have changed since the election, that can be accepted as a reasonable argument, but to suggest that those services did not go ahead because funding was not made available is not correct.

The Hon. DIANA LAIDLAW: I indicated at the start with respect to clause 1 that part of the TA savings target included $2.2 million required by the Government to offset the commitments that the Hon. Ms Wiese and the Labor Government made with respect to the extension of services just prior to the election. Our difficulty in this area has been

that the offsets that may have been acceptable to the former Government, which involved further cuts in the frequency of services and weekend services, have not been acceptable to me.

The Hon. Barbara Wiese: They weren't the propositions that were put to me either, as far as I can recall.

The Hon. DIANA LAIDLAW: They were put to me amongst a variety of things, and they were not acceptable. We are debating some of these issues at present. Considerable savings have been made within TransAdelaide. I have indicated that $7 million is expected to be saved this year. We have a problem with increasing interest costs, which the honourable member would recognise because of orders for new trains and buses at a time when interest rates are rising. We have made considerable savings in overheads in what is known as STA House and huge savings in the car fleet with most senior management personnel no longer having a car at their disposal as they did under the previous Government, and we have got rid of layers of hierarchy within TransAdelaide. So enormous savings have been made in a variety of places.

We are juggling these issues at the moment as we endeavour by every means to get TransAdelaide into a position in which it can compete successfully for services when they are contracted out in the near future. I will come back with more specific information about the $2.2 million. It may be that I have slightly confused some of the points in answering the honourable member's questions tonight. I do not have with me an officer who has specific experience in this field; it is not his fault, and my recollection is not as sharp as it should be. I will come back with specific information for the honourable member rather than try to piece together the various bits and pieces of information that have been provided this evening.

The Hon. BARBARA WIESE: Estimates for the Public Transport Board contained in the budget papers provide only $103 000 for services other than TransAdelaide services for which $204 million was provided and country town bus services for which $525 000 was provided. Does this mean that the estimated tender cost of all these services is less than $103 000, or has no allowance been made in this budget for services to be tendered and, if so, why?

The Hon. DIANA LAIDLAW: Any costs of tendering will be provided for through savings in the tendering process, but I will bring back specific answers for the honourable member.

The Hon. BARBARA WIESE: In the Program Estimates and Information under 'Specific targets and objectives' one of the objectives for this financial year is to develop the pricing rules for use by TransAdelaide in bids for service contracts under the new tendering arrangements in consultation with industry groups. If TransAdelaide is expected to enter into a competitive tendering environment on an equal footing with other operators, why are special pricing rules being developed for them alone and not for other tenderers as well; which industry groups will be consulted during this process; and will this give other potential tenderers an unfair commercial advantage?

The Hon. DIANA LAIDLAW: There has been a lot of concern amongst management of TransAdelaide, union and non-union employees within TransAdelaide and the private sector about what rules are to apply when TransAdelaide does tender. The honourable member would appreciate that TransAdelaide has a lot of overheads for which other organisations are not responsible. So it also has other factors that it does not have to take into account, factors which a private sector company would have to take into account. We have engaged Price Waterhouse to do a study on all these factors to make clear to TransAdelaide and to the private sector all the costs that we believe TransAdelaide will take account of in the tendering process and other costs that may have to be offset by a Government community service obligation, because they are matters for which the Government believes TransAdelaide should still be responsible or which are parts of other earlier negotiations or conditions that we believe should still be met. So it will all be above board. The nervousness of unions and the private sector—and it is coming from all quarters at the moment—will be addressed by this means.

The Hon. BARBARA WIESE: The second part of my question related to the issue of who is being consulted in this matter. The budget papers indicate that these pricing rules are being put together in consultation with industry groups. Which industry groups are involved? Is there a potential for competitors of TransAdelaide to receive an unfair commercial advantage by being party to these discussions?

The Hon. DIANA LAIDLAW: We have been consulting TransAdelaide, industry groups and specific operators in South Australia, nationally and internationally, so that we get a broad picture of this issue. When this Bill was being debated in this place in March and subsequently, I indicated that it was the Government's preference that we would introduce competitive tendering for TransAdelaide services at a much earlier date than the Parliament ultimately determined, which is from March 1995. But the delay has given us the opportunity to do what no other Australian State has done, that is, to learn in great detail from the experiences of other States and internationally to make sure that we have the best system that we can possibly devise, which is fairest to all and which includes the incentives that we want to make sure that all operators in the future have a strong motive to go out and win passengers. That is an ingredient that is not in the current system. We are consulting with all these groups to look at how we should be contracting and how we should be assessing the tenders. This information will be available for all members, the general public and the industry shortly, and we would be looking for comment on those proposals. However, essentially, the work has been done and it is the guideline for future tenderers.

The Hon. BARBARA WIESE: The Minister would agree that, amongst the stakeholders who have had very considerable experience in one area or another with the tendering process in other parts of Australia and overseas, the public transport unions have been involved in delivering services and also cost savings for public transport authorities in order that they may compete. To what extent has the public transport union here been involved in these consultations?

The Hon. DIANA LAIDLAW: They have been involved in consultations in the respect that all negotiations with TransAdelaide have embraced the knowledge and feedback of negotiations with the union. TransAdelaide is not able to discuss these matters with the Passenger Transport Board. It is not able to consider them with me or to prepare itself generally for tendering without taking into consideration the views of its work force. You cannot run an operation as complex and as important as TransAdelaide by management alone; you have to work together, and this is what TransAdelaide is doing. It is working with management and the work force to make sure that it is in a position to competitively tender. When I talk about TransAdelaide, I am talking about all people employed in that organisation. I am not saying it is management and unions. It is not a 'them and us': they have to work together to make sure they compete, and

they are working together. TransAdelaide management, in representing the views of TransAdelaide, are representing the views of people in the work force who are critical to TransAdelaide winning these contracts.

As I have indicated to the honourable member, I have spoken to unions on as many occasions as they have wanted me to, and I have written to them. I have been at their disposal for all hours on all days they have sought to meet with me. However, it does not mean that TransAdelaide, in negotiating with the Passenger Transport Board or anywhere else, is not an entity that includes management and unions. TransAdelaide's experience in speaking to the Passenger Transport Board is based on its work with all its employees, including union and non-union members.

The Hon. BARBARA WIESE: Recently I had the opportunity whilst in London to speak with various people engaged in the provision of public transport services who were able to tell me about the experiences in the United Kingdom with respect to the various models that have been adopted in that country. I was particularly interested to learn from the Transport and General Workers Union in London with respect to the issues that have had to be faced in London itself that the situation, as the Minister would be aware, has been different from that in the rest of the country: there has not been deregulation of services in London but the control of public transport services has been maintained at a central level. However, there has been a move towards the contracting out of services, and one of the issues that was raised with me is a serious matter and one that I think we should try to avoid in this State with competitive tendering, and that is the practice adopted by London Transport as it has developed experience with competitive tendering.

According to the TGWU, London Transport has deliberately used the willingness of public transport providers, whether they be public or private sector providers, to reduce costs and reduce the price of their bid for tenders in order to achieve the tender, and that in turn has led to an increasing downward pressure on wages and conditions for the people working within the organisation. The experience in London apparently has been that, initially when competitive tendering started, London Buses prepared its tender bid in cooperation with the union, and agreements were reached along the lines of enterprise bargaining arrangements (or whatever is the equivalent in England) in order that the work force and management worked together to win. However, as time passed and as London Transport (which is the equivalent of our Passenger Transport Board) became increasingly tough in the bargaining process, it became necessary for London Buses and also private operators to put forward bids which they themselves believed were unreasonable and irresponsible, just to get the business. And London Buses ceased communicating with the union in the preparation of the bids as it knew it simply would not get the cooperation of the work force, because in most of cases the work force had to endure a considerable drop in wages so that the bid figures could be agreed.

That is something we should avoid at all costs in this State, particularly as it has meant that even the most reputable private operators in London believe that it is an inappropriate way of running a public transport system; we should not be pushed into a situation where, in order to save money, we demand a level of service that is impossible to deliver for a particular price, and where this price is actually being driven by the authority responsible for the tenders. Is the Minister aware of this experience and does she have some comment to make about it?

The Hon. DIANA LAIDLAW: No; I have not heard of the specific concerns that the honourable member has raised, but I have heard from the unions various claims, concerns, fears and scaremongering about competitive tendering for some years now. Most of those claims relating to competitive tendering as it operates in London have been unfounded. As it has operated outside London, I think the unions have had good reason to be concerned, and it is for that reason that we are introducing a very controlled system of competitive tendering in South Australia. We are not deregulating: it will be heavily regulated, with the Passenger Transport Board and I, at this stage—and at least always the Government—being in control.

The bids will not be irresponsible, because the Passenger Transport Board will set various standards, including maximum fares, standards of service, conditions of service, and so on. They will have to be met as basic conditions in the bids. I have also indicated time and again that they will have to meet award provisions or enterprise bargaining arrangements that have been registered with the Industrial Commission. Those are the safeguards that are in the system; they are the safeguards that the Passenger Transport Board, headed by an independent chair, will take into account in assessing all these tenders.

Competitive tendering is not a new concept for South Australia: it has been operating for 80 years in this State in terms of country bus route licences. It has been operating in country towns for about 15 to 20 years. I grant that it is new for metropolitan Adelaide, where the STA has had a monopoly for the past 20 years, but it is not a new concept, and what is good enough for the country areas and country towns should surely be good enough for the metropolitan areas, and it will be.

The Hon. BARBARA WIESE: Now is not the time to enter into a prolonged argument about the possibilities that may or may not occur with competitive tendering. Now that the policy is adopted, we will have to take the approach, 'Let's suck it and see.'

However, it is important to learn from experiences in other places. The experience that I outlined earlier, as I understand it, is real and it is of some concern, particularly since in London there has not been a deregulation of maintenance standards and other things as there has been outside London. Nevertheless, the downward spiral pressure on wages and conditions has become the last available way of reducing the cost of a tender once all those other efficiencies that any organisation can produce have been produced. I do not think it is a reasonable way to go in this State if it means that the work force in the public transport sector ends up paying for the savings that the taxpayers generally might enjoy from the introduction of competitive tendering.

The Hon. DIANA LAIDLAW: I accept what the honourable member says and that is why I have indicated strongly that award conditions or enterprise bargains registered with the Industrial Commission will apply. The honourable member indicated in her explanation earlier that management decided, without negotiation about wages and conditions either through an award or an enterprise bargain, and it put in a bid. That would be impossible under what I have said in terms of an award arrangement or enterprise bargain registered in the court. They could not go behind the back of the work force in that way. So, it is different, and I want that very clearly on the record. The honourable member's fears would be justified in South Australia if we had not set those award conditions or enterprise bargains registered with the Industrial Court.

The honourable member outlined the scenario in the United Kingdom. I will investigate it out of respect for her and also out of concern for those for whom she may be speaking. We will make contact with the United Kingdom in the next few days to find out more background. However, as the honourable member has presented it, it would not be possible in South Australia with the conditions that are to apply.

The Hon. BARBARA WIESE: That may be true in theory but not perhaps in practice, particularly in an economic climate where jobs are difficult to obtain. It seems to me that workers are not in as strong a position in a difficult economic climate in negotiating an enterprise bargaining arrangement as they might be in other circumstances and that there can be pressures exerted on the work force and, indeed, on their unions to accept arrangements that in other circumstances they would not accept.

The Hon. Diana Laidlaw: That is different from what you said about London, where management had gone behind the backs of the work force. Now you are trying to play it all ways.

The Hon. BARBARA WIESE: No, I am not trying to play it all ways. I am saying that the scenario that you put is possible in theory but it may not work that way in practice. The further point that I want to make in this area relates to the position of TransAdelaide and the extent to which it is approaching the situation where it may be able to compete equally with the private sector in these tendering arrangements.

I recall last year that various estimates were made by people within the STA, and also within the trade union movement, about the relative cost structures that existed within the then STA and the cost structures that existed within the private sector. Indeed, percentage figures were floating around as to how much higher the cost structure of the STA was and what sort of cost reductions would have to be found over a period of time in order for the STA to be competitive. Now that these issues have been examined more closely as competitive tendering approaches, can the Minister say to what extent it is now estimated that TransAdelaide costs exceed those of private sector operators, and what measures does she believe will be required to address the imbalance that exists in order to make TransAdelaide competitive? I ask that, apart from the measures the Minister outlined earlier with respect to the rules being adopted, community service obligations, and other things.

The Hon. DIANA LAIDLAW: I will bring back a detailed reply to the honourable member. I indicated earlier that we are looking at all issues to make TransAdelaide competitive, including management of debt, debt equity ratios, administration costs, overheads in terms of vehicles, and community service obligations. A whole range of complex issues exist in addition to looking at wages and conditions. When I visited depots I always indicated to the employees that it was always my intention that the ivory tower the STA built for itself, and on top of which I now sit, would be the first area for pruning, and the pruning has been relatively ruthless.

It is certainly more ruthless than anything seen in the old STA for at least the past 10 years. I can only commend Mr Kevin Benger, first in his work as the Acting General Manager, and more recently confirmed as General Manager. He has done an outstanding job maintaining services and morale within TransAdelaide while at the same time culling what I would call extravagances in administration. Certainly, he did not take long, nor did I, to remove the brandy balloons, the wine, and all the rest of it from the boardroom.

The Hon. BARBARA WIESE: I do not know about those things: I never went to the boardroom for those purposes. I was much too busy being the Minister and doing the work.

Members interjecting:

The ACTING CHAIRMAN (Hon. M.S. Feleppa): Order!

The Hon. BARBARA WIESE: The Minister has indicated that it is the intention to convert the ticketing system to a multi-operator ticketing system. I understand, too, from the Minister's comments previously, that it is the intention of the Government to finance the cost of these ticketing systems when they are installed in the buses of private operators. I ask the Minister whether the costs of converting the current ticketing arrangements into a multi-operation system have been taken into account in this year's budget, and, if so, what are the costs?

The Hon. DIANA LAIDLAW: There are some software upgrades that have to be addressed, but they have been budgeted for. In terms of any private sector bus that would be involved following the winning of tenders, they would be required to lease the Crouzet ticketing system, so it would not be a cost that the Government would bear in the sense that we would have the capital cost, because we already have the equipment. They would be leasing it and we would get some return on the investment.

Clause passed.

Remaining clauses (2 to 8) passed.

Progress reported; Committee to sit again.

ROAD TRAFFIC (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 October. Page 601.)

The Hon. DIANA LAIDLAW (Minister for Transport): I have a number of answers to questions asked by the Hon. Barbara Wiese and the Hon. Sandra Kanck. The Bill addresses issues of shared zones and right hook lanes. I would also like to reply to three pages of questions that I have received from Mr Gordon Howie that were provided to me by the Hon. Jamie Irwin. In relation to the introduction of shared zones, the Hon. Ms Wiese asked whether future shared zones would be implemented by way of regulation. Use of the regulations to implement shared zone projects would be extremely cumbersome and time consuming. It would involve the preparation of detailed Cabinet submissions with extensive plan attachments, brief to Parliament Counsel, draft Bill with attendant documentation, submission to Executive Council and signature by Her Excellency the Governor. Following this process and in accordance with the requirements of the Subordinate Legislation Act the regulation would not take effect for a further four months unless the Minister issues a certificate waiving this period in each case. However, the regulation would still be subject to a motion of disallowance.

This process would introduce an air of uncertainty into the viability of a project based upon the shared zone concept. It would be difficult for developers to plan future developments with any degree of certainty, because the final decision would be at the behest of Parliament and no action could be taken until all parliamentary processes had been exhausted.

Clause 4 of the Bill inserts section 32a into the Road Traffic Act and provides that the Minister may designate a shared zone by notice published in the *Gazette*. It would be for the Minister to decide whether to delegate the power to approve the shared zone. However, in accordance with the undertaking already given, each application for a shared zone will be examined by both the Department of Transport and the Health Commission before being approved.

The honourable member referred to the statement I made in the second reading explanation about reference to the Health Commission. I can assure her that the Hon. Michael Armitage (Minister for Health) was very keen to see that there was a Health Commission public health consideration of this matter. Throughout the approval process, safety is to be the paramount consideration. It is therefore suggested (by the department, I suspect) that I as Minister not accede to the request that a shared zone be designated by regulation. However, the gazettal requirement provided for in the Bill will enable all members to keep informed of shared zone approvals.

The Hon. Sandra Kanck had a number of questions in relation to shared zones and hook right turns. First, in relation to the hook right turn proposals, there is always the prospect of a driver disobeying the red traffic signal regardless of the manoeuvre being undertaken by the vehicles. However, the B bus light does not operate on the display of an amber light but only on the red phase. It is not activated until all other signals at the intersection are displaying a red light. A further display occurs following activation of the B light and is caused by the time taken for the bus to commence its turn. Consequently, other motorists would have ample warning that they are required to stop.

The activities of the bus should not, therefore, concern them, provided that they have complied with their legal obligations. If a driver has failed to observe the several red traffic lights displayed at the intersection, it is most unlikely that he would see a sign placed beside a road. It is also doubtful whether the display of a sign would impede a driver determined to disobey a red light. In view of the very strong undertaking already given, that safety must be the paramount concern in assessing any application for the installation of a shared zone, it is most unlikely that Hindley Street would ever satisfy this basic requirement. As identified by the Hon. Sandra Kanck, the traffic and pedestrian ratios would not be conducive to this type of installation. Consequently, an alternative treatment would be required.

Performance requirement criteria for shared zones (and I do have a copy of those, which I would be pleased to give to the Hon. Barbara Wiese if she were interested) and the placement of street furniture are such that it is physically difficult for any vehicle to travel at much more than a walking pace.

This is the basis for the 10 km/h speed limit which is imposed. The combination of impeded travel and the low speed limit will generally discourage unnecessary travel by commercial vehicles. Experience suggests that the majority of freight movement will normally be undertaken outside peak pedestrian activity times so that commercial vehicle and pedestrian conflict is reduced from that which occurs in normal road situations.

Clause 6 of the Bill inserts section 68a into the Road Traffic Act, and this provides that the driver of a vehicle must give way to a pedestrian who is in or is about to enter a shared zone. There is therefore a greater onus placed upon drivers in shared zones to be aware of the presence of pedestrians and to give way to them. There may be a need to draw a distinction between shared zones and their commercial and residential applications. While the use of a mall would normally be preferable in commercial centres, there are times when the local situation will not support this approach. Consequently, the use of a shared zone with appropriate restrictions will accommodate both the commercial needs and the environmental expectations of the community. It is anticipated that the greatest demand for shared zones will be in residential areas where the traffic to pedestrian ratio will be lower than that experienced in commercial centres.

