LEGISLATIVE COUNCIL

Tuesday 22 November 1994

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

CORRECTIONAL SERVICES (PRIVATE MANAGEMENT AGREEMENTS) AMENDMENT BILL

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

That the sittings of the Council be not suspended during the continuation of the conference on the Bill.

Motion carried.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions on notice be distributed and printed in *Hansard*: Nos 16, 28, 29, 31, 34, 40, 41, 43.

ADELAIDE FESTIVAL BOARD

16. **The Hon. ANNE LEVY:**

1. What remuneration is being paid to each member of the Festival Board?
2. By whom was the remuneration determined?
3. What is the total expected annual cost, including travel costs, of the Festival Board?
4. Will this cost be met by the Festival itself, or from other sources, and if the latter, by whom?

The Hon. DIANA LAIDLAW: The Articles of Establishment of the Adelaide Festival Board provide for a Board comprising no more than 11 members and no fewer than nine members to be appointed by the Governor. Board members are remunerated as follows:

Chairperson	$9 969 per annum
Members	$7 451 per annum

Fees are not payable to employees of the Government or officers of the Crown.

2. The appropriate level of fees payable to the Chairperson and members of the Adelaide Festival Board were approved by Cabinet following determination and recommendation of the Commissioner for Public Employment.
3. The total annual cost of the Adelaide Festival Board, including travel costs is estimated to be $95 000.
4. The above costs will be met from the Festival budget.

PASSENGER TRANSPORT BOARD

28. **The Hon. BARBARA WIESE:** Which Office of Transport policy and planning functions and how many staff have been transferred to the Passenger Transport Board since the OTPP's abolition in November 1993, and which activities and how many staff remain with the Road Transport Agency?

The Hon. DIANA LAIDLAW: Following the proclamation of the Passenger Transport Act on 1 July 1994, the Passenger Transport Board (PTB) has become responsible for the following functions, which replace functions performed in the past by the Office of Transport Policy and Planning (OTPP):

- accreditation and service contracts for non-metropolitan bus services (previously licensed).
- administration of the Transport Subsidy Scheme.
- policy planning and funding support for all passenger transport matters, including community transport and demand responsive services.

No previous OTPP staff have been transferred to the PTB. However, six Department of Transport staff previously employed by OTPP are currently on secondment to the PTB.

The following OTPP functions were transferred to the Road Transport Agency:

- Transport modelling.
- Freight transport coordination.

A total of five OTPP staff transferred to the agency.

PORT ADELAIDE CAUSEWAY

29. **The Hon. BARBARA WIESE:**

1. Is there an allocation in the 1994-95 State Budget for work on a bridge or causeway across the Port River at Port Adelaide, as outlined in the 'Oswald Plan' for the port, and if so, how much?
2. If not, when does the Minister expect work to commence, or is this just another case of unreasonably raising community expectations?

The Hon. DIANA LAIDLAW:

1. The 1994-95 State Budget does not include any allocation for work on a bridge or causeway across the Port Adelaide River at Port Adelaide.
2. In showing the new crossing proposal on the 'Development Guide: Future of Port Adelaide's Inner Harbour Waterfront', released by the Minister for Housing and Urban Development in August 1994, the crossing was clearly designated as a 'possible crossing' in order to minimise community expectations.

The concept of a new crossing has been shown on previous plans and reports available to the public, including the Port Adelaide River Crossing Needs Study Consultation report prepared by Kinhill Engineers Pty Ltd for the then Department of Road Transport and other agencies in December 1992 and released for public comment in 1993.

Preliminary investigations indicate that such a new crossing would cost in the vicinity of $30 million. However, further planning work is necessary and will be undertaken in the near future to further refine this proposal. The process will involve consultation with appropriate agencies, community groups and organisations.

FISHERIES INSPECTION

31. **The Hon. BARBARA WIESE:**

1. What are the factors which stand as impediments to reaching agreement on a rationalisation of fisheries and marine inspection services?
2. When will the review of these services be completed?

The Hon. DIANA LAIDLAW:

1. A working party consisting of representatives from the Marine Safety Officers and Fisheries Compliance Officers formed in May 1994 to assess the rationalisation of inspection services of the Department of Transport and the Department of Primary Industries is currently considering information about inspection services from Queensland, New South Wales and Western Australia. The working party is not yet in a position to provide advice as to any possible impediments to achieving rationalisation.
2. Following numerous meetings between the groups a report from the working party is being prepared for submission to the respective Ministers. The working party is expected to report by the end of 1994.

VEHICLE INSPECTIONS

34. **The Hon. BARBARA WIESE:** Given that the Government has contracted out the inspection of taxis and small passenger vehicles to two private organisations:

1. What was the cost of these vehicle inspections in 1993-94?
2. What is the value of the contracts to be let in 1994-95?
3. What audit costs are expected to be incurred by the Passenger Transport Board in 1994-95?

The Hon. DIANA LAIDLAW:

1. (a) $37.00 per vehicle inspected, paid by taxi owners.
   (b) Two mechanical inspectors wages, depreciation and upkeep of equipment plus cost of inspection premises.
2. No monies were paid to the Passenger Transport Board by the companies to win the contracts.
3. Two persons, half a day each per week (Administration).

HOUSING TRUST TENANTS

40. **The Hon. BARBARA WIESE:**

1. Has a scheme (for which the previous Government received approval) been implemented to have rent for Housing Trust tenants receiving Social Security benefits deducted from those benefits?
2. If so, has it been successful in reducing the incidence of rent in arrears?
3. To what extent?

The Hon. DIANA LAIDLAW:

1. The Housing Trust implemented a pension direct debit scheme for rent payments on 12 August 1993. Only those tenants

receiving pensions are able to use this voluntary scheme to make their rent payments. The Department for Social Security is currently considering extending the scheme to allow tenants who receive other types of benefits (such as Job Search and Newstart) to make similar arrangements to have their rent deducted.

2. and 3. At the end of September 1993, rental arrears totalled $2.28 million for 11 344 tenants. Over the last year, arrears have decreased slightly to $2.17 million, at September 1994. However the number of tenants in arrears has decreased by more than 1 000 to 10 260. Many of the tenants in arrears are maintaining an arrangement to repay their arrears. Whilst a direct correlation between arrears and direct debit cannot be made, rental arrears levels have certainly been contained with the number of debtors declining.

Over 6 000 Trust tenants are currently using the pension direct debit scheme which enables them to make their rent payments by the due date and therefore not fall into arrears. It is important to note that at this stage, the scheme does not cater for payments of rent arrears. Negotiations with the Department of Social Security are under way to seek agreement for the deduction of additional payments such as rental arrears. In addition, it is anticipated that a similar service can be offered to trust tenants receiving other types of benefits.