I would also like to refer to a number of matters that have been raised by the Hon. Jamie Irwin following receipt of correspondence from Mr Gordon Howie. Mr Howie asks about signs being defined in the regulations. My response is as follows. Signs are required to comply with regulation 5, 'Definition of traffic control device', section 25(1)(a) and (b). The regulations generally require signs to comply with the code of practice on the subject produced by the department, which code relies heavily on Australian standards, rather than signifying the sign in the regulations themselves. This allows some flexibility in keeping up with Australian standards.

Mr Howie asks about the provisions for special right turns and why there is no provision for a special left turn. The new rule is needed to enable buses to make a right turn at certain intersections from the left hand side of the carriageway instead of from the centre, as is otherwise required, into the left hand side of the carriageway into which the turn is being made instead of as near as practicable to the centre of that carriageway, as is otherwise required. There is no need for any special provision for making a left hand lane. Mr Howie asks about Queensland traffic regulations that provide for modified turning provisions, and I reply as follows. A bus can make a right turn only when a B light is displayed. The B light will be displayed when a red light is facing all vehicles approaching the intersection. There is therefore no need to require a 'Do not overtake' sign to be fixed to the back of the bus.

A further question relates to the prohibition on right turns. New section 70b permits the making of a hook right turn by a bus despite any prohibition on a right turn that would otherwise apply, whether indicated by a red arrow or otherwise. Further questions relate to authorisation by regulation, and I advise that there is nothing in the wording of new section 70b to prevent the regulations authorising the making of a hook right turn by any driver of a specified class of vehicles in circumstances specified in the regulations, and that will be done by regulation for the purposes of this section.

The next question relates to the difficulty of indicating in advance that this special right turn applies. My advice is that there is no particular need to indicate in advance that the special right turn applies since all traffic will have stopped when the turn is undertaken. Subsection (2)(a) of new section 70b makes clear that the left turn lane does not have to be used if it is not practicable to do so. Further questions relate to subsection (2) of the new section 70b. This sets out the manner of making this right-hand turn, just as section 70 sets out the procedure to be followed in making a normal right turn. Neither subsection (2), new subsection 70b nor section 70 say 'Subject to the Act, etc.' since neither purports to say when a right turn can be made: they just set out the physical steps to be taken. If those steps are followed when other sections of the Act forbid it, an offence will be committed.

Mr Howie asks about special turns that will be applicable only when a 'B' light is used, and I advise that if there is no working 'B' light this turn cannot be undertaken. I also

respond in relation to provisions at intersections or junctions where a special turn should apply and by whom they would be designated. I advise that a driver may only make a hook right turn when authorised by regulation to do so. The relevant intersections will be specified by regulation under this provision. Further, I advise that there can be no hook right turn unless a 'B' light is installed. A 'B' light is a traffic control device and as such can be installed only with the approval of the Minister. I make reference specifically to section 17 of the Act.

I also refer to Mr Howie's queries about the use of the wider term 'road'. This is the correct use of the term. A shared zone will not normally be limited to what was previously the carriageway of the zone. It will usually extend from building line to building line. Once it is established as a shared zone the whole of that zone will be by definition 'carriageway'.

Lastly I want to advise that signals indicating a shared zone at traffic control devices under section 25(1)(c) of the Act are required to be erected so as to be clearly visible to drivers travelling towards the face of the device. Subsection (2) of the new section 32a requires signs to be erected at entrances or exits for vehicular traffic. Drivers are the persons most in need of notification. It would be unrealistic to require signs at every possible access point for pedestrians as well. Finally, a shared zone sign will indicate the speed limit applicable. I trust that those answers will satisfy Mr Howie.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. BARBARA WIESE: As I indicated in my second reading speech, the Public Transport Union has made representations to me about the hook right turn provisions of this legislation in particular. The Minister will be aware that bus operators who are using the intersection at King William Street and North Terrace are keen to receive the protection of this legislation as soon as possible. Therefore, when is it intended that this legislation should be proclaimed?

The Hon. DIANA LAIDLAW: My advice is that one regulation has to be organised, but that should not be a complicated affair. I appreciate that Parliamentary Counsel at this time of the year is very busy, but our intention is that this legislation should be proclaimed by Christmas.

Clause passed.

Clause 3 passed.

Clause 4—'Establishment of shared zones.'

The Hon. BARBARA WIESE: During my discussions with officers of the Public Transport Union about this Bill, they expressed concerns, as I have, about the introduction of shared zones. They expressed concern about shared zones being introduced in areas where buses might have to pass. As the Minister will know, a bus operator's job is difficult enough at the best of times, but in a shared zone area, where the movement of pedestrians is likely to be even more erratic than it is on the roadway, it is possible that it will make it extremely difficult for bus operators to conduct their business safely. They would prefer that if shared zones are introduced they should not be introduced in areas where buses would have to pass.

I am not aware of any applications for shared zones to include areas where buses have to pass. I simply want to place on record the views of bus operators on this matter so that the Minister and her officers can take that into consideration when future applications come before her.

The Hon. DIANA LAIDLAW: I certainly will take into account the views expressed by the honourable member and by the Public Transport Union. I am aware that there is already a problem for bus drivers with the devices that councils install to manage traffic—for instance, humps and roundabouts. In particular, roundabouts may be engineered to cater for vehicles, such as vans, to pass by, but not buses. Often buses are forced to run up over the kerbing or the roundabout or out of a street altogether.

So, I am aware that even before we have got to the stage of shared zones problems are encountered by bus operators in going about their daily business and how unwittingly their job can be made more difficult. I certainly will keep those concerns foremost in my mind in considering any such applications in future.

Clause passed.

Remaining clauses (5 to 11) and title passed.

Bill read a third time and passed.

NATIVE TITLE (SOUTH AUSTRALIA) BILL

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

The Hon. R.I. LUCAS (Minister for Education and Children's Services): 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.

In the last session three Bills relating to native title were introduced to enable comment on the State's response in the main areas affected by the *Mabo* decision and the Commonwealth's *Native Title Act 1993* (NTA). These were:

· *Mining (Native Title) Amendment Bill*

· *Land Acquisition (Native Title) Amendment Bill*

· *Environment, Resources and Development (Native Title) Amendment Bill*.

Those Bills have been amended and together with this Bill form the current package of native title legislation before the Parliament.

A statutes amendment Bill amending various other pieces of legislation affected by native title is currently in preparation and will be brought before Parliament as soon as possible.

Submissions on the package have been sought and received from, among others, the Commonwealth, ALRM, the Aboriginal Lands Trust, the Chamber of Mines and Energy Inc and the SA Farmer's Federation. A number of alterations have been made to the Bills in response to the submissions. Many of the alterations are of a technical nature to ensure consistency with the NTA.

As stated when the package of legislation was first introduced, the Government believes that the NTA is in many ways a less than optimal resolution of the issues raised by the High Court in its decision in *Mabo*. The Government is actively engaged in seeking improvements to the legislation and in seeking the overturning of parts of the legislation where it believes that the Commonwealth has invalidly encroached on matters within the responsibilities of the State. However, to ensure that dealings in land in this State may proceed with as much certainty as is possible, the State must legislate to take account of the Commonwealth Act as it now stands.

This Bill brings together various issues relating to native title that are most conveniently and efficiently dealt with in a special Act, rather than in the general laws of the State.

Interpretation—Part 2

Part 2 of the Bill provides various standard definitions relevant to native title issues ensuring that a standard approach applies across the State's statute law. (The definitions were previously repeated in the various Bills.)

The definitions included are based on the provisions of the NTA.

The Commonwealth and the State agree that pastoral leases granted under South Australian legislation before the enactment of the *Racial Discrimination Act* in 1975 extinguished native title. The definition of "native title" contains a declaratory provision to that effect. To ensure that native title includes native title over waters as well as land the definition of "land" in the *Acts Interpretation Act 1915* is substituted by the schedule.

Jurisdiction of State courts in native title cases—Part 3

The provisions contained in Part 3 of the Bill were previously contained in the *Environment, Resources and Development Court (Native Title) Amendment Bill*.

The NTA establishes a system under which native title questions may be determined by the National Native Title Tribunal (NNTT), the Federal Court or a recognised State body (which may be a court, office, tribunal or other body). The NTA provides for recognition of a State body by the Commonwealth Attorney-General if the criteria set out in section 251 are met.

In the Government's view this "executive" exercise of Commonwealth power in respect of a State body is most undesirable.

In addition, it is unsatisfactory that recognition of a State body does not affect the jurisdiction of the NNTT or Federal Court but results in two forums in which native title claims and so forth may be determined. The questions at issue clearly impact squarely on the State's responsibility for land management issues and the development of land in ways essential to the economic well-being of the State.

It is the Government's policy that native title questions should be resolved by State judicial bodies.

Accordingly, Part 3 of this Bill gives jurisdiction to the Supreme Court and the Environment, Resources and Development Court (ERD Court) to determine native title questions and provides for native title cases to be transferred from the ERD Court to the Supreme Court where that is considered appropriate. The measure will stand independently of the NTA but will allow for recognition of the ERD Court and Supreme Court by the Commonwealth Attorney-General under the NTA.

The Commonwealth criteria for recognition are:

- procedural consistency with NNTT and efficiency;
- informality, accessibility and expeditiousness;
- availability of mediation;
- adequate resources;
- consultation with the Commonwealth on non-judicial appointments;
- provisions to allow bodies corporate to hold native title on trust;
- provisions to require that the Native Title Registrar receives notification of decisions.

With the amendments contained in this and the *Environment, Resources and Development Court (Native Title) Amendment Bill*, it is believed that the ERD Court will meet the criteria. The structural similarities between the ERD Court and the NNTT are obvious. This, combined with the flexibility and adaptability of the ERD Court and its experience in land management cases, makes it the logical choice of body to determine native title issues in this State. (Native title claims are essentially about interests in and the development and management of land.) The facility to add members, adapt procedures, use specialist expertise and the informal, accessible and expeditious procedures enhance its suitability.

The *Environment, Resources and Development Court (Native Title) Amendment Bill* provides for the appointment of one or more "native title commissioners", being persons with expertise in Aboriginal law, traditions and customs. The presence of such commissioners will ensure that relevant expertise is available to the Court when deciding native title questions.

As the ERD Court is an existing body, the additional jurisdiction in relation to native title will not require a duplication of resources. If additional members are appointed, the question of accommodation for the Court may come sharply into focus because of existing space constraints. Up to 50% of such costs may be recovered from the Commonwealth for the first 5 years.

The amendments provide the Supreme Court with equivalent jurisdiction and enable native title cases to be transferred to the Supreme Court where either the ERD Court or the Supreme Court considers that appropriate. The Bill applies to procedures of the Supreme Court in the same way as it applies to procedures of the ERD Court and so it is believed that the Supreme Court will also meet the Commonwealth criteria.

The Bill requires other courts to refer native title questions to the ERD Court. The ERD Court is given jurisdiction to finally determine all matters referred to it if it considers that appropriate.

These provisions ensure that the Supreme Court, as the superior court of record in this State, can hear the more complex native title cases but allows the ERD Court to be the principal trial court for native title cases generally.

The government believes that the ERD Court/Supreme Court system will operate to the benefit of native title claimants and others who wish to seek declarations on native title questions in this State.

Procedure in native title cases—Part 3

The Bill requires the Registrar to notify potential native title parties, persons with a registered interest in the land, mining tenement holders and the Commonwealth Registrar of all hearings and determinations of native title questions.

The Bill requires the Court to take account of the cultural and customary concerns of Aboriginal peoples in conducting proceedings in relation to a native title question.

These provisions reflect NTA requirements.

State Native Title Register—Part 4

Part 4 establishes a State Native Title Register to be kept by the Registrar of the ERD Court. The Register is a register of claims to native title in particular land and of declarations about whether or not native title exists in particular land. It covers the matters contained in both the Register of Native Title Claims and National Native Title Register under the NTA.

The Bill provides for claims to native title to be assessed and proceeded with provided they are not frivolous or vexatious or without substance on face value.

These provisions were previously contained in the *Environment, Resources and Development Court (Native Title) Bill*.

Native title declarations—Part 4

Part 4 allows for interested persons to apply for a declaration that native title does or does not exist. Registration of a claim is to be treated as an application for a declaration that native title exists as claimed.

The procedures involved in making and revoking or varying such a declaration are regulated as required under the NTA (including procedures requiring registration of a body corporate to represent native title holders whenever native title is declared to exist).

The Bill requires declarations of native title made by the ERD Court to be comprehensive *ie* the declaration is to exclude the possibility of any other native title existing in the land. Consequently if there has been a declaration by the ERD Court, notification of native title holders will be able to be achieved by notification of their registered representative (see Part 5).

These provisions were previously partly in the *Environment, Resources and Development (Native Title) Bill* and partly in the *Mining (Native Title) Amendment Bill*. This is an area where changes have been made in response to submissions received.

Service on native title holders—Part 5

Part 5 inserts provisions setting out a standard method of service of notices and documents on native title holders.

The method of service expands on that set out in the NTA as appropriate for effective notification of potential native title holders. Regulations will be required in support of these provisions.

Service provisions were previously contained in each of the Bills.

Validation of past acts—Part 6

This is an area of law brought before the Parliament for the first time in this Bill.

It is an area where the State is required to follow the Commonwealth Act more or less to the letter.

The Commonwealth Act allows the State to validate past acts that are invalid because of the existence of native title. The effect of validation is stated in the Bill in the terms used in the Commonwealth Act.

Under the Commonwealth Act the State is liable to pay compensation to native title holders whose interests are affected by validation of past acts. The Commonwealth Act provides for the Commonwealth to agree to provide financial assistance to the State. It is the Commonwealth's responsibility to meet the full cost of compensation awarded as a result of its legislation and negotiations will proceed with the Commonwealth to that end.

Confirmation of Crown and other rights—Part 7

A provision confirming ownership of minerals was previously contained in the *Mining (Native Title) Amendment Bill*. The provision contained in this Bill is much broader in scope and makes full use of the opportunity afforded by the Commonwealth to confirm Crown and other rights.

I commend the Bill to Honourable Members.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

PART 2

BASIC CONCEPTS

Clause 3: Interpretation of Acts and statutory instruments

Definitions relating to native title are included in this clause and clause 4.

Native title means the communal, group or individual rights and interests of Aboriginal peoples in relation to land or waters (including hunting, gathering or fishing rights and interests) where—

- the rights and interests are possessed under the traditional laws acknowledged, and the traditional customs observed, by the Aboriginal peoples; and
- the Aboriginal peoples, by those laws and customs, have a connection with the land or waters; and
- the rights and interests are recognised by the common law; and
- the rights and interests have not been extinguished.

Native title also includes statutory rights and interests of Aboriginal peoples (except those created by a reservation or condition in pastoral leases granted before 1.1.94 or related legislation) if native title rights and interests are, or have been at any time in the past, compulsorily converted into, or replaced by, statutory rights and interests in relation to the same land or waters that are held by or on behalf of Aboriginal peoples.

A statement is included that native title was extinguished by the grant of a freehold interest in land, the grant of a lease (including a pastoral lease), or the grant, assumption or exercise by the Crown of a right to exclusive possession of land, at any time before 31 October 1975.

Native title land means land in respect of which native title exists or might exist excluding land declared by a court or other competent authority not to be subject to native title.

The definition of land included in the *Acts Interpretation Act 1915* is amended by the schedule to include waters (above or below land) and airspace over land. (Land is currently defined to include buildings and structures and this is retained.)

A native title holder encompasses persons recognised at common law as holding native title and bodies corporate registered as holding native title on trust (registration occurs after a court determines that native title exists and should be held in trust).

The registered representative of native title holders means the body corporate registered as their representative under Commonwealth or State law.

For the purposes of notification to native title holders and entitlement to make applications the expression representative Aboriginal body is defined. The relevant bodies are Anangu Pitjantjatjara, Maralinga Tjarutja, and any other prescribed body. The criteria for prescription of a body are similar to that set out in the Commonwealth Act.

A native title question is defined as a question about—

- the existence of native title to land;
- the nature of the rights conferred by native title in a particular instance;
- compensation payable for extinguishment or impairment of native title;
- acquisition of native title to land, or entry to and occupation, use or exploitation of, native title land under powers conferred by an Act of the Parliament;
- any other matter related to native title.

Aboriginal peoples is defined to mean peoples of the Aboriginal race of Australia.

Clause 4: Native title

This clause sets out the meaning of native title as explained above.

PART 3

NATIVE TITLE QUESTIONS

DIVISION 1—JURISDICTION

Clause 5: Jurisdiction of Supreme Court and ERD Court

The Bill gives jurisdiction to the Supreme Court and the ERD Court to hear and determine native title questions.

Clause 6: Reference of proceedings between courts

The Supreme Court may, and other courts must, refer native title questions to the ERD Court.

The ERD Court is given jurisdiction to finally determine all questions involved in proceedings referred to it (whether or not relating to native title).

The ERD Court may refer proceedings involving a native title question to the Supreme Court.

Similarly, the Supreme Court is given power to remove such proceedings from the ERD Court to itself.

In deciding which court should hear proceedings, consideration must be given to the importance of the questions involved in the proceedings and the complexity of the legal and factual questions involved in the proceedings.

DIVISION 2—NATIVE TITLE COMMISSIONERS

Clause 7: Native title commissioners

The Supreme Court and the ERD Court are required to use native title commissioners in proceedings involving native title questions. The *Environment, Resources and Development Court (Native Title) Bill* sets out further detail on how the ERD Court is to make use of commissioners and the manner in which they are to be appointed.

DIVISION 3—CONFERENCES

Clause 8: Conferences

The amendment requires contested native title questions to be referred to a conference, that is, a mediation process.

Clause 9: Mediator

The mediator is to be a native title commissioner selected in accordance with the Rules. The mediator is empowered to allow participation in the conference by telephone, closed-circuit TV or other means of communication. This is in particular recognition of the difficulties that may be incurred by native title holders located in remote areas.

Clause 10: Conclusion of conference

The Court may make orders to give effect to the terms of an agreement reached at a conference. The mediator is to close the conference if it appears that no agreement will be reached.

Clause 11: Evidence

Evidence given at the conference is not to be used in the proceedings unless all parties consent.

Clause 12: Disqualification

The mediator is to take no further part in the proceedings unless all parties consent.

DIVISION 4—HEARINGS

Clause 13: Principles governing hearings

Native title cases before the Supreme Court and the ERD Court are required to be conducted with a minimum of formality.

Clause 14: Court to take into account matters of concern to Aboriginal people

In conducting native title cases, the Supreme Court and the ERD Court are required to take account of the cultural and customary concerns of Aboriginal peoples (although the court is not required to inquire into matters of which there is no evidence before the Court).

DIVISION 5—NOTIFICATION OF HEARINGS AND DECISIONS

Clause 15: Registrar to be informed of applications etc. involving native title questions

The ERD Court Registrar is to be informed about applications, proceedings and decisions involving native title questions.

Clause 16: Notice of hearing and determination of native title questions

The ERD Court Registrar is required to give notice of a hearing of a native title question and of the determination of the question to—

- all who hold or may hold native title in the land to which the proceedings relate (under Part 5 this requires notice to be given to registered representatives, claimants, a representative Aboriginal body, the Commonwealth Minister, the State Minister and as required by regulation);
- any person who has a registered interest in the land;
- any person who holds a mining tenement over the land;
- the Commonwealth Registrar.

There is two months from a notice of hearing in which persons may be joined as parties to the proceedings.

PART 4

CLAIMS AND DETERMINATIONS OF NATIVE TITLE

DIVISION 1—STATE NATIVE TITLE REGISTER

Clause 17: Register

The ERD Court Registrar is required to keep a register of:

- all decisions of State courts or competent Commonwealth authorities as to the existence of, or nature of, native title in this State
- all claims to native title over land accepted under this Division
- the name and address for service on claimants
- information required by regulation.

The register is to be available for inspection. Part of the register is to be kept confidential.

DIVISION 2—REGISTRATION OF CLAIMS

Clause 18: Registration of claims to native title

A claim of entitlement to native title over land in respect of which native title might exist is to be registered unless the ERD Court Registrar, with the agreement of the Master of the ERD Court, believes the application to be frivolous or vexatious or that the application cannot be made out for obvious reasons.

The information to be provided by claimants to the Registrar is set out in the clause.

A refusal to register may be reviewed by the Court.

DIVISION 3—NATIVE TITLE DECLARATIONS

Clause 19: Native title declaration

The following persons may apply for a declaration:

- a registered claimant (indeed the application for registration is treated as an application for a declaration);

· a person whose interests would be affected by the existence of native title in land (including a person who proposes to carry out mining operations on the land);
· a representative Aboriginal body;
· the State Minister;
· the Commonwealth Minister.

Clause 20: Application for native title declaration
The form and contents of an application are set out in the clause.

Clause 21: Hearing and determination of application for native title declaration
The Court may allow an interested person to introduce evidence and to make submissions.

The Court may declare that native title does or does not exist in the land or a particular part of the land. If the Court declares that native title does exist it must make a comprehensive declaration, *ie* the declaration will exclude the possibility of other unregistered native title existing concurrently. The Court may also define the nature of the rights conferred by the native title and identify the native title holders.

Clause 22: Registration of representative
If the Court proposes to declare that native title exists it must seek a nomination of a body corporate to represent the native title holders and an indication of whether the native title holders want the body corporate to hold the native title in trust. The eligibility of bodies corporate to be nominated and the terms of trusts will be set out in the regulations. This is equivalent to requirements in the NTA. The body so identified is known as the registered representative.

Clause 23: Revision of declaration
Provision for variation or revocation of a declaration is made but only where the declaration is no longer correct because of events that have taken place since it was made or where the interests of justice require it. An application for variation or revocation may only be made by the registered representative of the native title holders, the Commonwealth Minister, the State Minister or the Registrar.

Clause 24: Merger of proceedings
Proceedings relating to native title claims over the same land are required to be merged.

Clause 25: Protection of native title from encumbrance and execution
If native title is held in trust by a body corporate under this Division, the native title cannot be dealt with, or being taken in execution proceedings, except as authorised by regulation.

PART 5
SERVICE ON NATIVE TITLE HOLDERS

Clause 26: Service on native title holder where title registered
If notice is to be given to the holders of native title that has been registered or to a registered claimant, it must be given to the registered representative of the native title holders (in the case of claimants this is a person designated by the claimants).

Clause 27: Service where existence of native title, or identity of native title holders uncertain
If notice is to be given to all persons who hold or may hold native title, it must be given to—

·all registered representatives of native title holders; and
· all persons registered as claimants of native title; and
· the relevant representative Aboriginal body; and
· the Commonwealth Minister; and
· the State Minister; and
· as required by the regulations.

Declarations of native title made by the ERD Court are required to be comprehensive *ie* the declaration excludes the possibility of any other native title existing in the land. Consequently if there has been a declaration by the ERD Court, notification of native title holders will be able to be achieved by notification of their registered representative.

PART 6
VALIDATION OF PAST ACTS

Clause 28: Interpretation
Definitions in the NTA are to apply for the purposes of this Part.

Clause 29: Validation of past Acts attributable to the State
This clause remedies any invalidity of past acts due to the existence of native title.

Clause 30: Effect of validation—category A past acts that are not public works
In the case of certain freehold grants and certain leasehold grants native title is extinguished.

Clause 31: Effect of validation—category A past acts that are public works
Public works extinguish native title on completion of construction or establishment. (Although public works commenced to be constructed or established before 1 January 1994 are to be taken to have extinguished native title on 1 January 1994.)

Clause 32: Effect of validation—inconsistent category B past acts
Leasehold grants (other than leases that are category A past acts and mining leases) extinguish native title only to the extent of inconsistency with the continued exercise of rights conferred by native title.

Clause 33: Effect of validation—category C and D past acts
The non-extinguishment principle applies.

Clause 34: Extinguishment does not confer right to eject or remove Aboriginal peoples

Clause 35: Preservation of beneficial reservations and conditions
Reservations of conditions beneficial to Aboriginal peoples are preserved.

PART 7
CONFIRMATION OF CROWN AND OTHER RIGHTS

Clause 36: Confirmation
This clause confirms any existing ownership of natural resources, certain water and fishing access rights and to confirm public access to and enjoyment of certain areas as allowed by section 212 of the NTA. Section 212(3) provides that the confirmation "does not extinguish or impair any native title rights and interests and does not affect any conferral of land or waters, or an interest in land or waters, under a law that confers benefits only on Aboriginal peoples".

PART 8
MISCELLANEOUS

Clause 37: Regulations
A general regulation making power is inserted to support the requirement for regulations under the definition of "representative Aboriginal body" and the method of service provisions.

SCHEDULE

Amendment of Acts Interpretation Act 1915
As noted above the definition of land included in the *Acts Interpretation Act 1915* is amended to include waters (above or below land) and airspace over land. (Land is currently defined to include buildings and structures and this is retained.)

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

MINING (NATIVE TITLE) AMENDMENT BILL

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

The Hon. R.I. LUCAS (Minister for Education and Children's Services): 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 makes significant changes to the existing Act. Some of the changes reflect the acceptance by this State of the common law position in respect of native title established by the High Court *Mabo* judgment. Other changes reflect requirements imposed by the Commonwealth's *Native Title Act 1993* (NTA) and the Government's belief that land management issues are matters of critical importance to the economic development of the State.

In preparing its scheme, the Government has sought to ensure that—

· the right to negotiate regime imposed by the NTA is complied with in a manner that does not require the establishment of onerous and time-consuming procedures before tenements may be granted;
· negotiation between native title parties and miners is facilitated and may cover, in appropriate circumstances, every stage of mining activity from exploration to production.

The scheme provides certainty to tenement holders and a system for the grant and administration of title which is as expeditious as possible.

The amendments contained in the Bill are the minimum necessary to ensure valid interests can be granted in compliance with the NTA, the *Racial Discrimination Act* and the *Mabo* High Court judgment and to ensure that the *Mining Act* remains balanced and workable.

In general terms the *Mining (Native Title) Amendment Bill 1994:*
· leaves the existing Wardens Court jurisdiction to deal with non-native title mining matters intact (the *Native Title (South Australia) Bill* provides that if a native title question arises in

proceedings before the Warden's Court that court must refer the proceedings to the ERD Court for hearing and determination);

- transfers the role of the Land and Valuation Court under the Act to the ERD Court;
- provides for the ERD Court to be the arbitral body for the purposes of determining whether the grant of a right to prospect, explore or mine for minerals can be made where the "right to negotiate" procedure fails to achieve an agreed result. The ERD Court is also to have jurisdiction to determine claims of native title and assess compensation payable to native title claimants;
- to be non-discriminatory, provides for the definition of "owner" to be amended to include "a person who holds native title to the land".

A new Part 9B inserted by the Bill provides that a prospecting authority or mining tenement confers no right to carry out mining operations on land subject to native title unless the mining operations do not affect native title.

The right to carry out mining operations on native title land may only be acquired from an agreement between the native title parties and the mining operator, or in the event that an agreement cannot be reached, a determination of the ERD Court. In addition to the agreement it will still be necessary for the mining operator to hold the appropriate tenement authorising the operations.

While not conferring rights to prospect or mine on native title land, a mining tenement nevertheless prevents the issue of any competing mining tenement. The mining tenement holder's priority is preserved.

In this way, the State can operate in an efficient manner in issuing mining tenements while facilitating negotiations between mining tenement holders and native title holders.

The salient features of the "right to negotiate" procedure from the NTA are replicated in this Bill, with some improvement on the NTA procedures, inasmuch as it provides for direct negotiation between mining tenement holder and native title holder in relation to some or all future mining operations and for notice of entry to be dealt with in the course of negotiations by the tenement holder.

An expedited procedure where the impact of operations is minimal is provided along the lines of the procedure established in the NTA.

Provision is made that where there has been a negotiated agreement between a native title party and mining tenement holders the agreement and conditions are binding on successive tenement holders and native title holders.

Any agreement reached between a native title holder and mining tenement holder as a result of the "right to negotiate" will be entered in the Mining Register.

If agreement cannot be reached, the ERD or Supreme Court will decide the matter. Provision is made for the Minister to overrule a determination of the ERD Court following negotiation proceedings if the Minister considers it to be in the interests of the State. Once a determination has been made, the issues cannot be re-opened without the authorisation of the ERD Court.

The Bill makes it clear that the procedure contained in the *Pitjantjatjara Land Rights Act 1981* or the *Maralinga Tjarutja Land Rights Act 1984* for mining approval on land held by the respective communities apply unchanged by the NTA or this Bill.

A sunset provision of two years is provided in Part 9B. If related provisions of the NTA are held to be invalid by the High Court the provisions will be allowed to expire. If the relevant provisions of the NTA are held to be valid, then the Government will seek the repeal of the expiry provision.

In the unlikely event that the South Australian scheme is found to be inconsistent with the NTA the Government undertakes to give priority to existing tenement holders on reapplication for tenements. Provisions ensuring that this undertaking may be carried out are included in the Bill.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment of s. 6—Interpretation

Cross references to definitions of native title, native title holder, native title land and registered representative of native title holders in the *Native Title (South Australia) Bill* are inserted.

The definition of owner is amended to encompass native title holders. Consequently, rights and duties of owners under the Act extend to native title holders.

A definition of the Environment Resources and Development Court (ERD Court) is included and the definition of the Land and Valuation Court is removed. This reflects the transfer of the role of the Land and Valuation Court under the Act to the ERD Court.

The definition of appropriate court is substituted. The new definition recognises the role of the ERD Court and the Supreme Court (through the transfer or referral of ERD Court matters) in the determination of claims for compensation under the Act. The reference to the Land and Valuation Court is removed.

The definition of declared equipment is amended to include the declarations previously included in regulations. The scope of the term will appear on the face of the Act.

A definition of prospecting authority is inserted for ease of reference to a miner's right together with a precious stones prospecting right.

Clause 4: Amendment of s. 9—Exempt land

Section 9(1)(d) currently imposes a general rule that mining is not allowed within 400 metres of dwellinghouses or within 150 metres of industrial or other buildings.

The provision is recast in modern language and the reference to dwellinghouse removed in favour of a reference to a place of residence. This is to ensure that native title holders who reside near prospective mineral land also have the benefit of an exemption under section 9.

Clause 5: Amendment of s. 15—Powers of Minister, Director and authorised persons

Section 15 empowers the Minister, Director of Mines or other authorised persons to enter land with such vehicles, assistants or equipment as may be necessary for the purpose of making any geological, geophysical or geochemical investigation. Subsection (2) provides that in so doing, a person must not unnecessarily impede or obstruct any lawful work or operations being carried out by the owner or occupier. The subsection is recast to recognise the types of rights and interests comprised in native title. The power to enter and investigate or survey is required to be exercised in a manner that does not unnecessarily impede or obstruct the lawful use or enjoyment of the land by an owner (rather than just the lawful work or operations being carried on by an owner).

Clause 6: Amendment of s. 17—Royalty

Clause 7: Amendment of s. 19—Private mine

These amendments transfer the role of the Land and Valuation Court to the ERD Court.

Clause 8: Amendment of s. 24—Registration of claim

This section is amended to ensure that a mining registrar may refuse to register a claim if that would be contrary to the Government's undertaking to the mining industry that priority of title will be respected in the unlikely event that the South Australian scheme is struck down.

Under the current provisions, registration of mineral or precious stones claims following pegging is obligatory (except in specified limited circumstances). It would theoretically be possible, in the unlikely event that the South Australian scheme was found to be invalid (and tenements issued under it to be invalid), for a claim to be pegged out and registered over land subject to an invalid tenement by a person other than the holder of the invalid tenement. An application for a mining lease by the holder of the newly registered claim would then prevent the registration of any other claim (including claims re-pegged by the holder of the earlier invalid lease). To prevent this situation occurring, the amendment allows the registrar to refuse registration of a claim if registration would be inconsistent with the prior public undertaking about priority of title given by the Minister to the mining industry.

Clause 9: Amendment of s. 28—Grant of exploration licence

The Minister is currently required to publish a notice in the *Gazette* before granting an exploration licence. The amendment requires the notice to also be published in a State and local newspaper. The amendment ensures that the notice reaches a wider audience, in particular, native title parties.

Clause 10: Substitution of s. 30A—Term of licence, etc.

The current section 30A provides that the initial term of an exploration licence is a maximum of 2 years. Extensions up to a total maximum term of 5 years are possible. Conditions may be added, varied or revoked or the licence area reduced on renewal or, with the licensee's consent, at some other time.

The new section 30A retains the total maximum term of 5 years. If the initial term is less than 5 years, the licence may be extended up to a total maximum term of 5 years either through a right of renewal or at the discretion of the Minister. The ability to alter a licence is similar (but also expressly includes a power to alter the term of the licence).

The licence continues in operation until an application for renewal is decided, even if this is after the date on which the licence would otherwise have expired. The right of renewal is to arise from the lease itself to fit in better with the approach taken in the NTA.

Clause 11: Amendment of s. 33—Cancellation, suspension, etc. of licence

The role of the Land and Valuation Court is transferred to the ERD Court.

Clause 12: Amendment of s. 35A—Representations in relation to grant of lease

The amendment removes the requirement for abutting land owners to be notified of an application for a mining lease. Notice is still required to be given to the owner of the land which, under the amended definition, will include native title holders.

Clause 13: Amendment of s. 37—Nature of lease

Currently, a mining lease is not required to be registered on the certificate of title of land to which it relates. The amendments mean that the Registrar-General need not register a mining lease but must note the grant of the lease on the relevant CT or crown lease at the request of the Director of Mines. This is designed to improve the State's land records.

Clause 14: Amendment of s. 38—Term and renewal of mining lease

The amendment provides that a mining lease continues in operation until an application for renewal is decided, even if this is after the date on which the lease would otherwise have expired. A provision to this effect is currently contained in the regulations. The amendment removes any doubt about the status of a tenement where there is a delay in the renewal of the tenement for any reason.

Clause 15: Amendment of s. 40—Rental

Rental (as provided for in a mining lease and the regulations) must currently be paid to the freehold owner of the land, after deduction of 5 per cent for the Minister.

The amendments set up a system for paying rental to native title holders entitled to exclusive possession of the land as well as to freehold owners (according to the proportion of the total area of land held).

The requirement that the native title holders hold rights amounting to exclusive possession of the land in order to be entitled to receive rental has been inserted to ensure that those with rights akin to the rights of freehold owners receive the same entitlement as freehold owners but that those with lesser rights (eg rights akin to an easement or *profit a pendre*) do not. It should be noted that lessees from the Crown, easement holders and others with non-proprietary rights over land do not have an entitlement to receive rental. The amendments ensure that the provision is non-discriminatory.

The Minister's deduction of 5 per cent is retained. If there are no registered native title holders the Minister is to hold the rental in trust until a determination is made of who is entitled to the payment. After 5 years the money may be credited to the Consolidated Account with any further claims being made against the State.

The right to rental arises on the granting of a mining tenement, whether or not mining operations are carried out. Consequently it is not a form of compensation.

Clause 16: Amendment of s. 41C—Nature of lease

This amendment is equivalent to that made in relation to mining leases and requires the Registrar-General to note a retention lease on the relevant CT or crown lease at the request of the Director of Mines.

Clause 17: Amendment of s. 41D—Term and renewal of retention lease

This amendment is equivalent to that made in relation to mining leases and allows an application for renewal of a retention lease to be determined after the date on which the lease would otherwise have expired.

Clause 18: Amendment of s. 41E—Rental

This amendment relates to rental under retention leases and is equivalent to that made in relation to mining leases.

Clause 19: Amendment of s. 46—Registration of claims

This amendment is similar to that made in relation to mineral claims. It allows a mining registrar to refuse to register a claim if that would be contrary to a public undertaking by the Minister to holders of mining tenements or purported mining tenements. It also allows an application for renewal of a precious stones claim to be determined after the date on which the claim would otherwise have expired.

Clause 20: Substitution of s. 50—Consent required for claims on freehold or native title land

Currently a precious stones claim cannot be pegged out on freehold land unless the owner of the land gives written consent.

This provision is retained and extended to native title holders who hold native title conferring a right to exclusive possession of the land. The amendment ensures that the provision is non-discriminatory.

Clause 21: Amendment of s. 52—Grant of licence

This amendment relates to rental under miscellaneous purposes licences and is equivalent to that made in relation to mining leases.

Clause 22: Amendment of s. 53—Application for licence

The amendment removes the requirement for abutting land owners to be notified of an application for a miscellaneous purposes licence. This is equivalent to the alteration made in relation to mining leases.

Clause 23: Amendment of s. 54—Compensation

The role of the Land and Valuation Court in relation to compensation in respect of the grant of a miscellaneous purposes licence is transferred to the appropriate court within the meaning of the Bill (the Supreme Court, ERD Court or the Warden's Court). Where native title is involved the matter will be a native title question and will only be able to be determined by the Supreme or ERD Court under the *Native Title (South Australia) Bill*.

Clause 24: Amendment of s. 55—Term of licence

This amendment is equivalent to that made in relation to mining leases and allows an application for renewal of a miscellaneous purposes licence to be determined after the date on which the licence would otherwise have expired.