LAND RELEASE

41. **The Hon. BARBARA WIESE:**

1. As part of the Government's policy to increase the pace of land release, will the Minister of Housing, Urban Development and Local Government Relations advise which parcels of land will be released in established areas of Adelaide?

2. How much surplus Government land in established areas of metropolitan Adelaide has been released over each of the past five years and how much is projected to be released in the future?

3. What adjustments to the staged release of land in the southern and northern fringes will take place?

4. Can the Minister quantify the expected release of land in these areas?

The Hon. DIANA LAIDLAW:

1. For the purpose of answering this question, the 'established areas of metropolitan Adelaide' have been defined as the set of local government areas comprising Adelaide, Brighton, Burnside, Campbelltown, Enfield, Glenelg, Henley and Grange, Hindmarsh-Woodville, Kensington and Norwood, Marion (north of Majors Road), Mitcham, Payneham, Port Adelaide, Prospect, St. Peters, Thebarton, Unley, Walkerville, West Torrens, and Woodville.

It is inappropriate to provide details of every land parcel which might be released in future, because each potential parcel needs to be individually assessed and a decision taken as to its future by the Government. In many cases, this assessment involves the issue of consolidation of services, and whether the land may be required for some other public purpose.

Land which may be released in the above established areas is being assessed by a sub-committee of the urban development co-ordinating committee (which is the Government's committee for co-ordinating the provision of infrastructure to urban development in metropolitan Adelaide), with a view to identifying and ensuring that land is released by Government agencies in a co-ordinated and responsible fashion.

A significant site of 96 hectares at Walkley Heights (which is partly within the above established areas) is planned to be released by the SA Urban Land Trust during 1994-95.

2. There is no existing summary of how much surplus Government land has been released in the established areas over each of the past five years.

However, actual sales provide a record of how much Government land has been sold over the past five years in established areas of metropolitan Adelaide by all State Government agencies. Data from the sales history system, Department of Environment and Natural Resources, has been processed to find out how much State Government land was transferred to the private sector.

The following statistics summarise the area of vacant and improved property transferred from State Government agencies to private individuals, companies and associations in all zones in established areas of Adelaide by calendar year based on the date of settlement.

Year of Settlement	Area of Land in Hectares
1990	55
1991	32
1992	79
1993	78
1994	48
TOTAL	292

It should be noted that about 3 per cent of the transactions do not have the area recorded. Inspection of the data suggests that these are likely to be suburban sized allotments, and have little impact on the statistics.

Recording of settlements occurs when documents are lodged at the LTO which is at varying times after settlement date, so transfers recorded for 1994 mostly relate to settlements prior to 31 July.

The amount of land in the 'established areas' which may be released in future is being identified by the above sub-committee of the Urban Development Co-ordinating Committee. A five year program for land release is being prepared in consultation with the State agencies concerned. It is anticipated that the sub-committee will complete its first program later this year.

3. The probable impact of release of surplus Government land in established areas has been taken into account in the projection of demand for land in the remainder of metropolitan Adelaide. For the purpose of these projections, it was assumed that in the order of 5 000 dwelling sites would become available from surplus Government land in the established areas in the period 1992-97.

The release of land in locations where the Government holds large amounts of broadacre (e.g., Northfield) is being managed so that disposal is orderly and co-ordinated.

Other significant factors which will affect the impact of demand for land at the fringe are redevelopment of existing houses, and the timing and scale of release of surplus Commonwealth land, particularly following the possible consolidation of the DSTO operations in Salisbury LGA.

The release of land in the northern and southern fringe areas can be adjusted to take account of market conditions and the impact of Government land releases in the established areas of Adelaide.

The timely release of land in the northern and southern fringe areas is aimed at meeting demand for such land, and recognises that this is necessary to maintain housing affordability.

4. Over the 1991-2006 period, it is currently projected that the approximate amount of land absorbed by fringe housing construction and associated new roads, local parks and community services will be between 5 000 and 6 000 hectares, that is an average of between 330 and 400 hectares per year. This compares with consumption of about 500 hectares in 1993-94. The fringe local government areas comprise Elizabeth, Gawler, Munno Para, Salisbury, Tea Tree Gully, Happy Valley, Marion (south of Majors Road), Noarlunga and Willunga.

This conclusion is based on population projections by the Department of Housing and Urban Development prepared in mid-1994, and which take into account the Government's Housing and Planning policies. The population projections are currently being reviewed in the light of final results from the 1991 population census, and the latest available trends on migration and dwelling construction. Following that review, the above projection of land requirements will be revised.

I am also being advised regularly by my Urban and Regional Development Advisory Committee on the demand for land and the level of land release which is necessary in the next few years to meet that demand.

NAIRNE PRIMARY SCHOOL

43. **The Hon. CAROLYN PICKLES:**

1. Can the Minister for Education and Children's Services advise what plans his department has for the redevelopment of the Nairne Primary School?

2. When is this work scheduled to be undertaken?

The Hon. R.I. LUCAS: The Department for Education and Children's Services has identified and awarded a high priority to the redevelopment of Nairne Primary School, however, that priority was not sufficiently high enough to be included on the 1994-95 Capital Works Program. The overall aim for the re-development is to replace transportable buildings with new solid construction, upgrade the existing solid building and consolidate the school's facilities. The final scope of works has yet to be resolved and will be dependent upon the preparation of a master plan which will be developed in conjunction with the school community.

The work schedule at the school is not set and will be dependent upon the outcome of future budget determinations.

The needs of the Nairne Primary School will be considered and assessed as part of the establishment of the 1995-96 Capital Works Program.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Education and Children's Services (Hon. R.I. Lucas)—

Regulation under the following Act—
Financial Institutions Duty Act 1983—Exemption—Transfer of Funds.

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

Reports, 1993-94—
Dairy Authority of South Australia.
Primary Industries South Australia.
Soil Conservation Boards.

By the Minister for Consumer Affairs (Hon. K.T. Griffin)—

Regulation under the following Act—
Fair Trading Act 1987—Exemptions—Eagle Blue/Pizza Hut Promotion.

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

Reports, 1993-94—
Coast Protection Board.
Department of Housing and Urban Development.
Regulation under the following Act—
Urban Land Trust Act 1981—Northfield Joint Venture— Boundary Realignment.
District Council By-Law—
Berri—No. 11—Prohibit Horse Traffic on Certain Roads.

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

Carrick Hill Trust—Report, 1993-94.

STATUTORY AUTHORITIES REVIEW COMMITTEE

The Hon. L.H. DAVIS: I move:

That the members of this Council appointed to the committee have leave to sit on that committee during the sitting of the Council this day.