Clause 25: Substitution of ss. 58 and 58A—Entry on land

The new sections set out how entry on land (other than land in a precious stones field) by a mining operator is to be effected. New section 58 provides that a mining operator may enter land by agreement with the owner or in accordance with conditions determined by the appropriate court. New section 58A provides a mechanism for a mining operator who has not previously negotiated an agreement with the owner or obtained a determination of the court to enter land after first giving at least 21 days notice to the owner (which includes native title holders). If the owner holds a right to exclusive possession of the land, the owner has a right to object to the appropriate court within 3 months. The court may determine which parts of the land may or may not be entered and the conditions applicable to entry.

The amendments ensure that the provisions are non-discriminatory.

Clause 26: Amendment of s. 59—Use of declared equipment

Section 59 restricts the use of declared equipment, ie, heavy earth moving or drilling machinery, on land. In the case of freehold land, the owner must receive at least 21 days notice and may object to the use of the equipment. The amendments mean that a native title holder is an owner for the purposes of this section.

The amendment enables declared equipment to be used on land in accordance with the terms of an agreement between the owner and the mining operator or the determination of the Warden's Court or the ERD Court. The provision has been expanded in this manner to recognise that the required negotiation between the mining operator and native title parties will cover the use of declared equipment.

Clause 27: Amendment of s. 60—Restoration of land

This amendment is consequential to the previous clause and extends the provision to cover restoration of land at the direction of an official after use of declared equipment on native title land.

Clause 28: Amendment of s. 63E—Term, etc., of access claim

The amendment makes it clear that there is a right to renewal of an access claim.

Clause 29: Insertion of Part 9B—NATIVE TITLE LAND

DIVISION 1—GENERAL

63F. Qualification of rights conferred by prospecting authority or mining tenement

This provision is central to the South Australian scheme. A prospecting authority or mining tenement confers no right to carry out mining operations on native title land unless the mining operations do not affect native title (or a declaration that the land is not subject to native title land is obtained).

The right to carry out mining operations on native title land can only derive from an agreement with the native title holders or, if agreement cannot be reached, a determination of the ERD Court.

The clause makes it clear that even with an agreement, the appropriate mining tenement must still be held for mining operations to be carried out.

63G. Prospecting and mining rights to be held in escrow in certain circumstances

A mining tenement nevertheless prevents the grant of any further competing tenement. This affords the tenement holder protection from "claim jumpers" while he or she either obtains a declaration that the land is not affected by native title or negotiates an agreement with native title holders.

If a mining tenement is granted wholly or substantially in respect of native title land, the Minister may revoke the tenement if the holder is not acting with reasonable diligence in seeking a declaration or negotiating an agreement.

DIVISION 2—APPLICATION FOR DECLARATION

63H. Application for declaration

This section allows the making of an application to the ERD Court for a declaration that land is not subject to native title. The application is to be made under the *Native Title (South Australia) Bill* which deals in detail with the making of claims and determinations of native title.

DIVISION 3—NEGOTIATING PROCEDURE

63I. Negotiation of right to prospect or mine on native title land

Negotiation may take place with registered claimants of native title, including claimants who register within 2 months of notice given under the Division. The provision makes it clear that the agreement may extend to future prospecting authorities or mining tenements so that agreements may cover a number or even all stages of a project.

63J. Notification of parties affected

Notice of an intention to negotiate must be given to potential native title parties, the ERD Court and the Minister. Service on potential native title parties is governed by Part 5 of the *Native Title (South Australia) Bill*.

63K. What happens where there are no registered native title parties with whom to negotiate

If no native title claimants come forward, an ex parte application may be made to the ERD Court for a summary determination of the conditions on which the land may be entered and mining operations carried out.

63L. Expedited procedure where impact of operations is minimal

If the mining operations are of an insignificant nature (as defined in the section) and no written objections are forthcoming after notice of intention to negotiate is given, an ex parte application may be made to the ERD Court for a summary determination of the conditions on which the land may be entered and mining operations carried out.

63M. Negotiating procedure

Negotiations are to proceed in good faith and the Court is given the power to mediate. The Minister is given power to intervene in the process.

63N. Agreement

An agreement may provide for payment to the native title parties based on profits or income derived from mining operations on the land or the quantity of minerals produced.

An agreement must set out conditions of entry to the land. This provision is intended to ensure that the question of entry onto the land is addressed while the parties are negotiating, so as to obviate the requirement for separate notice to be given (or negotiated) at a later date.

An agreement is to be registered by a mining registrar although the Minister may prohibit registration if of the opinion that it has not been negotiated in good faith. The Minister's prohibition is subject to an appeal to the ERD Court.

Once registered the agreement is binding on successors in title.

63O. Application for determination

If agreement is not reached within 4 months for prospecting rights or 6 months for mining rights, application may be made to the ERD Court for a determination that mining operations may be carried out and the conditions on which they may be carried out. The time periods reflect NTA requirements.

The Court may determine that mining operations may not be conducted on native title land, or that such operations may be conducted subject to conditions. A determination that operations may be conducted must deal with the conditions of entry to land. Again, this is to ensure that the question of entry is addressed at this stage.

The Court is required to make a determination within 4 months in respect of prospecting rights and 6 months in respect of mining rights.

63P. Criteria for making determination

This clause lists factors to be taken into account by the Court in making a determination and reflects NTA requirements.

63Q. Effect of determination

A determination takes effect on registration by a mining registrar and binds successors in title. It has effect as a contract.

63R. Ministerial power to overrule determinations

The Minister may, within 2 months, overrule a determination of the Court following a failed negotiation procedure if of the opinion that it is in the interests of the State to do so.

63S. No re-opening of issues

Once an issue has been decided by determination under Part 9B, the parties cannot make an agreement that is inconsistent with the determination without authorisation of the Court.

DIVISION 4—MISCELLANEOUS

63T. Non-application of this Part to Pitjantjatjara and Maralinga lands

The *Pitjantjatjara Land Rights Act 1981* and the *Maralinga Tjarutja Land Rights Act 1984* are not affected by this Part. The independent procedures set out under those Acts must be followed.

63U. Compensation to be held on trust in certain cases

Compensation is a matter for determination of the ERD Court. Compensation is to be paid into the ERD Court—

- to be paid to the registered representative on request or in some other way considered just and equitable; or
- to be returned if a declaration is made that native title does not exist in the relevant land or if a decision is made not to proceed with the activity to which the compensation relates.

63V. Non-monetary compensation

Non-monetary compensation is to be considered.

63W. Saving of pre-1994 mining tenements

Claims registered before 1.1.94 and leases and licences granted before 1.1.94 are not affected by this Part.

63X. Expiry of this Part

The Part expires after 2 years.

Clause 30: Amendment of s. 65—Powers etc. of Warden's Court

The role of the Land and Valuation Court as the court of a appeal from the Warden's Court is transferred to the ERD Court.

Clause 31: Amendment of s. 66A—Removal of cases to ERD Court

The role of the Land and Valuation Court as the court to which cases of unusual difficulty or importance may be removed from the Warden's Court is transferred to the ERD Court. Note that the amendment to the ERD Court Act provides for matters to be referred or removed from the ERD Court to the Supreme Court.

Clause 32: Amendment of s. 72—Research and investigation

In addition to conducting research and investigation into problems relating to mining operations or the treatment of ores, this amendment empowers the Minister to conduct research and investigation into the existence of native title on mineral land. This will enable funds to be applied towards analysing and understanding the interrelationship between mining and native title issues.

Clause 33: Amendment of s. 75—Provision relating to certain minerals

Currently claims or leases in respect of extractive minerals may only be granted to freehold owners of the land. This is in recognition of the fact that mining for extractive minerals is generally a much more intrusive and destructive activity than other sorts of mining. Having obtained a lease for extractive mining on his or her land, the freehold owner may then transfer the interest to a mining operator.

The amendment provides that claims or leases in respect of extractive minerals may only be granted in relation to freehold land or land in respect of which native title conferring a right to exclusive possession exists with the owner's consent. The amendment ensures that the provision is non-discriminatory. Neither Crown lessees or the holders of lesser interests in land nor the holders of native title with similar interests can veto extractive mining on the land.

Clause 34: Insertion of s. 75A—Avoidance of double compensation

The new section 75A requires a court assessing compensation under the Act to take into account compensation payable from any other source.

Clause 35: Amendment of s. 79—Minister may grant exemption from certain obligations

The amendment prohibits the Minister from granting exemptions to Part 9B or so as to discriminate against the holders of native title in land.

Clause 36: Insertion of s. 89A—Immunity from liability

The new section provides immunity from liability for acts in good faith by an officer or employee of the Crown or a person holding a delegation under the Act.

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

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT (NATIVE TITLE) AMENDMENT BILL

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

The Hon. R.I. LUCAS (Minister for Education and Children's Services): 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 makes amendments to the constitution and procedures of the ERD Court complementary to the jurisdiction given to the Court under the *Native Title (South Australia) Bill* to hear and determine native title questions.

The Bill provides for the appointment of one or more "native title commissioners", being persons with expertise in Aboriginal law, traditions and customs. The presence of such commissioners will ensure that relevant expertise is available to the Court when deciding native title questions.

There is a likelihood that native title commissioners will hold personal interests in matters before the Court that are sufficiently remote not to justify disqualification. The Bill accordingly adjusts the conflict of interest provisions contained in the Act.

The amendments also enable certain categories of proceedings (native title, mining, compulsory acquisition and other prescribed categories) to be transferred to the Supreme Court where either the ERD Court or the Supreme Court considers that appropriate. These provisions ensure that the Supreme Court, as the superior court of record in this State, can hear the more complex cases.

I commend the Bill to Honourable Members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment of s. 3—Interpretation

Native title jurisdiction is defined as the jurisdiction of the Court to hear and determine a native title question. This jurisdiction is conferred on the court by the *Native Title (South Australia) Bill*.

A native title question is defined in that Bill as a question about—

- the existence of native title to land;
- the nature of the rights conferred by native title in a particular instance;
- compensation payable for extinguishment or impairment of native title;
- acquisition of native title to land, or entry to and occupation, use or exploitation of, native title land under powers conferred by an Act of the Parliament;
- any other matter related to native title.

If the Court when hearing and determining a native title question is to consist of or include a commissioner or 2 or more commissioners, the commissioner or at least one-half the number of commissioners must be native title commissioners (see amendment of section 15).

A native title commissioner is defined in this Bill as a commissioner with expertise in Aboriginal law, traditions and customs.

Clause 4: Amendment of s. 10—Commissioners

Section 10 enables the Governor to appoint Commissioners and sets out knowledge and experience required for appointment. The amendment sets out the requirements for appointment as a native title commissioner, namely, expertise in Aboriginal law, traditions and customs. The presence of these commissioners will ensure that relevant expertise is available to the Court when deciding native title questions.

The amendment requires the Minister to consult the relevant Commonwealth Minister about proposed appointments of native title commissioners as required under the Commonwealth *Native Title Act*.

Clause 5: Substitution of s. 13—Disclosure of interest by members of the Court

This section currently disqualifies a member from sitting at a hearing if the member has a personal interest or a direct or indirect pecuniary interest in the subject matter of the proceeding.

The new section requires a member who has a pecuniary or other interest that could conflict with the proper performance of the member's official functions in proceedings to disclose the interest to the parties. The member must not take part in the proceedings if the Presiding Member so requires or if the parties do not consent. This is similar to a provision recently included in the *Industrial and Employee Relations Act*.

Clause 6: Amendment of s. 15—Constitution of Court

The amendment sets out the requirement referred to above that, if the Court when hearing and determining a native title question is to consist of or include a commissioner or 2 or more commissioners, the commissioner or at least one-half the number of commissioners must be native title commissioners.

The amendment requires the Court to consist of, or include, a legal practitioner of at least 5 years' standing when sitting to exercise its native title jurisdiction. This is a requirement of the Commonwealth *Native Title Act*.

The amendment also requires that where the Court is constituted of a full bench questions of law must be determined by the Judge.

Clause 7: Amendment of s. 18—Time and place of sittings

The amendment deletes the requirement that ERD Court Registries be at District Court Registries and requires ERD Court Registries to be at places determined by the Governor.

Clause 8: Insertion of s. 20A—Transfer of cases between the Court and the Supreme Court

New section 20A allows the ERD Court to refer proceedings involving a native title question, a question related to mining or exploration for minerals or petroleum, compulsory acquisition of land or any other proceedings of a prescribed class to the Supreme Court.

Similarly, the Supreme Court is given power to remove such proceedings from the ERD Court to itself.

In deciding in which court proceedings should be heard consideration must be given to the importance of the questions involved in the proceedings and the complexity of the legal and factual questions involved in the proceedings.

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

LAND ACQUISITION (NATIVE TITLE) AMENDMENT BILL

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

The Hon. R.I. LUCAS (Minister for Education and Children's Services): 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 designed to ensure that the Crown and other Authorities may compulsorily acquire native title land on a similar basis to the manner in which other land or interests in land may be acquired. The amendments ensure that native title land may be validly acquired in compliance with the *Racial Discrimination Act 1975*, the *Mabo* decision and the Commonwealth's *Native Title Act 1993* (NTA) and that native title may be validly extinguished by acts done in giving effect to the purpose of the acquisition.

The Bill provides for compensation to be payable for the acquisition of native title land on the same basis as for other land. It allows holders of native title and others alike to request non-monetary compensation such as land, the provision of goods and services, or the execution of works for the reinstatement or improvement of the claimant's remaining land.

The Land and Valuation Court (a division of the Supreme Court) will continue to exercise jurisdiction in determining disputed claims for compensation arising under the Act. It is acknowledged that where the amount in dispute is not great, it is inappropriate and uneconomic to have a court at Supreme Court level deciding such matters. The exclusive jurisdiction of the Land and Valuation Court in such matters will be reviewed in due course.

Where questions as to the existence or nature of native title interests arise in the course of acquisition proceedings, those questions may be referred to the Environment, Resources and Development Court (ERD Court) for decision (see the *Native Title (South Australia) Bill*).

The ERD Court has a limited further role under the Bill. In view of its general role in determining native title questions as they arise through native title claims or as a result of actions proposed under, for example, the *Mining Act 1971*, it is proposed to give it some involvement in relation to questions relevant to native title holders under the *Land Acquisition Act*.

Under this Bill it will be responsible for:

- mediating, on request, between native title parties and Authorities about negotiations for compensation;
- mediating and resolving questions relating to the entry and temporary occupation of native title land.

Most features of the existing compulsory acquisition scheme have been retained, but are incorporated into a negotiation process.

If an acquiring Authority and a claimant are unable to agree on the amount of compensation payable or on the question of whether the claimant has a compensable interest, either party may refer the matter to the Land and Valuation Court.

If land that may be affected by native title has been acquired and 2 months after publication of the notice of acquisition, no-one has come forward to claim compensation, the Authority may apply for a declaration that the land was not, at the time of the acquisition, subject to native title. If it was subject to native title, the Court may direct that compensation be held in trust for 6 years and paid to anyone who establishes that they are a native title holder within that time. If no claim for compensation is established within that period, the money is repaid to the Authority.

The Bill includes provisions setting out additional procedures where the Crown is authorised on acquiring native title land to confer a right or interest in or over the land on a third party. The NTA provides that such an acquisition cannot go ahead except following negotiation about the acquisition with the native title holders and, if agreement cannot be reached, following determination by the Court. Provisions of this nature were previously included as an amendment to section 260 of the *Crown Lands Act 1929*. However, it has been determined that there are a number of other Acts authorising acquisitions technically caught by the Commonwealth provisions. Hence more general provisions are considered appropriate.

The composition of the Re-Housing Committee established under Part 4A of the Act is altered to include a person with expertise in Aboriginal housing nominated by the Minister for Aboriginal Affairs.

In the event that an Authority proposes to temporarily occupy and use native title land for the purposes of taking minerals from it, the Bill requires the Authority to negotiate with any native title holders in an attempt to reach agreement on conditions for entry and use. If agreement cannot be reached, the matter may be referred to the ERD Court for mediation and/or a decision. This provision is necessary to comply with the NTA, as a right to negotiate must be given to native title parties in respect of the creation of any "right to mine".

Other amendments are made to ensure that the Act is non-discriminatory. The opportunity has also been taken to improve the language of the Act.

The Bill makes necessary and sensible amendments to the *Land Acquisition Act* in light of the recognition of native title as an interest in land.

I commend the Bill to Honourable Members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment of long title

The long title is amended to ensure that it accurately reflects the substance of the Act and is in modern language. The Act as amended will cover acquisition of waters and acquisition authorised by an Act for any purpose, not just a public purpose.

The current long title is "An Act to provide for the acquisition of land for works and undertakings of a public nature, and for purposes incidental to, and consequential upon, such acquisition; to repeal the Compulsory Acquisition of Land Act, 1925-1966; and for other purposes."

The new long title is "An Act about the acquisition of land".

Clause 4: Substitution of ss. 3, 4 & 5—Object of this Act

Section 3 is a repealing section, section 4 sets out the arrangement of the Act (now covered in the Summary of Provisions) and section 5 contains obsolete transitional provisions.

The new section states the object of the Act, namely, to provide for the acquisition of land on just terms.

Clause 5: Amendment of s. 6—Interpretation

Cross references to definitions of native title, native title holder, native title land and registered representative of native title holders in the *Native Title (South Australia) Bill* are inserted.

The definition of interest in land is amended to include native title in land.

The definition of Registrar is amended to provide that in relation to native title the Registrar of the ERD Court has the functions assigned to the Registrar-General under the Act in relation to non-native land.

The definitions of authorised undertaking and undertaking are deleted. Sections 7, 10, 25, 26G, 28, 30 and 35 and the definitions of Authority and special Act are recast to avoid the need for reference to those expressions.

Clause 6: Amendment of s. 7—Application

Section 7 is amended as a consequence of removing the concept of an authorised undertaking. It is also amended to ensure that every special Act authorises the acquisition of native title and any other interest in land able to be acquired under this Act.

Clause 7: Amendment of s. 10—Proposal to acquire land

Section 10 requires notice of intention to acquire land to be served on each person who has an interest in the land.

In the case of native title land, the amendment requires the notice of intention to be given, if particular title is to be acquired, to the registered representative of the native title holders or if all native title is to be acquired, to all persons who hold or may hold native title in the land. The latter notice is governed by the *Native Title (South Australia) Bill*.

Clause 8: Substitution of s. 11—Explanation of acquisition scheme may be required

Section 11 is recast in modern style and a provision inserted to ensure that a registered native title holder or claimant is included as a person having an interest in native title land and therefore able to seek an explanation of the reasons for the proposed acquisition and details of the scheme underlying the acquisition. The materials that may be released are limited to materials relating to the statutory scheme of acquisition.