Motion carried.

RADIOACTIVE MATERIAL

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

Leave granted.

GRAFFITI

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to make a ministerial statement about graffiti.

Leave granted.

The Hon. K.T. GRIFFIN: Graffiti vandalism and property damage are serious offences. TransAdelaide alone estimates that repairs to graffiti and vandalism property damage cost approximately $1 million a year. Local councils spend a considerable amount of ratepayers' money each year in remedying this sort of damage. Other public sector bodies and private sector companies and individuals similarly spend a large amount of money for the same purpose. In response to this serious problem the Government established a ministerial group to develop a coordinated strategy across the whole of Government. In developing this strategy the Government has consulted widely. The strategy involves local government, government agencies, the retail sector and the community in a coordinated approach to graffiti.

The Government will promote a broad based community clean-up program involving members of the community, schools, local government and other sectors in painting out graffiti over a period of approximately one week. The program, to be called 'Total Wipe-Out' or something similar, will be a major initiative of the Government in 1995 and will be coordinated by a representative action group. I will shortly be forwarding invitations to participate in the action group.

A major emphasis will be placed upon prevention. The Government will encourage an active and commonly held view that graffiti is socially and legally unacceptable. The vast majority of graffiti offenders are male, aged between 12 and 17 years. The Government will be placing an emphasis on developing community education programs to promote positive role models for young people and emphasise that graffiti and other forms of property damage are unacceptable. This will be assisted by an ownership program, which will be implemented through the school system. This program will stress the message that schools and other public property belong to the community and especially to young people.

The Government will continue to encourage prevention programs through the local crime prevention committees of the Crime Prevention Strategy. These committees have developed a range of different approaches to problems associated with graffiti and property damage; for example, the Hindmarsh/Woodville Local Crime Prevention Committee is working with TransAdelaide to develop a legal graffiti project along the transport corridor. Government instrumentalities, such as TransAdelaide and ETSA, incur considerable cost each year in removing graffiti and repairing damage to property. It is recognised that one of the major initiatives in combating graffiti is its immediate removal. The Government will require its agencies to continue policies of immediate removal of graffiti.

TransAdelaide has in place a policy of rapid removal of graffiti within 24 hours. This policy has been in place for buses and trains and other TransAdelaide property, and an anti-graffiti squad, consisting of four painters and a supervisor, undertakes this task. Video surveillance is also provided on a number of buses and railcars, as well as around the perimeters of bus depots and train stabling yards. Reports only a few days ago show that a more aggressive approach by TransAdelaide and the Transit Police is paying off, with an increasing number of detections.

The Government will, consequent upon negotiations with the Local Government Association, with which some initial discussions have already been held, encourage local councils to continue policies of immediate removal of graffiti from council property, and seek to coordinate State-wide strategies for preventing graffiti vandalism and property damage, catching offenders and bringing them to justice quickly. The local crime prevention committees and local councils, through the Local Government Association, will be encouraged to continue to provide 'legal walls' as an alternative for graffiti vandals. The Government, whilst recognising that graffiti is a serious act of vandalism against the community, will encourage participants in legal mural programs to access training options and attend courses to redirect their activities to productive and beneficial objectives.

These initiatives are designed to encourage young people not to commit the offence. However, the strategy will also address the source of the problem and the relatively easy availability of aerosol cans and markers to young people. It is generally recognised that most of the spray cans used for graffiti are stolen. The Government will, following consulta-

tion with the retail sector, introduce into the Parliament a legislative framework to support a mandatory code of conduct for the retail sector and targeted at paint and hardware stores. This code would be the basis for educating retailers on their responsibilities, particularly in relation to the display of spray aerosol cans of paint and markers, and would encourage retailers to use dummy cans for display purposes and to keep spray cans and other markers in secure locations within the retail store.

As part of the code, the Government will encourage retailers to display posters, which will identify the penalties for the illegal use of graffiti implements. Already the law is clear and tough in relation to graffiti and vandalism. The Criminal Law Consolidation Act provides it is an offence to damage or attempt to damage property. The penalty varies according to the amount of damage done. Where the damage exceeds $25 000, the penalty is imprisonment for 10 years. Where the damage exceeds $2 000 but does not exceed $25 000, the penalty is imprisonment for three years. Where the damage does not exceed $2 000, the penalty is imprisonment for two years. The penalties for attempts are six years, two years and one year respectively. A court can also order an offender to pay compensation under the provisions of the Criminal Law (Sentencing) Act.

The Summary Offences Act was amended to deal specifically with graffiti. It provides that a person who, without lawful authority, marks graffiti is guilty of an offence. The penalty is imprisonment for six months or a fine of $2 000, and the court can order the offender to pay the owner of the property compensation for the damage caused to the property by the graffiti.

The section goes on to provide that it is an offence to carry a graffiti instrument with the intention of using it to mark graffiti or to carry a graffiti instrument of a prescribed class without lawful excuse in a public place or a place on which the person is trespassing or has entered without invitation. Once again the penalty is imprisonment for six months or a fine of $2 000.

The strategy will focus not just on prevention but also on the punishment of offenders. The police will review their juvenile justice policies, with a view to treating all acts of graffiti as matters requiring at least a formal caution and attaching conditions/community service orders to all incidents of graffiti. There is strong evidence that community service orders are most effective when the community service order is imposed as quickly as possible after the offence and that the order should be carried out on graffiti which is publicly visible.

Under the Young Offenders Act 1993, community service orders can be, and are, made for offenders to clean up graffiti. The role of the police in supervising community service orders is recognised. However, the availability of adequate resources for supervision of orders will be the subject of further consideration by the Government.

TransAdelaide has provided some supervision of community service orders involving the clean up of graffiti. Evaluation by supervisors suggests that this form of community service order is relevant and effective, with no evidence of youth reoffending after having undertaken the orders. The Government will be working with the courts, Family and Community Services and police with a view to ensuring that when offenders are caught and where community service orders are made they are related to clean up in publicly visible situations.

The Government will be seeking to involve service organisations in the oversight of this program. The Government will oversee the implementation of the strategy and in particular will provide further information with respect to the 'Total Wipe Out' program for 1995. Other Ministers and agencies will be identifying details of additional action.

QUESTION TIME

TOWNSEND HOUSE

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 Townsend House preschool.

Leave granted.

The Hon. CAROLYN PICKLES: Yesterday the Minister issued a media release explaining his decision to close the Townsend House preschool for children with hearing impairments. This release shows that the Minister's policy for providing specialist education for preschool children is being driven by his department. The Minister asserted that his decision was taken after consultation with the parents, but they have pointed out on national television that there has been no real consultation. I understand that the Minister is appearing on the *7.30 Report* this evening with one of the parents involved.