Clause 9: Substitution of s. 12—Right to object

Section 12 is recast in modern style and a provision inserted to ensure that a registered native title holder or claimant is included as a person having an interest in native title land. A further ground for objection is added, namely, that the proposal would destroy, damage or interfere with an Aboriginal site within the meaning of the *Aboriginal Heritage Act 1988*.

Clause 10: Amendment of s. 15—Acquisition by agreement, etc.

Where an acquiring authority determines not to proceed with an acquisition section 15 requires the Authority to give notice to all parties who received the original notice of intention to acquire. Section 15 is recast in modern style recognising the different requirements for service on native title parties.

The grounds for compensation where a proposed acquisition does not go ahead are altered. Currently compensation relates to any disturbance or injurious affection to the land. Under the amendment, in recognition of the nature of native title, compensation relates to disturbance to the use or enjoyment of the land. In addition the Court is given express power to determine whether the claimant has an interest in the land, where it is necessary to do so as a preliminary step to determining the amount of compensation payable.

Clause 11: Amendment of s. 16—Notice of acquisition

This section which effects the acquisition is recast in modern style recognising the different requirements for service on native title parties. Native title is excluded from subsection (2) which sets out the effect of acquisition on interests in land. A new subsection (3a) attempts to give practical effect to the spirit of the non-extinguishment principle embodied in the NTA. It provides that while the acquisition does not extinguish native title, native title will be extinguished when the Authority takes possession of the land (if obtaining a right to exclusive possession was the purpose of the acquisition) or when the Authority exercises rights obtained by the acquisition in a way that is inconsistent with the continued existence of native title.

The Authority is required to give notice of acquisition in the same way as it gave notice of intention to acquire. Notice must be given to all who hold or may hold native title if the acquisition may result in the extinguishment of native title not yet registered.

Clause 12: Amendment of s. 17—Modification of instruments of title

Notice of acquisition of native title land is required to be given to any Commonwealth or State authority maintaining a register of native title. This is to ensure that the registers accurately reflect the fact that native title has been acquired in a particular instance.

Clause 13: Substitution of heading:PART 4—NEGOTIATION AND COMPENSATION

The heading to Part 4 is altered to recognise that the Part is amended to encompass negotiation proceedings.

Clause 14: Substitution of ss. 18 to 23

The current scheme is that on publication of a notice of acquisition under section 16 the land vests in the Authority. At the same time as the notice of acquisition is served on all persons with an interest in the land, the Authority must make an offer of compensation and pay that amount into Court. The claimant may accept the offer or make a claim for further compensation within 60 days. A disputed claim may be referred by the Authority or the claimant to the Court.

The new scheme generally retains the current procedure but incorporates into it a negotiation process.

The Authority is required to negotiate in good faith with persons who have or had (or who claim to have or to have had) an interest in the land that is divested or diminished or the enjoyment of which

is adversely affected by the acquisition. The ERD Court may be requested to mediate between the parties. Non-monetary compensation may be proposed.

An offer is to be made by the Authority and the amount paid into the Land and Valuation Court. If agreement is reached the agreement is filed in the Court. If agreement is not reached (either as to whether a claimant has an interest or as to the amount of compensation), the Authority may refer the matter to the Court. The Court is given power to make all relevant orders including orders as to whether a claimant holds an interest in the land and the nature of that interest.

If native title land is acquired and no persons claiming native title come forward after 2 months, the Authority may apply to the Court for a declaration that the land is not subject to native title or an order fixing compensation to be paid and held in trust for 6 years for potential claimants.

Special procedures are included in Division 1 for the situation where the Authority may, on acquiring native title land, confer rights or interests in the land on third parties. In this situation the Authority is required to negotiate with native title parties before issuing a notice of intention to acquire. If the parties cannot come to an agreement the matter may be referred to the ERD Court for determination. The Court is required to take into account certain criteria. The Minister may overrule a determination of the Court if satisfied that would be in the best interests of the State.

Clause 15: Amendment of s. 25—Principles of compensation

Section 25 is amended as a consequence of removing the concept of an authorised undertaking.

Clause 16: Amendment of s. 26A—Establishment of Committee

A Re-Housing Committee is established under Part 4A of the Act. The membership of the Committee is altered to include a member with expertise in Aboriginal housing nominated by the Minister for Aboriginal Affairs. The current requirement for a member with knowledge and experience in matters of housing is removed.

The Committee assists persons whose residences are compulsorily acquired. The amendment recognises the possibility that land constituting or comprising the residence of a native title holder may be acquired. It ensures that a person with expertise in Aboriginal housing is on the committee.

Clause 17: Amendment of s. 26G—Application to the Committee

References to dwellinghouses are removed and replaced with a concept of genuine use of land as a place of residence. Such persons are entitled to apply to the committee for assistance.

Clause 18: Amendment of s. 27—Powers of entry

Part 5 of the Act gives the Authority powers to temporarily enter and occupy land for the purposes of carrying out a scheme. Section 27 gives the Authority power to authorise entry on land for survey or inspection. Notice is currently required to be given to occupiers or owners of land. The amendment requires the notice provisions set out in section 28A as inserted by the Bill, and the other requirements of Part 5, to be complied with in the case of native title land.

Clause 19: Amendment of s. 28—Temporary occupation

Section 28 gives the Authority power to temporarily occupy and use land in certain circumstances. Notice is currently required to be given to the occupier or, if there is no occupier, owner of the land. The amendment requires the notice provisions set out in section 28A as inserted by the Bill, and the other requirement of Part 5, to be complied with in the case of native title land.

A reference to a dwellinghouse is replaced with a reference to a place genuinely used as a place of residence. References to 500 yards are replaced with references to 500 metres.

Section 28 is also amended as a consequence of removing the concept of an authorised undertaking.

Clause 20: Insertion of s. 28A—Exercise of powers under this Part in relation to native title land

The new section sets out the requirements for notice of entry before exercising a power conferred by the Part in relation to native title land. Notice must be given to all persons who hold or may hold native title in the land. The method of service is set out in the *Native Title (South Australia) Bill*.

If the Authority intends to remove minerals from native title land or to substantially interfere with native title land or its use or enjoyment, the Authority must negotiate conditions of entry with the native title parties (that is, registered native title holders or claimants). The ERD Court may be asked to mediate among the parties. If agreement cannot be reached the matter may be referred to the ERD Court for a decision on whether the Authority may enter the land and, if so, on what conditions.

Clause 21: Amendment of s. 30—Powers of inspection

Section 30 is amended as a consequence of removing the concept of an authorised undertaking.

Clause 22: Amendment of s. 31—Giving of notice and other documents

The requirements for service of notice on a person are substituted. The method of service on native title parties is set out in the *Native Title (South Australia) Bill*.

Clause 23: Repeal of s. 34

Section 34 provides that compensation may include work undertaken to protect, reinstate or improve land. The new provisions for compensation take into account that compensation may be non-monetary and this section is consequently repealed.

Clause 24: Amendment of s. 35—Authority may dispose of surplus land

Section 35 is amended as a consequence of removing the concept of an authorised undertaking.

Clause 25: Transitional provision

Acquisitions in progress at the commencement of this Bill are to be completed under the current provisions.

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

SHOP TRADING HOURS (EXEMPTIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 October. Page 486.)

The Hon. R.R. ROBERTS: I move:

That the second reading debate be resumed forthwith.

Motion carried.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I move:

That the debate be now adjourned.

The Council divided on the motion:

AYES (6)

Laidlaw, D. V.	Lawson, R. D.
Lucas, R. I.(teller) t.)	Pfitzner, B. S. L.
Redford, A. J.	Schaefer, C. V.

NOES (7)

Cameron, T. G.	Elliott, M. J.
Feleppa, M. S.	Pickles, C. A.
Roberts, R. R.(teller)	Roberts, T. G.
Weatherill, G.	

PAIRS

Davis, L. H.	Crothers, T.
Griffin, K. T.	Kanck, S. M.
Irwin, J. C.	Levy, J. A. W.
Stefani, J. F.	Wiese, B. J.

Majority of 1 for the Noes.

Motion thus negatived.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): Our not being able to adjourn the debate makes the Government's handling of these issues very difficult. Members know and the Hon. Ron Roberts knows that the person on behalf of the Government who is handling this Bill, the Attorney-General, is unavoidably away from the Council at a Ministerial Council meeting in another State and has been absent from the Council today and will be absent tomorrow. The Opposition has been aware of that for some weeks. An agreement was entered into that the Attorney-General would be paired for today and tomorrow, and that arrangement was entered into between the two Whips, in good will. As is the normal course, when the member handling the Bill is unable to be here, or the motion, disallowance of regulations or private members' Bill, we in this Chamber have generally agreed to make allowance for that.

The Hon. Diana Laidlaw: Remember when Barbara Wiese was ill.

The Hon. R.I. LUCAS: The Hon. Diana Laidlaw indicates that, when the Hon. Barbara Wiese was ill for three or four weeks in the earlier session this year, the Government agreed to a delay for three or four weeks in the consideration of the important passenger transport legislation.

The Hon. T.G. Roberts: We guaranteed for somebody else to stand in that position.

The Hon. R.I. LUCAS: No; there was discussion about that but in the end no-one was provided. As I said, the Government was reasonable about it. A precedent or convention has been established in this Chamber that, in relation to these matters, we try to handle things amicably among the three Parties. On this occasion the Attorney-General is out of the State and all of a sudden the Labor Party and the Democrats combined together to adjourn the matter on motion and ram it through late at night whilst the Attorney-General is away from the State, unable to handle the legislation on behalf of the Government. There are a number of complicated and complex issues in relation to this legislation and in Committee the Attorney-General, in particular, would want to question the mover and the supporter to try to probe the detail of it and to ask questions of the mover.

By using their numbers to ram the legislation through, the Labor Party and the Democrats, in unprecedented fashion, at 10.40 p.m., have sought to prevent Government members from being able to ask questions in Committee; they have sought to get the legislation through without being answerable regarding the detail of the legislation in Committee. That is what has occurred this evening; let us not have any sort of pretence from the Hon. Mr Roberts or the Hon. Mr Elliott as to what they have just done. In effect, they are establishing a precedent. For example, if the Hon. Mr Elliott has arranged a pair on a Wednesday evening so that he can go to an important function, a precedent has now been established whereby the Labor Party and the Liberal Party can adjourn his Bills on motion and, at 10.40 p.m., while the Hon. Mr Elliott is off at his function, is perhaps on his sick bed, or is off on important Democrats business, or whatever, they can combine to defeat or amend the legislation without his having to be in the Chamber. They are the new rules that have been established by the Hon. Mr Roberts and the Hon. Mr Elliott.

Similarly, should there be something of interest to one of the Labor members of Parliament on which they have moved a motion, the precedent has been established and, should that person be missing, the Government together with the Democrats can combine during private members' business at 10.40 p.m. either to ram something through, to amend it, to defeat it, or whatever, in the absence of the member who has an active interest or who is handling the legislation for the Labor Party. It is a very dangerous precedent that has been established by the Hon. Mr Roberts and the Hon. Mr Elliott. The Hon. Mr Elliott is in a slightly more vulnerable position in that, if he is not here on occasions for his private members' legislation, he cannot complain if Labor and Liberal members decide to combine together to force through a vote on that legislation or on an issue about which he has expressed an interest on behalf of the Australian Democrats and in regard to which he wishes to put a point of view or ask questions in Committee. It is his right as a member of this Chamber to put a point of view or to question any member who moves a private member's Bill to try to understand the detail of it.

Clearly by their votes, the Hon. Mr Elliott and the Hon. Mr Roberts are saying that, irrespective of the conventions in this Chamber as to how we handle private members' business, and irrespective of the fact that in the 13 years I have been in this Chamber that is the way in which these sorts of issues have been handled, that is no longer the case. They are saying, 'The Attorney-General is out of the State on ministerial council business. We will make sure he cannot ask questions in Committee; we will make sure that the Attorney-General is not in a position to ask the difficult questions or highlight some of the problems or inadequacies in the drafting of the legislation.' They are ensuring that the Attorney cannot do a range of things that members are entitled to do in Committee, whilst in the end having to accept the final view of this Chamber when we get to the third reading of the Bill.

Because I had not realised that this was going to happen, I was obviously not in a position to look at the detail of the legislation. Therefore, I am not able to ask questions adequately of the shadow Minister in charge of the Bill on behalf of Government members in this Chamber in order to seek further information, particularly at this late hour of the evening.

However, on behalf Government members and the Government, I want to place on the record my disappointment at the way in which this issue has been handled. I think that the Government has demonstrated its good grace in relation to this because of the potential problems there might have been as a result of a mix up during the division.

We have demonstrated our preparedness to work with the Labor Party and the Democrats to ensure amicable relations, which I hope we can continue to have in the processing of legislation in this Chamber. However, in the end, the Labor Party, together with the Democrats, has decided to seize upon the opportunity of the Attorney-General's being out of the State on ministerial council business to prevent him and the Government from asking questions about the Bill.

Frankly, on behalf of Government members, I am extraordinarily disappointed at the attitude taken, certainly by the Hon. Mr Roberts in this case, as he must take responsibility, by and large, for what is occurring. Of course, I express disappointment as well at the behaviour of other members, but I acknowledge that the honourable member has adopted the leadership position on this issue and that his other members obviously have to support him in relation to his decision.

Certainly, on behalf of the Government, I would hope that this is just an aberration and that the Hon. Mr Roberts, the Leader of the Opposition and the Democrats are prepared, in the future anyway, to try to ensure that this sort of thing does not happen again.

However, I emphasise, as I did earlier to the Hon. Mr Roberts and to the Hon. Mr Elliott, that they are establishing a dangerous precedent and that they potentially leave themselves open should any majority in this Chamber want to seize similarly on the opportunity of one member's being absent. That sort of circumstance may well occur again. I do not make that as an explicit threat in any way: I am, in effect, indicating a statement of fact. Any combination of a majority of members in this Chamber, should they make that decision or should they chose to seize the opportunity similarly, could mean that a member might not have the opportunity to put a point of view about legislation on which he or she has very strong views.

The Hon. A.J. REDFORD: I endorse the comments of the Hon. Rob Lucas. This whole Bill, this whole exercise, is an absolutely shabby approach to something that is quite serious. Let us look at the record of the Labor Government

in dealing with this topic. Let us look at how members opposite went about it.

We had an election campaign that the Labor Party was doomed to lose because of its ineptitude in government. It could not run a State bank or an insurance company. Everything it touched went broke. It could not even run the Grand Prix at the last minute. In the dying throes of Government, members opposite, through the relevant Minister at the time, decided that they would issue a series of exemptions in relation to shopping in return for some shabby deal between the union and a major retailer in order to bolster the ALP's donations and its flagging financial position leading up to that election.

Starting off from that shabby position Mr Ingerson quite properly announced that the decision would be reviewed. He adopted a reasonable process and appointed a committee to look at the topic. He appointed two people from the SDA.

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. REDFORD: He appointed Mr Wheatland to chair this committee of inquiry, and submissions were made generally by the public. I must say that I got hold of this document put together by this committee, which included representatives from a number of different groups and where was the submission from the Hon. Ron Roberts? What Labor members did in this shabby little exercise was to sit back and do nothing. All they did was put a bit of moisture around their finger, stuck it up in the air and say, 'Where is public opinion coming from?' Forget about any issue of principle.

You had already collected your donation from your mates; you had already collected the benefits from this shabby little deal you did before the election. You had already done that, so you whacked your finger in the air and said, 'Gee, we might pick up a couple of votes here.' Judging by your performance at the last election, if you had picked up a few votes it would have made a major percentage change in the votes you got. So you sit there, having played that shabby little performance, and you suddenly say, 'Let's pull a stunt. Let's see if we can get our names in the paper.' That is what this whole exercise is about: getting your names in the paper.

So you go along to the other place and you whack a Bill in there knowing full well it will get rolled. One thing that you people can do on the other side is play factions and you can count. The fact of the matter is that we have 37 members on our side and you have 10 on your side, and the Bill will get rolled. But this was done purely and simply as a stunt. Absolutely and totally from whoa to go, this has been a stunt.

The Hon. Carolyn Pickles interjecting:

The Hon. A.J. REDFORD: But look at performance pre-election. If you had come out pre-election and said, 'We do not believe in any Sunday shopping whatsoever,' you might have had some credibility but you have none, and it continues.

The Hon. M.J. Elliott interjecting:

The Hon. A.J. REDFORD: I hear a little voice to my right. You did not say anything prior to the election, either. You sit there, having played your shabby little deal before the election, you whack your finger up in the air after the election because, for the first time in 10 years, you have a Government that makes a decision. We actually made a decision. We went through a consultative process and then, having listened to that, we decided we would make a decision. You have whacked your finger up in the air; you have cut off the backs of your brains and forgotten the shabby little deal you did prior to the election, the one that brought in all the money. You did that deal and then you play this stunt and say, 'We will whack one in the Upper House, we will whack one in the Lower House and we will see whether we can get a headline.'

You did, and I saw the Hon. Ron Roberts's photo in the paper on a couple of occasions. Even the Port Pirie *Recorder* had a little article on him, although it will probably not last as long as that other little article in that paper, in which the Hon. Ron Roberts said it is the best thing that has happened to the Opposition. He said it makes it the most progressive Opposition we have seen. What have we seen so far from this progressive Opposition: a series of double turns, back flips, shabby deals and fingers in the air. That is the standard you bring into this debate. You have got your finger in the air, and you think, 'Hang on, we will get our name in the paper on this one.'

So, having got your name in the paper you then decide, 'We'll let this roll along in the Notice Paper'. You know that at the end of the day you will not get the legislation through because it will not be passed in the other place. They already have a vote going on in the other place. You know precisely what will happen in the other place. But in your forlorn hope, you stand up in the second reading speech on this Bill and think, hope against hope, that some members from the Liberal Party will cross the floor.

You think that that is going to happen. The Opposition is playing a shabby game not dissimilar to what the former Government played before the election. The Opposition hopes to embarrass some Liberal members into crossing the floor. It will not be able to do that because the Opposition does not have the numbers. The Hon. Rob Lucas explained clearly the shabby deal that has occurred tonight. We have one shabby deal after another, all in the hope that the Opposition might get a forlorn headline in the local paper and that it might pick up a few rag bag votes here or there.

Let us look at what the Opposition has sacrificed through its shabby little approach. The Opposition has collected political donations as a result of this shabby deal. The Opposition has not been able to count the numbers, but it has managed to get the SDA leadership to do one of the greatest backflips we have seen for a considerable time. They were all happy, smiling and marching off giving the ALP its cheque, arm in arm with Coles Myer, which also gave the ALP its cheque. They were grinning ear to ear thinking, 'We have done a swifty here. We might even pick up a few more votes than we anticipated.' The Opposition then comes back here and wants to make a shabby deal. You are doing it over and over again and this comes from a political Party whose Leader proclaims he will bring standards back into parliamentary behaviour and parliamentary process.