Even more concerning is the Minister's statement that increasingly parents want their children with hearing impairments to attend local neighbourhood schools. This may well—

Members interjecting:

The PRESIDENT: Order!

The Hon. CAROLYN PICKLES:—be a preferred option for many parents, depending on circumstances, including the degree of disability suffered by their child, but it is not the choice of parents of children attending Townsend House. In fact, some parents moved their children from neighbourhood schools to Townsend House. Finally, the Minister revealed that Glandore kindergarten has been endorsed as a new centre for these children and that the department will carry out building modifications to create acoustic conditions for teaching these children. My questions to the Minister are:

1. Did the Minister personally view correspondence and faxes from the parents before making his decision to close the Townsend House preschool, and, if not, who dealt with that correspondence?

2. Will the Minister delay the closure of Townsend House preschool until such time as he has met the parents of children attending the school and reviewed his decision?

3. What is the rationale behind closing the Townsend House preschool for hearing impaired children and committing funds to establish another centre at Glandore?

The Hon. R.I. LUCAS: The simple explanation for the decision to close Townsend House preschool is that parents, for many years now, have been choosing to send their children with hearing impairment either to local neighbourhood preschools or to another specialist facility, the Cora Barclay Centre. That has been the decision that parents have been taking because they have decided that they would prefer to have their preschool child go to a local neighbourhood preschool or, indeed, this other facility, with the local

neighbourhood children, their friends from the local neighbourhood area, rather than having to transport them from north, east or south of the city to Townsend House preschool, where they attend a preschool perhaps for 12 months, only then to have to return to their local community perhaps to go on to school with neighbourhood children.

That has been the simple reason why the numbers of students with a hearing impairment at Townsend House preschool have dropped significantly over recent years. This year seven children with a hearing impairment were enrolled at Townsend House preschool and the enrolments for next year were to be three children. I can understand the views of the three sets of parents of the children who were enrolled at Townsend House preschool for next year. Their view and preference is that the Government should keep open the preschool for their children. Whilst I can understand that, in the end difficult decisions have to be taken.

As Minister, I could not in all conscience continue a service for three children at Townsend House preschool for next year when we have an estimate of somewhere between 10 and 15 other children with hearing impairments in other preschools spread over metropolitan Adelaide who are not able to get the level of support and assistance which they need and which their families want. The families of those children would also prefer assistance to be delivered to their children in that cluster preschool environment where they are able to attend with friends from the neighbourhood area.

As I indicated yesterday (and I do so again today; I am not saying anything new), that has been the reason for the decision. Parents have, in effect, made the decision for the Government and for me as Minister and, as a result of their decisions to choose other options for their children, I have made the decision that has been announced in the past day or so.

So, the answer to the second or third question from the honourable member is, no, I will not be reviewing the decision in relation to this issue. There has been a period of discussion within the department for at least four or five months, as I understand it. There has been consultation on this issue since early in September of this year, when a number of options were provided to parents at that local community and the parents were able to express their views and preferences.

So, for basically three months, discussions have taken place. There has been opposition, I know, from the three sets of parents who had enrolled their children at the preschool for next year. As I said at the outset, I understand their preferences and views, whilst in the end I have not been able to agree with the parents of those three children.

I cannot say much more than that. The decision will not be reviewed. Whilst the final decision obviously rests with me, I know that the departmental officers who substantially have had the carriage of this decision, in particular through the early stages of the discussions and consultations, have been working as hard as they can with all the families to try to ensure that the current quality of service that we provide to those three children will be maintained in the new settings and, importantly, that the level and quality of service that we provide to all other families with children with a hearing impairment who have chosen other options such as a local neighbourhood preschool will, at the very least, be maintained. But, if we can achieve it, we certainly would want to see an improved quality of service for those other families and for those children, as I said, who are significantly greater in number. The estimate is that between 10 and 15 other families have children with hearing impairment in other preschool options throughout the metropolitan area.

The Hon. CAROLYN PICKLES: As a supplementary question, what specialist services will the Minister provide for each of the preschools that children with hearing impairment attend, and will this include the teaching of signing?

The Hon. R.I. LUCAS: We will continue to provide the same level of service as is being provided to children at the moment. I shall need to refresh my memory, but I understand that the three children about whom we are talking do not require signing.

The Hon. Carolyn Pickles: But others do.

The Hon. R.I. LUCAS: I will check that. My understanding is that those three children do not require signing, because they have had cochlear implants. The trend towards children with hearing impairment having operations, such as a cochlear implant, has been one of the reasons why children have not been going to specialist facilities. Families have decided to send their children to a local neighbourhood preschool, and indeed they want to send them to the local neighbourhood school as well. Therefore, there will have to be a continuation of services like the visiting teacher for deaf service and a variety of other specialist systems to enable them to continue those options. If possible, we will try to continue and improve that level of service.

The sorts of services that we are providing will be a continuation of existing services, such as the services provided by specialist visiting teachers of the deaf to preschool age children. One of the advantages in moving to what I might call a mainstream preschool setting is that staff in those centres are early childhood trained and have considerable experience with preschoolers and their specialist needs. That will be an added advantage. There will be some minor works needed, such as acoustics, mentioned by the honourable member, to be provided at Glandore. Other examples of specialist resources might need to be provided to ensure not only that we maintain but, if at all possible, improve the level of service that we can provide to children with some hearing disabilities.

WORKCOVER

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Industrial Affairs, a question about sections 42 and 43 determinations under WorkCover.

Leave granted.

The Hon. R.R. ROBERTS: Earlier this year alterations were made to WorkCover as a result of the almost total rewrite of the WorkCover legislation. In two important areas there was some consideration of section 43, which embraces those determinations normally under schedule 3 which deal with payments for pain and suffering. The consequence of a section 43 determination determines whether some of these long-term recipients of WorkCover benefits get an opportunity under section 42, which deals with the commutation of benefits. In the changes in workers compensation legislation some years ago we did away with the opportunity for a common law claim or a lump sum claim to finalise the conditions surrounding those who are recipients of WorkCover. The only way that a long-term worker, who has very little prospect of getting back into his pre-injury employment or suitable employment that he can undertake, is to become a recipient under section 42.

With that in mind, since we last visited the WorkCover legislation in this place, consultation has been taking place, at the initiative of the Government, and I believe that legislation is to be introduced into the Lower House within a matter of days and we will be revisiting some of these areas. I have been approached by a number of people who have been working in the WorkCover area over the past couple of months while this consultation has been taking place, and initially I was advised that the management of WorkCover had decided that they were not processing section 43 determinations.

That went on for some time whilst the consultation phase was taking place. In recent weeks, and as late as yesterday, I have been advised that a decision has been taken by WorkCover—either the board or the management—that they are not processing section 42 determinations, which is interfering, allegedly, with the lives of some of these workers. The assertion is that the reason for this determination is because of the pending alterations in the legislation. There are some concerns about that in respect of retrospective legislation and the ability of workers to have their cases treated under existing legislation. The Opposition finds those allegations quite serious and worrying for those people who are recipients of WorkCover benefits. My questions to the Minister representing the Minister for Industrial Affairs are:

1. Is the Minister aware that the board has determined not to process section 42 applications because of the impending legislative changes that may result from the Government's amendments to the WorkCover legislation?

2. If they have, was it on his advice or the instructions of his department, that this determination was made?

3. Again if the determination is true, will the Minister provide a copy of the minutes of the board's decision and any explanation as to why the determination was made?

4. If he is not aware of the situation but it proves to be true, will he advise the board to process each case on its merits under the present legislation and not seek to second guess the will of this Parliament?

The Hon. K.T. GRIFFIN: I will refer those questions to my colleague and bring back a reply.

CHEMICALS

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport representing the Minister for the Environment and Natural Resources a question on chemical registration.

Leave granted.

The Hon. T.G. ROBERTS: Over a long period of time I have been involved with community groups and organisations on an industrial and community level in trying to get a register, or at least an understanding, of some of the chemicals that people are exposed to in communities, particularly regional areas, from agricultural and industrial chemicals. I was recently invited and attended a meeting in the South-East to again examine some of the problems associated with aerial spraying to local communities. It was difficult for me to advise the local residents one way or another as to the nature of the chemicals being sprayed that they were exposed to and to what extent the chemicals were dangerous to health: whether they were toxic; whether they posed a problem to school children who were playing in school yards in the immediate vicinity; or whether it posed a problem to drinking water from rainwater tanks which people were using in the area.

It was difficult for me to ascertain what chemicals were being used. I certainly did not want to involve the community in an unnecessary fight or division between the potato growers in the area and the residents, but I found that I had to come in on the side of the residents on the basis that my knowledge base, which I was working from, was limited and that I had, as I said, no access to the name of the chemical that was being used. I do not see it as my job as a member of Parliament to be able to provide the technical details and the information that the residents were requiring to make an assessment, anyway. That needs to be done by experts and local communities need to have cooperation from academic support about chemicals in their particular areas, local government support and the assistance of people who are used to handling these chemicals.

Following my initial contact with the Glencoe group, which is known as GASP (Glencoe Aerial Spraying Prevention Group), in order to attract attention, I met the residents of the area, who decided to set up the first stage of a community education program by inviting departmental people in the region, and anyone else with an interest in weedicides, pesticides, or fungicide exposure, including agriculturists and farmers—some organic farmers were there. The general consensus was that, to prevent any further confrontation between competitive groups in the community, it would be an advantage to have a register of chemicals set up locally which could be accessed by people in regional areas.

Members opposite who represent regional areas know that people in country areas have much trouble in tapping into centrally based data bases in the metropolitan area. The expression of interest came about for a local register to be set up and provided by local government to be easily accessed by the local community. Therefore, will the Government provide resources to local government to provide a register for known and suspected hazardous chemicals to which locals may be exposed through primary and secondary industry use, domestic use, storage or transported programs in a local area?

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

COLLEX WASTE MANAGEMENT

In reply to **Hon. M.J. ELLIOTT** (18 October).

The Hon. DIANA LAIDLAW: The Minister for Industry, Manufacturing, Small Business and Regional Development has provided the following information:

1. No.

2. The Government supports the Collex proposal because it provides much needed investment in the State and it will provide a second off-site liquid, waste processing plant for Adelaide, thereby facilitating competitive pricing.

CLEARWAYS

In reply to **Hon. J.C. IRWIN** (17 November).

The Hon. DIANA LAIDLAW: I undertook to provide a further reply to the honourable member regarding the setting up of a task force to review the management of traffic lights, signs and road markings and parking.

As indicated in my earlier response to the honourable member, work is already being undertaken in relation to a number of matters arising out of the Road Traffic Act and Regulations. As well as Parliamentary Counsel having an ongoing responsibility for the rationalisation of certain aspects of the Act and Regulations, a review will shortly be undertaken of the different relationships and responsibilities between councils, police and Government arising out of the parking and road closing provisions of the Road Traffic Act and the Local Government Act.

The honourable member may also be aware of other reforms being undertaken as a result of the work of the National Road Transport Commission. The Commission is coordinating the development of extensive changes to road transport law, including the development of uniform road traffic laws. It is anticipated that public consultation will commence shortly in relation to the uniform road traffic laws.

It is timely that a review of our current road traffic laws be undertaken to coincide with the introduction of the uniform road traffic laws. I have asked the Department of Transport to coordinate such a review. I anticipate that the review would commence in the first half of next year and that it would look at areas of concern such as those raised by the honourable member. I am conscious of the need to have laws in place which can ensure effective and responsible road user behaviour.

The issue of expiation of fees is substantially a question of policy and is subject to discussions with the Attorney-General and the Minister for Emergency Services.

I will provide the honourable member with further advice in the near future.

MOUNT BARKER COUNCIL PARKING INSPECTORS

In reply to **Hon. A.J. REDFORD** (20 October).

The Hon. DIANA LAIDLAW: The Minister for Housing, Urban Development and Local Government Relations has provided the following information.

The Minister appreciates that the use of a video camera by Mount Barker District Council staff at a kindergarten and schools while enforcing parking restrictions in the council area could be interpreted as an unjustifiable and unnecessary invasion of privacy.

However, the Minister has been informed that at the kindergarten and some schools in the Mount Barker council area, and possibly at kindergartens and schools elsewhere in the metropolitan area, there are a noticeable number of drivers of vehicles who:

- unlawfully stop in a 'No Standing' zone while a child alights or boards; or,
- who park in a 'No Parking' zone to await their child's arrival, contrary to the parking restriction.

In the first instance, a noticeably unsafe traffic situation can prevail and, in the latter, other parent drivers are prevented or hindered from using the parking zone.

In the exercise of their duties, the Minister understands that it has been and may still be the practice of Mount Barker council parking inspectors to regularly use a polaroid camera to photograph the registration numbers of vehicles that are unlawfully parked. The Minister has been informed that the council inspectors do not photograph the drivers or other occupants of vehicles considered to be unlawfully stopping or parking.

The Minister has been further informed that the council recently decided to trial a single video camera to film the registration number of unlawfully parked vehicles. It also proposes to use it for the Dog Control Act and littering offences.