The Hon. Diana Laidlaw: All in the sin bin.

The Hon. A.J. REDFORD: Yes, all in the sin bin. It might not be the Hon. Mr Rann's performance—it might be that he has a rag bag of members behind him who have absolutely no understanding of principle and consistency of thought. That is what the Opposition has brought to this place. That is what poor old Mr Rann has behind him on this issue.

I refer to the comments of the Hon. Ron Roberts, because they show the intellectual basis behind the whole approach to the Bill. I remind members opposite about what has happened. Some members opposite were members of the previous Government, which gave 883 exemptions under the shop trading hours legislation. Not one complaint was made by this strong jelly back bench in the previous Bannon Government. Not one cry was made from backbenchers saying, 'Mr Bannon, this is wrong. You cannot do this because it usurps the parliamentary process.' That is what

happened. You sat there as a bunch of jelly backs and said to Mr Bannon's Cabinet, 'You go ahead and give all these exemptions.'

Suddenly, when no-one is left in Opposition, when the Labor Party has been absolutely decimated in the polls, the Opposition rises holier than thou and thinks it has developed principle. The trouble is that you would not know a principle if you stepped over one. The Opposition talks about attacking people but, instead of arguing issues in the second reading, the Hon. Ron Roberts blames Mr Wheatland for the sale of SA Brewing to Lion Nathan. That absolutely outrageous and ridiculous argument has no sequitur to it whatever. The Hon. Mr Roberts claimed he got lots of letters. If we look at the figures quoted by him, it seems there were more letters than the Opposition got votes at the last election. He then appeals to the Lord Mayor and claims that he did a backflip. That is the pot calling the kettle black. This mob has done more backflips than I have seen in the gymnastics competition at the Olympics. Poor Henry Ninio had a slight adjustment in his approach and is accused of doing a backflip.

That is a great thought process, and it gives me great heart. If this is what the Hon. Ron Roberts claims to be the most progressive and forward thinking Opposition that this Parliament has seen, then I would hate to have seen a backward thinking Opposition, because you cannot think more backward than that; you cannot be more inconsistent than that. Then, in this forlorn hope that the honourable member thinks that this political stunt will bring him some credence, he says:

> Whilst it has been alleged that 14 members in the Lower House would cross the floor on this issue, I doubt very much whether that would occur.

Then he comes up with all the skill of the racecourse predictor:

> We might get 11. . .

So, we are starting to work out precisely what the honourable member wants. He wants to carry out another political stunt just like the one he did prior to the election, except that in the one prior to the election the people involved had more brains and more foresight, because he got a few bob out of that one. I just wonder whether the Hon. Ron Roberts sees any financial benefit in this stunt that he has pulled over the past few months, in particular the one he has inflicted upon this place this evening. He says:

> We might get 11, but we certainly would not get 12 because then the Bill would be lost.

So, there he is. It is like looking up to the sky, perhaps ringing his people at the Port Pirie *Recorder*, saying 'Listen: I am going to embarrass the Liberal Party. I think I'll get 11 people to cross the floor, and I'll play stunts and do double back flips. I'll swap and not have any consistency.' And he reckons that with this whole thing he might get 11 people to cross the floor. Then he says, from this faction ridden Party, this poor excuse for an Opposition, that the big issue in this is:

> The Government realises that it faces a split in its own parliamentary ranks on this issue and does not want the matter debated in the Assembly in particular, as I said. . .

I will finish that quote in a minute, but let me point out a few home truths to the Hon. Ron Roberts. Obviously, the course of communication between the ALP members in this place and the ALP members in the other place leaves a lot to be desired. The fact is that the matter was debated in the House of Assembly, because the Deputy Leader of the Opposition (Ralph Clarke) introduced a Bill in identical terms in the other place. So, I assume that the only reason the honourable member is doing this is to get his name into the Port Pirie *Recorder*. How he thinks that this will achieve anything for anybody on any occasion, other than to highlight the hypocrisy of the ALP on this whole issue, is beyond me.

I inform the Hon. Ron Roberts that the matter has been before the House of Assembly; there has been a debate on it and he has not achieved the political mileage or stunt that he thought he might.

Members interjecting:

The Hon. A.J. REDFORD: I will vote, and I will support the Minister—and I say that quite unequivocally. What I really want to do is highlight what the honourable member thinks might be the most progressive and forward thinking Opposition in this country. It is an Opposition that is entirely interested in back flips and in political stunts. And he has been caught out tonight because he has done it right to the last line. Instead of doing the right thing, they have tried a stunt again this evening. If the honourable member thinks that is progressive Opposition; if he thinks that is forward thinking Opposition, then he ought to go back and read his Leader's statement about bringing proper standards into this Parliament.

If the Hon. Ron Roberts could see the performance tonight over this topic he would hang his head in shame. He would have to go back to Trades Hall and have a close look at the whole preselection process and see if he could scratch around on his side of politics and find people who do not do back flips, who have some integrity and who can get on and argue debates and topics in some reasoned and proper fashion.

Then he goes on—and this is an absolutely forlorn cry from the wilderness—to talk about the champions of small business. The Liberal Party has a very proud record in the area of small business; if one did a straw poll of small business to ascertain where its support lies one would find that it would be on this side of the Chamber. The Hon. Ron Roberts then says that that champion of small business, the Hon. Legh Davis (and this is probably the first part in his whole speech I would agree with; it is great to see that he has one thing right, that Legh Davis is a champion of small business), will cross the floor. Not only will he get 11 people to cross the floor—not 12 or 14 but 11 people; that is his conservative prediction—he will also get that champion of small business, Legh Davis, to cross the floor. There is another example of what this Bill is all about. It is a stunt, which can only be described as something which is designed to get the honourable member's name in the Port Pirie *Recorder* or—

An honourable member: The *Sunday Mail*.

The Hon. A.J. REDFORD: Or indeed in the *Sunday Mail*; I am sure they would love it, and perhaps the Hon. Ron Roberts can get another opportunity to demonstrate that we have the most forward thinking, advanced Opposition in the country. The honourable member then resorts to the principle of parliamentary democracy and says, in effect, 'Let's bring this topic to the Parliament. Let the Parliament decide this issue.' It has almost been like the conversion on the road to Damascus. There he was over 10 years—I know he was not here for the whole of the time but certainly a number of his colleagues were—and on 883 occasions he sat back on his big bronze and let it all happen. Suddenly on the 884th occasion he says, 'Whoa, enough's enough. Let's have a bit of parliamentary democracy in this.' Where was the Hon. Michael Elliott during this whole process of 883 exemptions that were given? He was sitting there saying, 'I'll let it go 883 times, because I am a slow thinker', and it is only on the

884th occasion that he suddenly realises that there is this great undermining, this great attack on the institution of democracy and the parliamentary process.

I would have to say that the coincidence between the Hon. Mr Elliott's and the Hon. Mr Roberts' position has to be absolutely astounding. Both people independently, separately from each other, watch it on 883 occasions and on the 884th occasion it suddenly dawns on them that this is a great attack on the institution of Parliament. I am sure that the South Australian people would be absolutely delighted with this light from above suddenly hitting the ALP and the Australian Democrats at the same time after 883 occasions, and suddenly they come up with this amazing conclusion that we have a breach of responsibility to Parliament and they want Parliament to decide.

Let me point out another stupidity of this Opposition. I look across and see this performance by members opposite and I have to wonder how they were not in Opposition earlier. I do not wonder why they are in Opposition now. They decide on the 884th occasion that Parliament suddenly becomes important—and this is where one has to worry about the future of the ALP—and they suddenly start to worry about it when they do not have the numbers. When they had the numbers and they could have done something about it they did nothing. When this bunch of Rhodes scholars on the other side do not have the numbers, they suddenly say, 'Hang on, let's have a bit of parliamentary democracy.' I would have to give them 1 out of 10 for intelligence.

Members interjecting:

The Hon. A.J. REDFORD: One might be a bit high, but I am prepared to be generous. When Opposition members do not have the numbers they suddenly want to resort to Parliament and change the law. It is not that the Opposition wants to deal with some of the other legislation that is before this place. The Opposition wants to do it here and now tonight in the absence of the Attorney-General. It wants to debate this all night and go through the Committee stages all night. These are the members who say that we should be having more reasonable sitting hours in Parliament. I support the comments of the Hon. Graham Ingerson and the Attorney-General.

The Hon. T.G. Roberts: Which one?

The Hon. A.J. REDFORD: I will take the Hon. Terry Roberts through them. I noted that the honourable member was not in the Chamber during the course of the Attorney-General's speech so, in order to refresh his memory, I will take him through them. I will enlarge upon them and allow the honourable member to see. I know that the Hon. Terry Roberts would not deliberately have been a part of this ridiculous stunt and backflip performance of the Opposition. I am somewhat hopeful that we will see some more consistency, application of principle, and good, positive and constructive comments from the honourable member on a number and range of issues.

This whole exercise does not appear to have the sticky fingers of the Hon. Terry Roberts all over it. So that the Hon. Mr Terry Roberts can see the error of the ways of the failed Labor Party—the Party which cannot count the numbers after the election and which had a great reputation of being good numbers people—I will take him through what the Attorney-General said.

The Hon. T.G. Roberts: You can put it into *Hansard* without reading it.

The Hon. A.J. REDFORD: I will not read *Hansard*. The first point is that the specific date is referred to in this amending Bill. Clause 3 provides:

> The Minister may not issue a certificate of exemption under this section during the period commencing on 9 August 1994 and ending on 28 February 1995.

I ask the Hon. Ron Roberts to take this question on notice, as I will be putting it to him when we get to the Committee stage.

The Hon. M.J. Elliott: You are looking at the wrong Act.

The Hon. A.J. REDFORD: I am sorry; I am, too. I got that wrong; I apologise.

An honourable member interjecting:

The Hon. A.J. REDFORD: The Hon. Michael Elliott interjects. I must say that this speech has not been as well prepared as one would have hoped, simply because of the stunt that was pulled this evening. The Attorney-General was given carriage of this Bill and, if it had been adjourned, members would probably be home now. If the Attorney-General were able to give notice that it had to be dealt with last week, members opposite would probably have listened to a more esoteric and precise response.

I do not proclaim to have the Attorney-General's depth of knowledge on this topic, but I will do my best bearing in mind the very short notice that the Opposition has given. I will take members through the clause slowly. As they cover the same topics, I will also make comments about the Hon. Michael Elliott's Bill at the same time, because I see him leaning forward.

Members interjecting:

The Hon. A.J. REDFORD: The topic is before the Council, and if we were dealing with this in a rational way—and I am not sure that we are—

An honourable member interjecting:

The Hon. A.J. REDFORD: I know that the Hon. Ron Roberts is busy helping to lead the most progressive and forward thinking Opposition in this country, but I think they cover the same topics and do warrant some comment.

The clause basically provides that a regulation does not have effect until 14 sitting days of each House of Parliament has elapsed after the regulation has been laid before each House. There are practical problems associated with that clause, and they can arise over Christmas, the Grand Prix and many other events, some of which can occur at short notice.

The Hon. R.R. Roberts interjecting:

The Hon. A.J. REDFORD: Christmas is every year. Unlike the Labor Government when it was in power, things will happen in this State. We anticipate that over the next 18 to 20 years there will be a Liberal Government in this State, and I can certainly see that happening based on the performance of the Hon. Ron Roberts tonight. I think that there will be occasions during the year 2000 Olympics when there will be all these lead-up events, under a Liberal Government, I might add.

If I may digress, I point out that that event was brought to this country under the auspices of a State Liberal Government. There will be all sorts of events that will require Executive decisions and some degree of management and the ability of a Minister to be somewhat flexible.

This clause takes an extraordinary amount of flexibility away from the Minister. What is even worse, it creates extraordinary uncertainty. Analysing the approach that has been taken by the Hon. Ron Roberts in this Bill, he has said, 'I am a friend of small business, and that is why I am bringing in this Bill.' He said that the Government had shafted small business and that small business people were on the street marching up and down and saying that the sky was falling in.

What does the honourable member give in exchange to the small business sector for this extraordinary wrong or evil, as he claims, that the Liberal Government has inflicted upon small business? He has given small business extraordinary uncertainty. Whatever a Minister does in terms of granting an exemption, no-one will know with any certainty what the position will be until the expiration of 14 sitting days of each House of Parliament after the regulation is laid before each House. The Hon. Ron Roberts knows that, depending on sitting times, that can extend to an extraordinary amount of time.

This forward thinking and most progressive Opposition has decided to inflict uncertainty upon the business community. The Hon. Ron Roberts has said, 'You Liberals are not friends of small business. I am, so come to the Hon. Ron Roberts because I am going to inflict uncertainty upon you.' At the end of the day, again and again it exposes that all that the ALP has endeavoured to do with this legislation is inflict a stunt upon this Parliament and ultimately upon the people of South Australia.

I am not sure whether the Hon. Ron Roberts has gone out into the electorate and said, 'Ladies and gentlemen, don't panic; the rules are all in place. We are not going to succeed with this legislation, so you small shopkeepers can plan for your Sunday shopping and this will remain. All we are doing in this place is carrying on a stunt and having a performance, so go ahead and plan.'

I am not too sure that that is what the Hon. Ron Roberts has done. What I think he has done is to suggest in some oblique way to the community that he will get away with this, that he has some say in this whole process. He is running the risk of confusing people who do not follow the political process closely by creating false hope among some members of the business community. Not only has he come into this place and inflicted extraordinary uncertainty on the small business community but he has also falsely raised its hopes. He then turns around and says that he is looking after small business.

The fact of the matter is that, every which way you look at this legislation, it has only one aim, and that is to be a stunt. It confuses and creates uncertainty: it is a stunt—that is all this legislation is about. I remind members opposite of what was said in response by the Hon. Graham Ingerson in another place when he dealt with precisely identical legislation. He said:

> The Labor Party knows full well that the powers to issue ministerial certificates of exemption and section 13 proclamations are an essential feature of the legislative scheme of the current Act. The Labor Party excludes its certificates of exemption from legislative scrutiny. Indeed, the Labor Party would, as one of its first acts, repeal the Bill because it clearly does not believe in it.

What the Hon. Graham Ingerson is saying is that this legislation does not affect any of the exemptions that were given by the Australian Labor Party during its period of office—and I understand that in excess of 800 exemptions were given by the ALP. What Labor members are really saying is, 'We might have got absolutely belted at the last election, we might have been the worst managers of the economy in living memory, perhaps in the whole history of this State, we might have been one of the most inept Governments inflicted upon this State—in fact, we might even have been the most inept Government that this State has seen in the past 150 years—but our 800-odd exemptions are all right.' This mob who could not run a street fight suddenly beat their chest and say, 'All our exemptions are good, but all the Liberal exemptions need closer scrutiny than the exemptions we gave.'

I am not sure where this divine right came from, because it certainly did not come to them from any democratic process. Like the Hon. Terry Cameron, who is a prominent member of his faction, I can count, as can the Electoral Commissioner, and I know that the people of South Australia absolutely rejected the Labor Party and much of what it stood for at the last election. They overwhelmingly rejected the Labor Party because it could not add up a balance or a profit and loss figure for the State Bank, it could not value assets in the State Bank, it could not add up properly in relation to SGIC, and the list goes on.

Not only can it not add up when it comes to finance but it cannot add up when it comes to votes. For the life of me I cannot understand why the ALP thinks that it has some divine right to preserve all the exemptions that it gave and none that the Liberal Government might give. That smacks of absolute hypocrisy. I will offer some gratuitous advice, and I am sure the Deputy Leader of the most advanced and progressive Opposition in this country will take it. If the Opposition were genuinely serious about this whole area of shopping hours, it would have introduced a comprehensive Bill. It would have sat down and looked at the whole issue from whoa to go and introduced a comprehensive Bill.

That might have taken some time. The honourable member might not have received some instant reports in the *Advertiser* or perhaps an instant by-line in the Port Pirie *Recorder*, but the Opposition would have earned some respect. If the honourable member had sat down and said,'I will go through this legislation, I will look at this whole industry and take into account the various reports and issues that have come up on this topic, and I, as Deputy Leader of this progressive Opposition, will present to this Parliament a whole new package on how shopping hours and exemptions are dealt with', then perhaps he might have some credibility. Perhaps he might have earned some respect in this place, in the other place and from the people of South Australia. However, you do not achieve that by pulling stunts, by doing backflips prior to the election, by sticking your finger in the air, and by pulling stunts such as the honourable member did this evening.

The Hon. T.G. Roberts: Joe Rossi might be putting together a private member's Bill.

The Hon. A.J. REDFORD: I have not heard anything about that, and that may well be the case—the Hon. Terry Roberts has some pretty good sources. I have no doubt that Joe Rossi would do a lot better job than the Hon. Ron Roberts. He would be so far ahead of what the Hon. Ron Roberts has done on this one that it would not be funny, because he could not help but do a better job.

The Hon. T.G. Roberts: We wondered who else was in his faction.

The Hon. A.J. REDFORD: It does not matter whose faction he is in, because whatever he came up with would have to be an improvement on this progressive and most advanced Opposition approach to shop trading hours.

The Hon. Carolyn Pickles interjecting:

The Hon. A.J. REDFORD: I will stick to the topic, but I was asked whether Joe Rossi might be putting together a piece of legislation on this topic. If he is, he could not help but do a better job than what we are looking at this evening. The other issue raised by the Hon. Graham Ingerson related to Sunday trading and furniture stores. He used that as an example of the former Government's granting of exemptions. Certainly it has worked well. There can be no criticism of

people being allowed to buy furniture on a Sunday. Indeed, I took the opportunity last Sunday to go out and buy some furniture. In the busy life of politics one often does not have the opportunity of shopping during the week. Certainly I would congratulate the previous Government—and it is very rare that I have cause to do this—for its foresight in granting that exemption.

In 1986 the previous Government granted an exemption in relation to petrol stations. I would have to say that that exemption, after an initial period of protest—and I remember the protests coming from the various bodies, such as petrol stations—has been well received by the South Australian public. One only has to think of deciding at short notice to travel down south and filling the tank on a Sunday and thinking that perhaps in those days the petrol stations were wrong and it was good ultimately for the consumers who could enjoy their Sundays, as people are entitled to do currently. I would have to concede that, at the time, there was some opposition to that exemption, but the Government in its wisdom and pursuant to the legislation, said, 'No, let us give the exemption'.