Mount Barker council, the Minister understands, is one of at least five councils, which employ a video camera to assist with the policing of parking and other offences.

The council claims that video or polaroid camera film of the registration number of a particular vehicle taken by a council inspector, supported by the eye witness account of the inspector, is of considerable assistance in satisfying the owner of a particular vehicle that his or her vehicle unlawfully stopped in a 'No Standing' zone or was otherwise unlawfully parked on a particular occasion.

It claims that a video camera has the advantage of a zoom lens which can accurately film registration numbers at a lengthy distance and may also be capable of denoting the date and time on the film segment. The council also claims that, allowing for the initial outlay, a video camera with its re-useable video cassette, is a relatively cost effective aid to the policing of parking and other offences.

The Minister has been advised that the Hahndorf Primary School Council specifically asked the Mount Barker council to enforce the parking restrictions in operation outside the school. Those restrictions either prohibit the stopping of vehicles in a 'No Standing' area or permit drivers to stop for one or two minutes in a strategically located 'No Parking' zone while their child alights from or enters the vehicle.

To quote the Chair of that school from the transcript of an ABC radio interview made with her on 21 October 1994, she, Ms J. Dimasi, said:

I think that Hahndorf School Council has worked quite extensively with the district council trying to resolve the parking problems at the school. The traffic at times is quite horrendous. It's very difficult for people to pick up their children and it's a very dangerous situation for the children.

In light of the information available to the Minister, he does not propose to institute an investigation into the Mount Barker council's use of a video camera to assist with the enforcement of parking restrictions at a kindergarten and schools in the council area, and to also assist with the enforcement of dog control and littering laws.

However, the Minister has written to the Local Government Association and raised with it the honourable member's suggestion concerning the provision of counselling and advice to councils on alternative methods of detecting breaches of parking regulations outside kindergartens and schools.

In so doing the Minister has asked whether, with the emerging use of polaroid and video cameras by council staff in the exercise of duties, more conventional trained observation of parking and other offences is in danger of either being ignored or overlooked.

In addition, the Minister has requested the association to ask that council inspectors exercise prudence and restraint in the use of video and polaroid cameras, taking care to confine filming, in the case of parking, to vehicle registration numbers. The Minister has also asked that appropriate restraint be shown when filming other offences such as dog control and littering.

MOTORISED WHEELCHAIRS

In reply to **Hon. R.R. ROBERTS** (1 November).

The Hon. DIANA LAIDLAW: Vehicles commonly referred to as 'gophers' are dealt with as motorised wheelchairs under the Road Traffic Act and the Motor Vehicles Act. Consequently, the driver must hold a 'wheelchair' licence. This class of licence is issued at no cost and only on the basis of medical necessity arising from a physical defect or disability. It also requires successful completion of a theory test to demonstrate a knowledge and understanding of the road rules.

Although the question of helmet wearing has been considered, the low speed and primarily local use of motorised wheelchairs suggests that they are essentially mobility aids rather than a means of transport. On this basis, it is felt that to impose excessive controls upon their use would be to discriminate against an already disadvantaged section of our community. Consequently, the issue was not pursued but is kept under review.

WASTE MANAGEMENT

In reply to **Hon. T.G. ROBERTS** (18 October).

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

The current height of Adelaide City Council's landfill is approximately 13 metres. To put this in perspective, it is about twice the height of a suburban Stobie pole. It is true that there is currently a study which is reviewing proposals to amend the existing management plan. The study is investigating several issues including the final land form and improved operating methods to minimise environmental impacts of the operation. An important issue being considered is the end use of the site; that is, what purposes the site might serve when its lifetime as a landfill is exhausted.

There is no doubting the considerable community interest in waste management, particularly in recycling and waste disposal practices. Recent publicity on two proposed landfill developments near Highbury and Dublin has highlighted the concerns of communities living close to landfills.

The honourable member's question specifically refers to a 'total policy' for recycling waste management and disposal. He will no doubt be aware that a review of the SA Waste Management Commission's Solid Waste Management Strategy commenced during the previous Government's term of office. The project has now been considerably broadened to include the issues referred to by the honourable member. A draft strategy report is scheduled to be released for public consultation early in the new year, and a formal release to local government and other participants in the recycling and waste industry is due in February. Although the delay is regrettable, it has at least provided opportunities for more comprehensive discussions with interstate waste management agencies and for monitoring of international developments in waste reduction, resource recovery and recycling.

The public consultation process will allow the draft strategies to be thoroughly reviewed and shaped to provide a sound and clearly defined planning framework for at least the next 15 years, so that the mistakes of the past can be avoided. Had earlier practices been of a higher standard, we would not be facing the level of controversy which currently surrounds the development of landfills today. This said, we are not alone, and most urban communities are working to come to grips with complex issues of resource development and environmental issues.

The recent establishment of the Environment Protection Authority will certainly assist in developing a broader perspective in waste management. The honourable member can be assured that the Minister for the Environment and Natural Resources will be maintaining a close interest in the outcomes of present proposals, and in the development and implementation of the Solid Waste Management Strategy.

ECOTOURISM

In reply to **Hon. T.G. ROBERTS** (13 October).

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

One of the underlying concepts of ecotourism is that it is an 'environmentally friendly' form of visitor use that is intended to be of low impact on the environment. If however, there is likely to be an increase in visitor numbers or a requirement for built development to accommodate ecotourism ventures, and if these are proposed for areas included within a national park reserve, appropriate planning approvals will be required. These would be incorporated in the management planning process for reserves, as required by the National Parks and Wildlife Act or Wilderness Protection Act. That planning process includes a prescribed period of public consultation.

It would be expected that the statutory planning processes prescribed for reserves under both the National Parks and Wildlife Act and Wilderness Protection Act would address any potential impacts of ecotourism use and include appropriate guidelines to regulate that use and protect the sensitive areas that the reserve system is designed to conserve.

With regard to Kangaroo Island, a sustainable development strategy is currently being produced for the island. The purpose of this exercise is to integrate the growth of tourism and the niche marketing of agricultural products with the significant environmental values of the island.

The South Australian Tourism Commission have allocated $50 000 and it is hoped to obtain one-to-one funding from the Commonwealth to undertake a 'Limits of Acceptable Change' study.

This project will be undertaken by the State Government, two councils and the local development board.

TRANSADELAIDE BUS SERVICES

In reply to **Hon. BARBARA WIESE:** (2 November).

The Hon. DIANA LAIDLAW: Further to the question asked on 2 November I can confirm that I have not ignored any requests from the Public Transport Union (PTU) for meetings to discuss the future of competitive tendering.

Further to meetings held earlier in the year, the National Secretary asked to meet me on Monday 19 September at 1.00 p.m. On the day Mr Jowett's plane was late from Sydney due to an industrial dispute. I finally met the PTU deputation at 1.45 p.m.—and made my apologies for being ½ hour late to Cabinet.

A further meeting was scheduled for 30 September following the ALP National Conference, but it was later cancelled due to Mr Jowett being ill. Subsequently the general manager of TransAdelaide has met with national and State representatives of the PTU. I have not been requested to attend any of these meetings.

SPENCER GULF BEACONS

In reply to **Hon. BARBARA WIESE** (8 September).

The Hon. DIANA LAIDLAW: In an earlier reply to a question by the Honourable Member on 8 September I undertook to review the issue of lighting on beacons 4 and 9 in Flinders Channel, Upper Spencer Gulf.

I can advise the honourable member that the Department of Transport is currently investigating cheaper lighting options so that lights may again be installed on these beacons.

It is anticipated that these investigations will be concluded and a report forwarded to me for consideration by the end of 1994. I will then be in a position to further advise the honourable member, and other interested parties, on this issue.

APPROPRIATION BILL

In reply to **Hon. ANNE LEVY** (2 November).

The Hon. DIANA LAIDLAW: I provide the following information in relation to the questions asked during the Appropriation Bill.

Film Collection

An audit of the film collection of the former South Australian Film and Video Centre and subsequent negotiations over the future management of this collection are nearing completion, and I expect to be able to inform the House of new arrangements within a fortnight.

Birdwood National Motor Museum

The 1993-94 capital program for the Department for the Arts and Cultural Development provided for an amount of $100 000 towards a feasibility study for the redevelopment of the National Motor Museum at Birdwood. Early in 1994, the History Trust of South Australia appointed SACON as the project managers for the redevelopment of the National Motor Museum. A functional brief has since been prepared and work has commenced on the design and documentation of the project. Project management costs are expected to be in the order of $500 000.

The redevelopment's architect is senior SACON architect, Mr Carlo Gnezda. Mr Gnezda has won national architectural awards for his design of the velodrome and the West Beach Aquatic Centre. An important component of SACON's brief is to incorporate the work of artists in the design of the proposed building. The History Trust is confident that Mr Gnezda's final design will provide an exciting and functional building which will allow the National Motor Museum to realise its considerable potential as both a valuable tourism asset and an important cultural centre for South Australia.

The History Trust already has on hand, from Government grants and sponsorships, some $2 017 000 towards the costs of the project. The Government is presently considering an options paper for the redevelopment. Any remaining funds for the project will be considered as part of the Government Forward Capital Works Program.

The Government's policy requires a substantial sponsorship contribution from the private sector.

1994 Adelaide Festival Bail-out

The deficit as assessed by the management of the festival in March 1994 was $850 000. At the request of the Board of Governors I sought—and won—the co-operation of Cabinet to cover this shortfall. In May 1994 an unaudited statement of the festival's final position revealed that the deficit was then estimated at $450 000, an improvement on the earlier estimate, due to management initiatives in the performing arts and other areas.

The final audited statement from the Adelaide Festival of Arts Inc. revealed an operating deficit of $365 414. This has been offset by a grant from Treasury and finance of $300 000, a contribution from the Department for the Arts and Cultural Development of $50 000, and funds raised through the Lord Mayor's guarantor appeal against the 1994 festival incurring a financial loss.

The Adelaide Festival Centre Trust has not contributed any funds to the bail-out of the 1994 festival, let alone the figure of $200 000 as alleged by the honourable member.

With regard to the contribution from the Festival Centre Trust of $410 000 of support services to the festival, this is an established ongoing contribution to the festival, introduced in previous festivals and not costed until the 1992 festival. The Festival of Arts acknowledged this contribution for the first time in its 1994 annual report, and also mentioned it as a note to the accounts as part of the final audited statement of the 1994 Festival of Arts. It will continue to be identified as a cost of the festival.

The new festival board has only just been appointed and a general manager is in the process of being appointed. New accounting arrangements for the new festival board are currently being developed. Any increase to the festival's budget due to the clarification of the Festival Centre Trust costs will be fully explained in notes to the accounts and to Parliament in consideration of budget estimates.

Budget cuts to the State Library

The 1994-95 budget process resulted in a recurrent budget reduction of $100 000 for the State Library. The variations to the salaries and operating budgets shown on the Estimates of Payments also reflect amounts carried over to the 1993-94 allocation and no longer applicable in the current year.

The main variations to the State Library budget were an increased provision of $160 000 to the City of Adelaide lending library in line with a new agreement being negotiated with the City of Adelaide; a transfer of $40 000 from State-wide Information Services to the Office for the Status of Women for the Women's Information Switchboard which is now shown under that program; and a reduction of $505 650 in public libraries subsidies, in line with an agreed formula outlined in a memorandum of agreement between the State and local government.

A new provision in the Library program, also provided in five other programs, are funds for insurance and risk management provided by Treasury and Finance in line with the State's restructuring of the insurance and risk management arrangements. These funds totalled $1.236 million for the Department for the Arts and Cultural Development, and were allocated to each program proportionately to the size of their budgets. A more accurate breakdown of this figure will be shown in next year's budget papers following more detailed information from Treasury and Finance.

The honourable member has also raised the matter of dollar for dollar library subsidies, and the stipulation that local government, as a minimum, should match the State contribution. This is not in the present agreement with local government because it deals primarily with the global provision of subsidies for local libraries and not the method of allocation for individual services. The matching requirement by councils, however, is a Libraries Board policy, and is among the criteria used by the Libraries Board in allocating library subsidies to individual councils.

Carrick Hill and Maritime Museum: appointment of directors

The Carrick Hill Trust is currently undergoing a corporate planning process which will result in key strategies to meet its future objectives. No decision on future staffing structures will be made until this process is complete.

The History Trust conducted interviews for the position of director, Maritime Museum on 16 November.

Women's Suffrage Centenary Budget

1. Media liaison consultancy to end of December 1994	12 000
Printing and publications	15 000
Women, Power and Politics conference	30 000
December 18 final event	10 000
Promotions, marketing, displays, etc.	23 000
General operating, incl. fax rental, postage, phone, etc.	10 000
	$100 000
2. Contribution from other Government Departments	
1993-94 budget	$754 040
1994-95 budget	$400 307

In both years, additional projects relating to women were undertaken by Government departments as part of their normal operations, the costs of which have not been factored into the Women's Suffrage Centenary budget.

MENTAL HEALTH

The Hon. M.J. ELLIOTT: I seek leave to make an explanation before asking the Attorney-General a question about discrimination against mental impairment.