I may stand to be corrected, but I looked through the *Hansard* of the time and I would have to say that the Australian Democrats were not forthcoming in their criticism of this particular approach. I know that the Hon. Mr Elliott perhaps was not involved at that stage, as early as 1986, but certainly his predecessors did not introduce private members' Bills. They did not perceive that the parliamentary process had been undermined, and certainly, when one reads *Hansard* from those days, they did not embark upon political stunts. I suppose it goes back to the old saying that the first generation can always be good, the second generation can always be reasonable, but always watch out for the third generation. Perhaps that is what we are experiencing when we consider the approach by the Australian Democrats to this topic at the moment. It has also been suggested—

The Hon. T.G. Roberts: Do you pop down to the hardware store on a Sunday?

The Hon. A.J. REDFORD: Every Sunday. There is another exemption given by the previous Government. At the time there was some criticism of that as well. I must say that I followed politics reasonably closely in those days, but when one looks at the process that was adopted then, I cannot remember the howl from the Opposition or anyone at that stage, including the public, that the parliamentary process was being undermined. Back in those days we did not have the most forward thinking, progressive Opposition that is currently looking across at me at the moment. I would have to say that, perhaps back in those days, on the Hon. Ron Roberts' standards, the Liberal Party and others fell short. I would have to say also there were occasions when the Parliament expressed its concern at decisions made by the Government of the day. I think there were examples where notices of motion were introduced condemning the Government for this or that decision, but nobody ever denied the Government of the day the right to govern, as poor, inept and negligent as it was. No-one ever denied it that opportunity.

The Hon. R.R. Roberts interjecting:

The Hon. A.J. REDFORD: The Hon. Ron Roberts interjects and says that that is because the Opposition in those days did not have the numbers. I might remind the Hon. Ron Roberts that the same always applies. Oppositions very rarely have the numbers. The way the Westminster system operates, if the Opposition gets the numbers, it becomes the Government. The fact of the matter is you are not the Government, and the existing legislation envisages that. In the absence of some comprehensive, reasoned, principled, dare I say it, forward thinking approach, what we have here today quite frankly is a stunt.

I know I have said that before, and I do not want to be repetitive on this topic. I also raise a number of other issues on this matter. As I understand it, before the previous Labor Administration was tossed out on its ear at the last election (and in the lower House all the members go to the people so we saw a more dramatic reaction to people's anger than we do in this place) it exempted some 358 businesses from the ban on Sunday trading. By way of regulation it decided that those 358 businesses could trade on Sunday. They then come in here and say, 'If the Liberal Government decides to give any exemption, that is wrong, dreadful and abysmal; we have a Minister subverting the Parliament and doing nasty things.' There is simply no basis for that—absolutely no basis at all. From whichever way one looks at this issue, one sees that it is filled with back turning, flipping, twisting and political opportunism. It really ill behoves someone who has claimed to be forward thinking and progressive on this topic. A number of votes were taken in the other place on identical legislation. When one looks at the result and when one reads the *Hansard* one sees that members did not cross the floor.

The Hon. R.I. Lucas interjecting:

The Hon. A.J. REDFORD: Yes, as I understand it they will not vote on it tomorrow. But from time to time there has been some discussion as to whether or not the debate will be adjourned. On every occasion the Liberal Government has been rock solid. It has not been riddled with factionalism and there has been no back stabbing; it has been rock solid. The Hon. Terry Cameron giggles over there and has a bit of a guffaw. I remind him that he has been here for only a very short time.

Members interjecting:

The Hon. A.J. REDFORD: I might say that I did get to my feet and make a maiden speech very early in my career. As I say, they were rock solid. We did not see members crossing the floor, saying 'Let's not adjourn this debate; let's get this legislation through, so me, wobbly backbencher, can get rid of this Sunday trading so all my constituents will be happy.' And we know why: it is because come the next election this will not be an issue.

Members interjecting:

The Hon. A.J. REDFORD: Read my lips: it will not be an issue. So, you are really pulling all these stunts, doing double back flips and giving us a taste of this forward thinking and progressive Opposition, for absolutely no electoral gain in the longer term. If members opposite think that there will be any long-term electoral gain out of this process, they really do not understand politics because, at the end of the day, they were rock solid.

An honourable member interjecting:

The Hon. A.J. REDFORD: The Hon. Terry Cameron interjects and says that the Hon. John Olsen was wavering at the knees. When one looks at *Hansard*, one can see that he was rock solid, right in the middle of it and voting with the rest of the Liberals. Not one Liberal member voted in the negative.

I turn now to a contribution made by the Hon. Trevor Crothers, and I always look forward with some interest to any contribution made in this place by him, as he always brings a new dimension, a new perspective and some degree of levity and process to debates in this Chamber. He says in his contribution that he supports the Bill, and he also refers to the fact that the Leader of the Democrats supports the Bill.

He specifically refers to the precedents of Parliament and the fact that this whole issue has been badly handled in the past, and he states that the Opposition has seen the light and that it should be the wish of Parliament that these issues be dealt with by way of regulation. Further he says that, if any member of either House is dissatisfied with the regulation or perceives that there is some political chicanery or expediency attached to the regulation, that member is entitled to move a disallowance of the regulation, and that is certainly a clear explanation and exposition of what this legislation is all about. He then goes on to say that the previous history leading up to his approach is a very sad recital, and I must say that, from where I sit, he is absolutely correct.

He claims that certain pre-election promises were made by Graham Ingerson. As I understand it, those pre-election promises have been refuted strongly and quite openly by the Hon. Graham Ingerson but, notwithstanding that, the ALP continues to trot out the fact of what he said.

An honourable member interjecting:

The Hon. A.J. REDFORD: The Hon. Ron Roberts asks whether I am saying that the *Advertiser* has got it wrong; I am saying that the *Advertiser* does not get it right on every occasion. I am sure there have been occasions over the past 12 months when the Hon. Ron Roberts has felt that the *Advertiser* has not been 100 per cent correct. I might say that, on the whole, it gets it pretty well right. It seems to have a pretty good approach to and analysis of the political process. Who am I to say that the *Advertiser* is right on every occasion? Certainly, it is the Hon. Ron Roberts's right to say that occasionally it gets it wrong. I must say that, on this occasion, if that is what the *Advertiser* reported, it might well have got it wrong, particularly when one looks at the Hon. Mr Ingerson's denial.

The Hon. Trevor Crothers refers in some detail to the effect of the Wheatland committee and suggests that the Government, in this case, flew in the face of a survey. I do not think one needs to be a Rhodes scholar to realise that this Government did not adopt the recommendations of the survey. In fact, it adopted only a very small proportion of the report of the majority of the Wheatland committee's proposals. The Wheatland committee, for the benefit of members, suggested that there be a total deregulation of trading hours 24 hours a day, 7 days a week. Indeed, there was quite a deal of support for that approach. I would have to say—

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: The Hon. Terry Roberts interjects 'insomniacs'. I would have to concede that, at the outset, the Hon. Graham Ingerson indicated that in principle he agreed with that recommendation. The Wheatland report, if I recall correctly—and if I had known that I would be speaking on this topic tonight I would have had it in front of me so that I could be more accurate—recommended a gradual phasing in of totally deregulated shopping hours. Total deregulation would be phased in over a number of years and at the end of the day we would have totally deregulated shopping hours.

This Government consulted further. We did precisely what the Hon. Ron Roberts criticised us for: we consulted with the community—with the unions, with small and large retailers and with various members of the community. At the same time, if I recall correctly—and again I do not have the precise information at my finger tips—the Wheatland report came out in February or March this year, and the Hon. Graham Ingerson allowed a four-month period during which the community was invited to respond to those recommendations.

That process was widely publicised and the community was given what I would say was an excellent and free-thinking opportunity to consult with the Minister on this topic. At the end of that period, the Hon. Graham Ingerson released and explained the nature and the extent of the submissions made to him on this topic. Then he did something that perhaps members opposite would not understand, something that South Australians have not really experienced.

Members interjecting:

The Hon. A.J. REDFORD: I note the Hon. Terry Cameron is leaving.

The Hon. Caroline Schaefer: He's coming back.

The Hon. A.J. REDFORD: Is he? If he wants me to conclude at some other date I will. There was this extensive consultation period and, at the end of that period, the results were given to various backbenchers in the Liberal Party. There was then an intensive period of consultation by the Liberal Party members with the community. Some criticism might be levelled at that process in the sense that it was Liberal Party members who were given the opportunity to consult with their constituents. In certain circumstances I suppose that criticism—

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: I do not think there was any fund raising. If there was fund raising in relation to the Bill, we have a long way to catch up to you blokes. We did not get Coles in; we did not get any big cheques leading up to an election. There was no fund raising. We got our Liberal backbenchers to consult with the community, something that backbenchers in the former Government never got around to doing. Normally in Parliament one might say that that would mean only marginally more than half the community was properly consulted, but we live in unique times.

I am sure members opposite do not need to be reminded about the numbers in the Lower House and the extraordinary range and depth of the population who supported us at the last election. We went through this extraordinarily lengthy consultative process. I remind members opposite that at that stage the consultative process involved first the Wheatland committee, then we had a period when the Minister called for submissions, and then the extraordinarily large number of Liberals in the other place and the relatively large number of Liberals in this place, relatively speaking, went out and consulted with the community.

There could be a suggestion that in normal circumstances it would not be a proper consultative process, but the fact is that you blokes got pummelled at the last election. We have got ourselves everywhere. Hardly a place in this State is not covered by this Government. There was a small area towards the Port but the rest of the State was pretty well covered. In normal circumstances there would be a valid criticism, but in this case there is not because there are simply so many Liberals in the other place to cover the ground. At the end of that process we had a good and wholesome debate in the Party room. After a lengthy discussion we came to a decision, and that caught both members opposite and the Australian Democrats by surprise.

The Hon. T.G. Roberts: You pulled a stunt.

The Hon. A.J. REDFORD: No, here was a Government that made a decision. The ALP's pants were down. It looked around and said, 'Gee, someone made a decision here.' You have probably forgotten what it is like to be in Government, but a glad rag of people got a bit annoyed about the decision. They then marched off and one lot went to see the Australian Democrats and the other lot went to see the ALP. Then we get that extraordinary union (and I am sure it is a wealthy

union with the sorts of donations it got from the Coles Myer group leading up to the last election) that decided to run a big rally in front of Parliament House. That Saturday I was coming to town to do shopping but something came up and I had to drive down North Terrace to Port Road because I had to get something for my car.

The Hon. Caroline Schaefer interjecting:

The Hon. A.J. REDFORD: No, the shops were open: this was a Saturday. To my absolute surprise, despite the extraordinary amount of publicity that the Hon. Ron Roberts managed to secure, I hardly saw anyone there. So few people attended that the Editor of the *Port Pirie Recorder* would have been ashamed if that was his circulation. The Government adopted an extraordinarily consultative, democratic, thoughtful and sensitive approach to this whole issue.

Having adopted that approach the Australian Democrats and the ALP joined forces to organise that mass rally. About the only thing I can compare it to is the level of the Opposition's vote at the last election. I drove down North Terrace and was hardly impeded by the massive number of people marching down the street. Then entered members of the most progressive and forward thinking Opposition in the Parliament, the Hon. Ron Roberts in this place, and Mr Ralph Clarke in another place. Like a pair of dinosaurs they went at it and now this evening we are debating a rather ridiculous Bill, particularly when we have regard to the consultative process that the Hon. Graham Ingerson and this Government went through leading up to the decision.

I contrast that consultative process involving extraordinarily large numbers of people leading up to the Government's decision, and one has to congratulate the Hon. Graham Ingerson for the democratic approach he adopted on this topic. I refer to the exemptions for petrol stations, Saturday trading, Thursday night trading and the 880-odd exemptions given by the previous Government, because in those cases there was not anywhere near the level of consultation, consensus, community input or opportunity to influence a Government decision that can affect the daily lives or ordinary South Australians. We did not see any of that on any of the previous 880 occasions. All we got was a decision by previous Ministers.

The Hon. R.R. Roberts: We didn't get any complaints.

The Hon. A.J. REDFORD: You did. Of those 880 decisions, about five or six were backflip decisions when the pressure got to the former Government. I am not critical of that because, from time to time, every Government reacts to public pressure and opinion, just as this Government has done from time to time. It is just as the Hon. Graham Ingerson reacted in this consultative approach. At the end of the day it surprised the Opposition to see a Government make a decision. The Opposition had not seen that for a long time, and it is still not used to the Government making decisions. For your first six months in Opposition, your jaw hit the ground and members were saying, 'Gee, they are making decisions.' Then they thought, 'Gee, we might find 10 people who do not like them and we will organise a demonstration.' When the Hon. Ron Roberts gets hold of something he thinks, 'We will organise a stunt like this.'

The Hon. Ron Roberts thinks, 'We'll back flip. We'll stick our finger in the air.' I am sure that if the Hon. Ron Roberts went out of the building this evening, wet his finger and put it up in the air to work out which way public opinion was going, if it was going against him we would see another back flip, because there is absolutely no consistency to his approach in this case. I wish to raise a number of other matters and refer to some statistics. There are some tables that I do not have with me because I did not anticipate talking about this. What I would like to do is seek leave to conclude.

The PRESIDENT: Is leave granted?

An honourable member: No.

The PRESIDENT: Leave is denied.

The Hon. A.J. REDFORD: I must note the grace I have been dealt with in this matter, but I have spent some time on my feet and, in concluding, I have to say that that is my opinion and I hold that opinion very strongly.

The Hon. M.J. ELLIOTT: I will quickly address some of the comments of the Hon. Mr Lucas. First, I note that I informed the Government Whip at about 4 o'clock this afternoon of my belief that we should be and would be proceeding with further debate. Nobody from the Government came back later and—

An honourable member interjecting:

The Hon. M.J. ELLIOTT: I just said: the Government Whip, at about 4 o'clock. It was at the time of the conclusion of the debate on private members' business, although I think this item had already been put on motion. This legislation has been before the Parliament for some 10 weeks, perhaps longer. It comprises four clauses, one of which involves the short title and another, the commencement, and that leaves two clauses of no great complexity. The Government has been playing games in this place. If we want to talk about playing games, it has played games of stalling and refusal to address the issues. It is fine for some people to call this a stunt. This is a piece of legislation that has been put before the Parliament: it has been there for a considerable period and has been deliberately avoided. Perhaps that, along with a few other issues, might have some further discussion outside this place. We will not sort it out during this debate, but I think the handling of business may need some further attention.

I note that this week the Government in the other place is introducing quite a raft of lengthy and complex legislation which it wants through this session, which means that it wants it through in a little over five weeks—and legislation of great complexity.

The Hon. R.I. Lucas: What legislation?

The Hon. M.J. ELLIOTT: I understood the replacement of the Government Management and Employment Act.

The Hon. R.I. Lucas: That's one. How big a raft are you talking about?

The Hon. M.J. ELLIOTT: Several Bills have come into the Lower House only today. I am told there are more to come tomorrow.

The Hon. Diana Laidlaw: To get through in the next four weeks?

The Hon. M.J. ELLIOTT: I was not making that observation by way of complaint but by way of saying that that legislation is far more complex than this Bill which, other than the title and commencement, has two clauses. In 10 weeks those who say they have not had adequate time to address it are really kidding themselves. Nobody would treat that claim seriously.

An honourable member: That's what you are paid to do; you are paid very well for it.

The Hon. M.J. ELLIOTT: That is right. I make the point again that I was not making any complaint about the fact that we have to handle the legislation in that time. I was observing that we will handle complex, lengthy legislation in five weeks while this piece of legislation, which is not complex, has had over 10 weeks during which it could have been addressed.

The Hon. Carolyn Pickles: I heard the legislation went through in a day and a half over there.

The Hon. M.J. ELLIOTT: Yes; some legislation goes through remarkably quickly. Everybody knows what the Minister said to the small traders when he stood on the steps of Parliament House before the election. He made it quite plain on the record that as far as he was concerned any change in relation to trading hours on Sundays would be over his dead body. The Minister was absolutely unequivocal about that, and he was on the record in that regard. The previous speaker made the comment, 'Well, what did the Democrats say before the election?' We were also out the front before the election and we said that we are opposed to Sunday trading. The only difference between the Minister and us is that we have stuck by what we said and the Minister has not stuck by what he said. That is the only difference; it is just minor, perhaps, in some minds.

If you want to talk about stunts, what I call a stunt is that backbenchers in the Liberal Party who go out to the electorate and tell people that they are personally opposed to this terrible thing and will do anything to stop it do not have the guts to do anything about it. They will not stand up to their own Party; they are slaves to the Party machine and they have done everything possible to avoid genuine discussion. They can continue to go out there and say, 'We didn't agree with it; unfortunately, we were rolled in the Party room.' That is why the Government did not bring it into the Parliament. It knew very well that one of two things would happen: either the Bill would be defeated—which it should have been—or those backbenchers, who had been making claims one way and probably making counter-claims depending on whom they were meeting with at the time (a bit like Alexander Downer as he travels around the country), would have had to stand up and vote another way. They would have been exposed and what they have been doing would have been seen very clearly to be a stunt.

If this legislation does nothing more or less than give them the opportunity to vote and show what they genuinely believe, it has been worth while, whether or not it succeeds. It is all very well to call the legislation a stunt. This legislation will almost certainly expose the stunts that have been pulled by some Liberal backbenchers and expose once again the stunt pulled by the Minister himself; it is an absolute disgrace and a sham.

The question of whether or not the Minister had behaved appropriately, which is what has led to this legislation, went to the Supreme Court. It is worth noting that, while the Supreme Court found in the Minister's favour, it was a split decision. I think that is significant, because it shows that people at the level of the Supreme Court—one of the three judges involved in that case—felt that the Minister had behaved inappropriately, so there is no way known that the Minister can ever claim that what he did was an open and shut case, even in a legal sense. Perhaps if he had had—

The Hon. J.C. Irwin: The same with Mabo.

The Hon. M.J. ELLIOTT: That is right, but I am saying that it was not cut and dried; a very clear legal question had to be asked. We must also note that, as a matter of course, wherever they can the courts avoid being political, so the judges were in a fairly invidious position where they may have been invited to interfere directly in the process. There is no doubt in my mind that the use of the exemption by the Minister was an inappropriate use of the law.

An honourable member: It's what all the Supreme Court said?

The Hon. M.J. ELLIOTT: Certainly it is what one of the three said. Quite clearly, what the Minister did was to use section 5 of the Act. That section relates to exemptions for particular shops and they are done individually. Elsewhere in the Act it provides that the Minister can exempt areas. There are clear rules about how the Minister goes about declaring areas exempt. Those rules include satisfaction that it is supported by the majority of shopkeepers and residents in the area, as well as by the majority of people working in those shops.

The Minister quite clearly announced that all shops in an area that applied for an exemption would be granted one. He clearly applied exemptions to an area. He used section 5, which had no provisos at all, to try to get around section 13. I strongly and fervently believe that the Minister behaved most inappropriately—aside from the general argument that a matter of this significance should have come before the Parliament in any case.

Democrat support for this legislation is consistent with what I have seen in my almost nine years in Parliament. In my eight years when there was a Liberal Opposition I consistently voted with the Liberal Party, and particularly the Hon. Mr Griffin, whenever it sought to limit ministerial discretion. Repeatedly, we sought to put what was going to be a simple ministerial discretion into regulation, and what the Government was seeking to do in relation to regulation we put into the body of the legislation itself.

So, what is happening with this legislation is consistent. I always supported the Liberal Party when it did those things and repeatedly moved similar amendments myself because I do not trust ministerial discretion. Quite often I say to Ministers that it is a matter not of whether I trust them but of whether I can trust the next one who comes along.

In this case we have a Minister with discretion who, in my opinion, has abused it. The fact that he abused it directly contrary to promises he was making to interested parties only makes it that much worse.

As I had the opportunity to speak not to this Bill but to a similar Bill previously, I do not intend to take the matter further at this stage. I wanted to respond to a few points that were made during a long, tedious and repetitious speech that should have been brought to order long before the honourable member simply collapsed from exhaustion.

The Hon. M.S. Feleppa interjecting:

The Hon. M.J. ELLIOTT: Yes. Obviously, the tactic was that we would go to midnight and then go home; there is no giving up. I support the legislation. I had a similar but not identical Bill also on file. I support this legislation because its effect is different in one way. My Bill would have knocked out the exemptions. I wanted to give it a chance for some genuine review, and then the Minister's power of discretion would have returned so that it was a Bill which was not as strong as that which the Opposition introduced. What it has sought to do is permanently remove the Minister's power to grant exemptions except in so far as it has had sufficient time to sit before the Parliament so that the Parliament itself can pass its own opinion if it wants to. I have consistently supported those sorts of things from the Liberal Party in the past, and it would be inconsistent of me not to support that now. I support the second reading of the Bill.

The Hon. R.R. ROBERTS: I thank members—some more than others—for their contributions to the debate. I need to address some of the issues that were asserted tonight, not the least of which being those that were referred to by the Hon. Mr Lucas, on behalf of the Government, when he talked about the Opposition performing stunts.

The honourable member referred to the conventions of this place in respect to the way in which deals or arrangements are made to handle the Government's business, that of private members or Bills that are promoted by the Opposition. Normally that is done by a private member's Bill. The reality is that this was not dragged in during the late hours of the night. This afternoon I went across to the Leader of the Government and said, 'I want this brought on and we want to do it today.' We went over there and said, 'This Bill has been lying on the table since 23 August.'

I should like to point out the ramifications of the inappropriate action of this Government with respect to breaking the heartfelt promises that it made to the electorate on shopping hours. Liberal members, on the steps of Parliament House, made promises which are recorded not only in the *Advertiser*, to answer some of the propositions put forward by young Hon. Mr Redford when he made his unusual contribution tonight, but also in a number of other places and at Channel Seven.

The irony of the matter is that we never heard any rejections by Mr Ingerson during the debate. We did not hear him say, 'I have been misquoted.' He was happy to have the small business people of South Australia believe that their champions were going to save them. Then, as the saga unfolded, the Liberals got into government on those false promises. This matter was debated time and again in public and in the esteemed *Advertiser* that the Hon. Mr Redford believes to be so accurate. However, the debate was going badly for the Minister, so he engaged not in consultation but in prevarication and filibuster. He was putting these things up under the guise of consultation. If it had been real consultation, when these committees had carried out their surveys and found that 70 per cent of the people did not want any extension of shopping hours, those views would have been taken into account.

But every day reports were coming out that members of the Liberal Party, especially in another place, were going to cross the floor and embarrass not only Mr Ingerson but the whole Brown Government. Indeed, some members opposite in this place, such as the Hon. Mr Redford, were going around reassuring their small business constituents. I would be astounded if the Hon. Angus Redford, when he was door knocking in his mode of consultation, on being asked whether he was going to fix up these shopping hours, did not repeat those now oft-quoted words of Mr Ingerson, 'There will be no extension; we will fix it up.' He sucked all those people into voting for them. Indeed, they probably would have won without telling the porky pies. However, those issues were put before the people and they were accepted in good faith.

When it came to the acid test and we had to put this proposition before the people, these free-thinking Liberals could not hide. They were going to be asked to stand up in the Parliament and stand by their convictions as a public display of the independence about which they brag and which the Hon. Mr Downer has now taken away. That may be a convenient excuse for some of those brave members to hide behind. Indeed, they may lose their preselection now because the rules have changed. They had the opportunity to stand up and be counted and show their small business constituents that they were behind them, but some members (Mr Steve Condous, for example) were saying that they would cross the floor. But what happened? In the Party room they got their heads together and said, 'We cannot put it to a vote. We will embarrass Dean Brown.' They talk about putting up the finger—they put the thumb down: they were not game to come out and be counted; they wanted to run away and hide, as they do now.

During my contribution on this matter, when I mentioned the numbers in the Lower House who may be expected to cross the floor and vote with the Labor Party according to their conscience, I did not suggest that there would be 13 or 11, I suggested that none of them would come across, because it is a sham—they have no independence, because they are weak. They go around telling people how much independence they have, and they do so to reassure small business. People like the Hon. Caroline Schaefer go around telling small business owners in the country that the Liberal Party will not support this, but when it comes time to cross the floor and vote we will see who stands up for the small business people. I suggest that the Hon. Mr Davis, who has often waxed lyrical about his great support for small business, might want to exercise his independence and come across here with us. I suggested that during my last contribution. I do not think members opposite have the guts, and we are just about to prove it.

Members opposite are on about not changing the rules. There has been no rort here tonight. They knew at 3.30 or 4 o'clock this afternoon that this matter would come on. We put it on motion to allow members opposite to get their act together. They have researchers coming out of their ears. They have had five hours today and about eight weeks to research this matter. They have the Hon. Mr Lawson and the Hon. Mr Redford, one a QC and one a solicitor, they have experienced Ministers, and they cannot come to terms with four simple propositions in a Bill: first, the title; secondly, the commencement date; and two simple matters. It proves to me that they have trouble coming to terms with simple principles. They cannot understand them. One principle I thought they might hold in some esteem is that, when you make an election promise and you have a mandate to do something, you ought to do it.

When the Council debated the Industrial Relations Bill and the WorkCover Bill, we heard about the Government's mandate. It has a mandate all right: a mandate to keep its promises. Not only do members opposite now want to break their promises but they want to do so behind closed doors where it cannot be seen. It is well known that these provisions are about to come into force. It is true that a Bill has been produced in the Lower House in the same terms as this one, but there has been no vote on it. By way of interjection, the Hon. Mr Lucas said that there would not be a vote on it tomorrow.

The Hon. R.I. Lucas: You said there would be. You walked around the corridors telling everyone that there would be a vote.

The Hon. R.R. ROBERTS: The Hon. Mr Lucas said by way of interjection that there will not be a vote on it tomorrow. The shadow Minister for Industrial Relations has been going around trying to organise a vote on this Bill tomorrow. He has received no joy from the Government about whether this Bill will be voted on tomorrow. I guarantee that if this Bill does not go through the Council tonight there will be no joy, because members opposite want to hide until they implement this improper, dishonest policy that they have put up by jumping through a loophole in the legislation to bypass their responsibility to stand up and vote on this issue. There will be no vote tomorrow if we rely on the Lower House.

The Hon. Mr Redford attempted to give us a lecture on the way politics and the two Houses work. The Hon. Mr Redford is a political accident: he was not supposed to be elected, he was thrown onto the ballot paper at No. 6, and because of an

aberration in the voting pattern he happened to fall into this place. So tonight they trot him out, the first time they have let him off the chain. He made the most repetitious and tedious speech that I have had the displeasure to sit here and listen to in 5½ years. In 5½ years I have not heard a worse contribution, not even from the Hon. Rob Lucas, and some of his have been pretty tedious.

Mr President, I acknowledge the fact that you were not in the Chair, because I am sure that you would have called him to order. I refer to the issue of who is being honest—it is members on this side of the Council. We approached the Hon. Rob Lucas today and made it quite clear that we were going to bring on this Bill this evening. One would have thought, given the diatribe that was put forward by the Hon. Rob Lucas about conventions and new principles, that something unusual had occurred, something that had never been done before. I was the Whip in this place when we were in Government and, on a number of occasions when the Government did not want to proceed with a Bill or whatever, we were given the message by the Hon. Mr Gilfillan and the then Opposition Whip that they were going to push it through.

We had the good grace to uphold the standards of this Chamber and we accepted the situation. We never tried to pull a stunt by moving to adjourn the debate. If we had come in here at 10.30 tonight and said that we wanted this Bill to proceed, members opposite would have had something to complain about. That is not what occurred. Members opposite have known for five or six hours that this was going to occur. Members opposite, with all their researchers and their support mechanisms, cannot claim that they cannot come to terms with the two simple clauses of the Bill. All this Bill will do is send a message to the Lower House. The Hon. Mr Angus has been bragging all night—

The PRESIDENT: Order! I think the member should be addressed correctly as the Hon. Mr Angus Redford.

The Hon. R.R. ROBERTS: The Hon. Mr Angus Redford, if that is the convention of the Council. Far be it from me to break the convention of the Council intentionally. Members opposite often brag that they have a majority of 36 members to 10 in the Lower House, so one would have thought that they would not be too concerned about this legislation. The simple fact is that they do not want to be revealed for what they are. Members opposite want to hide. They want these provisions introduced into South Australia. They want to knock off the small business people. They want to knock off those businesses in country areas that will be affected by those stores that will open on Sundays, because country people will come down to the city and spend their money. Members opposite, who talk about decentralisation, are abandoning their colleagues. They are weak. If members opposite were any weaker, they would be a fortnight!

Members interjecting:

The Hon. R.R. ROBERTS: People in country areas do have some minor advantages, in that there is a designated area provision in respect of stores that provide mainly food and sustenance. That has been in the legislation for some 20 years. I am proud of the fact that a Labor Government brought in that legislation—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: —to give country people some advantage. Those small businesses did have some advantage which balanced up the differences in their ability to buy and to compete. This legislation will mean that carloads of people from the country will come to the city to watch the Crows win or get beaten and to do their shopping. That will be at the expense of small business in country areas. I would encourage the Hon. Mrs Schaefer to take that into consideration when she is deciding whether or not she ought to come across here and support her country constituents.

So, this has been a sham. This action by this Government has been a sham. Their weak arguments about conventions are very weak. They trot out their biggest gun tonight, their newest member! I only wish that the Hon. Trevor Griffin was here, because at least we would have got some commonsense into the argument.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: We have heard all the arguments about wanting to go and hide, but the moment of truth is here. Members will have to stand up—members like the Hon. Mrs Schaefer, the Hon. Legh Davis and the Hon. Angus Redford who comes from a country area, I am told, and has been in business, although it failed. He knows what happens to small business. He might want to give opportunities to some of those colleagues of his in small business that he was not able to achieve, and he may want to come across and support us. I will close the debate so we can move into the Committee stage and give these brave souls the opportunity to support their constituents in small business. I look forward to keeping some company with them when we pass this Bill on the third reading.

The Council divided on the second reading:

AYES (7)

Cameron, T. G.	Elliott, M. J.
Feleppa, M. S.	Pickles, C. A.
Roberts, R. R.(teller)	Roberts, T. G.
Weatherill, G.	

NOES (6)

Irwin, J. C.	Laidlaw, D. V.
Lucas, R. I.(teller)	Pfitzner, B. S. L.
Redford, A. J.	Schaefer, C. V.

PAIRS

Crothers, T.	Davis, L. H.
Kanck, S. M.	Griffin, K. T.
Levy, J. A. W.	Lawson, R. D.
Wiese, B. J.	Stefani, J. F.

Majority of 1 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. A.J. REDFORD: Why was 8 August selected?

The Hon. R.R. ROBERTS: The date selected for this to come into operation was selected by my colleague the shadow Minister for Industrial Affairs—

The Hon. M.J. Elliott: And it's the date the exemptions were granted.

The Hon. R.R. ROBERTS: —and I believe it was the day the exemptions were granted or very near to it.

The Hon. R.I. LUCAS: Why should the Hon. Ron Roberts and his mate, the Editor of the Port Pirie *Recorder*, be able to shop on Sundays when he is seeking to prevent everybody else in Australia from shopping on Sundays?

The Hon. R.R. ROBERTS: I can explain very clearly why the people in Port Pirie can shop on Sundays and people in Adelaide presently cannot: that is what the law prescribes.

The Hon. A.J. REDFORD: I note that it is proposed that the legislation commence on 8 August and that, should this legislation go through, all exemptions in existence since that date are of no effect. With regard to people who have

adjusted their businesses, by entering into enterprises agreements or borrowing money on the strength of increased trading on Sundays or things of that nature, who have acted in good faith on the basis of these certificates of exemption and expended and invested money, what does he propose for compensation of those people?

The Hon. R.R. ROBERTS: I point out to the Hon. Angus Redford that this Bill has laid on the table of this Council since 23 August, as indeed does a good deal of legislation: it has been my experience that it does not become the law until those Bills pass both Houses of the Parliament. If people in private enterprise choose to make assumptions on what they knew, knowing full well that this Bill had been laid on the table of this Parliament, in the free enterprise system, which I am sure the Hon. Mr Redford supports, that is their right. However, if the Parliament changes the law, it will apply to all who are covered by that legislation equally. So the answer to the question is that people have made their own decision based on what they knew. They might have made a wrong commercial decision in the belief that this Bill would not be passed. I point out to the Hon. Angus Redford that earlier in the night he was claiming that there was no chance of its passing: if he is right, he really does not have a problem.

The Hon. M.J. ELLIOTT: The Hon. Mr Redford might like to ask what compensation the Government will give to any small business person who, after hearing the promises made on the steps of Parliament House and after reading in the paper that there was to be no change to Sunday trading, has made an investment on the basis of that advice, because that has certainly been very damaging to those people. He might care to answer that question before he asks questions of other people. That has been far more damaging. It has been over an extended period of time. At least in this case the legislation came in soon after the date and a court case has been pending, so any small business would have been aware that both those things were in place and that there was some risk. They should have believed that the Minister's word was worth a little more: it was not.

The Hon. A.J. REDFORD: If the Hon. Michael Elliott was listening, and I think he was, he would have heard—and I did spend some small part of my very lengthy speech on the topic—that there was an extraordinary amount of consultation and discussion leading up to the issue of the certificates of exemption on 8 August.

The Hon. M.J. Elliott interjecting:

The Hon. A.J. REDFORD: I kept silent when you spoke. The fact of the matter is that it was made very clear prior to Christmas last year that there was to be an inquiry into this topic. So there was a degree of uncertainty, and in that regard those people who invested under the very clear statement of the Minister at the time and in the face of the extraordinary amount of consultation—and I will not go into that again—are entitled to bear the risk themselves. I am not sure I understood Mr Ron Roberts correctly and I want to clear this up for the record. Is Mr Ron Roberts saying that those people who invested money or changed their position adversely based upon the exemptions granted by the Minister on 8 August are not entitled to compensation because they chose to trust a Liberal Government rather than trusting the possibility of the legislation's being passed in this place and the other place?

The Hon. R.R. ROBERTS: The Hon. Michael Elliott referred to this matter: he said that from time to time people make investment decisions. They made investment decisions last December prior to the last election based on what they knew—

An honourable member interjecting:

The Hon. R.R. ROBERTS: —and for some months after, and given that the Liberal Government had won the election on 11 December, they would have made decisions knowing that this Government, which they trusted, was going to stop it. They made decisions then. The next step in the sequence was that we, given that these promises had been made and flagrantly been broken, introduced this legislation with the clear intention of holding the Government accountable to the promises it made. As I said, this Bill has been on the table since 23 August.

The honourable member also raised the point about the faith they had in the Liberal Government. If the Liberal Government has done something improperly or incorrectly and sucked these people into making some decisions, and if they have the right to have some faith in the Liberal Government, I believe that the Liberal Government would have every right to consider that position. If it felt it was necessary, it could compensate those people for having made decisions because of the Liberal Party's broken promises. If that is the sequence, I would encourage small business to take up that question with the Hon. Mr Ingerson and/or Premier Brown.

The Hon. A.J. REDFORD: Am I then to understand that any industrial agreement entered into between any employer and employee, based upon the exemptions already granted since 8 August—and many and wide-ranging exemptions have been granted since that day—should be torn up?

The Hon. R.R. ROBERTS: Industrial agreements are made between parties in the knowledge that is available on the day. Under the old Industrial Commission rules, if there was knowledge that was not available on the day one could have applied to the Industrial Commission. However, with the changes to the industrial laws that may not be possible.

However, if the Hon. Mr Angus Redford is recommending to me that, because of the Government's incompetence in handling this issue, I should take some responsibility and suggest that industrial arrangements between an employee and an employer ought to be torn up, he will not get that assurance. Again, in my view, industrial matters are principally between the employer and the employees.

Arrangements are made in good faith, as occurred during the run up to the last election, where enterprise agreements had been reached and the Government saw that the employees and employers were happy with those arrangements and it allowed those things to happen. We took action that allowed those people to move on in industrial relations in a fair and proper way. This Government sought to knock off those changes. One could probably ask a reciprocal question: what happens to those industrial arrangements made in those circumstances? The Hon. Mr Ingerson might want to give an answer in writing and send it back to this Chamber.

The Hon. R.I. LUCAS: I thank the Hon. Mr Roberts for his answer to my earlier question about what the current law provides. Can the honourable member now explain why in his legislation he intends to remove the right of people in Adelaide to shop on Sundays but he continues to allow himself and his mates to shop in Port Pirie on Sundays?

The Hon. R.R. ROBERTS: This legislation quite clearly was aimed at promises made by the Liberal Government in respect of shopping in the metropolitan area. It was in response to the promises that were given and broken by the Liberal Government. So, the arrangements are clearly and specifically in respect of the legislation.

We did not seek to open up the whole of the shopping hours legislation: we sought to address the issue that was raised during the election—the specific issue that was to be

addressed. Promises were given by the Brown Liberal Government to small businesses and the Government chose to rat on those promises. We are fixing up those issues. If the Hon. Mr Lucas sees some merit in changing the shopping laws in the rest of South Australia, he is in a perfect position to influence his colleagues in the Cabinet and to introduce legislation to change those laws.

Remaining clauses (3 and 4) and title passed.

Bill reported without amendment; Committee's report adopted.

ADJOURNMENT

At 12.46 a.m. the Council adjourned until Thursday 3 November at 2.15 p.m.