Leave granted.

The Hon. M.J. ELLIOTT: My question relates to a document commissioned by the Attorney-General entitled 'A submissive report for a review into the Equal Opportunity Act', which was prepared by Brian Martin QC. I have been told it was commissioned about two months ago and was received by the Attorney-General's Department last month. However, I have been informed that the Attorney-General does not plan to release the report as it calls for South Australia to move to the Federal equal opportunity jurisdiction because it allows psychological and psychiatric disabilities to be taken into account. The ramifications of this statement must be addressed, especially in the light of legislation currently before this Parliament which seeks to allow people with permanent psychiatric or psychological injuries arising from employment to be compensated in the same way as permanent physical injuries.

The Hon. K.T. Griffin: What am I meant to have said?

The Hon. M.J. ELLIOTT: I did not say you said anything.

The PRESIDENT: Order! We would all like to hear this debate.

The Hon. M.J. ELLIOTT: The integrity of the workers compensation scheme can be maintained only if no distinction is made between compensation being paid for some injuries but not for others. I understand that the report calls for an end to such discrimination, which would force the Government to accept legislative changes such as measures in the Bill now before the Parliament. My questions to the Minister are:

1. Will the Minister make public the report for a review of the Equal Opportunity Act?

2. Can he confirm that the report calls for the State to move to the Federal equal opportunity jurisdiction to ensure that psychological and psychiatric disabilities can be taken into account?

3. Does he accept that the current discrimination between permanent physical and psychological or psychiatric disabilities in South Australia's WorkCover scheme would be illegal in the Federal jurisdiction?

The Hon. K.T. GRIFFIN: In relation to the third question, I am not in a position to give any legal advice to the honourable member in relation to that hypothetical. In answer to the first question, it has always been my intention to have the report made available publicly. I do not know where the honourable member gets his information, but it is certainly not correct. The report was commissioned by the Government. It is intended that the Government should initially examine the report, and it will be made available at the same time as I make the statement. There is certainly no intention not to publish that report.

The Hon. M.J. Elliott: What time frame are we looking at?

The Hon. K.T. GRIFFIN: It depends on whether we sit the week after next. I would say within the next couple of weeks; it will certainly be well and truly out in the public arena before Christmas.

The Hon. M.J. Elliott interjecting:

The Hon. K.T. GRIFFIN: I would like to think that is the case; it depends on members. If members decide that we can finish the business of the Council at the end of next week, it may not be; it may be that we cannot do so. If members decide that they are happy to sit for the optional week it is quite likely that it will be available for the purpose of public discussion, but the fact is that whether or not Parliament is sitting I intend to have it made available publicly.

The Hon. Anne Levy: Can I get a copy?

The Hon. K.T. GRIFFIN: Everyone will get a copy.

WATER CONSERVATION

The Hon. M.S. FELEPPA: I seek leave to make an explanation before asking the Minister for Transport, representing the Minister for Housing, Urban Development and Local Government Relations and the Minister for Infrastructure, a question about water conservation.

Leave granted.

The Hon. M.S. FELEPPA: Last Tuesday I asked a question in this place in relation to water conservation and the trend of some local councils that are considering making water efficiency a prerequisite for building approval. Some of the measures being considered are compulsory rainwater

tanks and dual flush toilet systems. However, in my explanation I noted that the Minister for Housing, Urban Development and Local Government Relations had publicly stated that the State Government had no plans to amend the building code to make such a measure compulsory. Since then, an article has appeared in the *Advertiser* of 18 November, outlining a national plan to save water with the introduction of a national scheme to inform consumers of the water efficiency rating of various household appliances that use water, such as washing machines, dishwashers, showers, toilets and tapware. The Minister for Infrastructure, Mr Olsen, was fulsome in his praise of this new scheme and is quoted in this article as saying:

> Not wasting water in the home will mean householders can save themselves a great deal of money.

He also said:

> Using water more efficiently also means the EWS is able to make water supplies go much further.

There appears to be a lack of coordination in Government when it comes to addressing the issue of water conservation. On the one hand, the Minister for Infrastructure is supportive of measures to inform consumers of the need to purchase items that have a high water efficiency rating, for reasons outlined above, but on the other hand, unfortunately, the Minister for Housing, Urban Development and Local Government Relations does not believe that the building code needs to be changed to recognise the need for water efficiency. Will the Government consider implementing a review of all activities associated with the supply and use of water in South Australia, with such a review involving the EWS and other State and Federal Government departments, local government, the building industry and any other provider or user groups affected, to ensure that a total, coordinated water conservation program is developed in South Australia which takes into account our unique water supply, quality and use problems?

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

RETAIL SHOP TENANCIES

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Attorney-General a question about retail leases.

Leave granted.

The Hon. A.J. REDFORD: Earlier this year the shop trading hours inquiry made certain recommendations regarding shop trading hours. As part of its recommendations it suggested that certain provisions of the Landlord and Tenant Act should be considered to ensure adequate protection of tenants, should shopping hours be extended. On 9 August last, the Minister for Industrial Affairs announced changes to shop trading hours after extensive consultation. In his press announcement he said:

> The principle of amending retail leasing laws in conjunction with changes to retail trading hours has been endorsed and the following matters have been referred to the Landlord and Tenant Legislative Review team, established by the Consumer Affairs Minister.
>
> · Retail leasing laws be strengthened to allow core trading hours in shopping centres to be determined by a 75 per cent vote of retail tenants.
>
> · Retail leasing laws be amended to restrict the transfer of operating costs to traders who choose not to trade outside of core trading hours.
>
> · Retail leasing laws be amended to allow tenants to form traders' associations and be represented by an agent or association in lease negotiations.
>
> · Increases in rental in excess of a prescribed sum above the consumer price index be subject to review by the commercial tribunal.
>
> · The process of lodging complaints with the commercial tribunal be simplified and made more accessible to small retailers.

In the light of that, will the Attorney advise us when we can expect the relevant legislation and the progress that has been made since the announcement made by the Minister for Industrial Affairs?

The Hon. K.T. GRIFFIN: From the volume of consumer type legislation that has been introduced to the Parliament, members will be aware that the Legislative Review team has undertaken a fairly intensive program of review of all the legislation administered under the Consumer Affairs part of my portfolio. There is a lot more in the pipeline yet.

One of the areas of legislation that was already subject to review, even before the shop trading hours review was established, was commercial tenancies, presently regulated under the Landlord and Tenant Act. When the shop trading hours review was completed, as the honourable member says, there were references to the need to give some consideration to changes to commercial tenancies law, and they were referred to the legislative review team.

Over the past few months there has been a fairly intensive program of consultation with representatives of both landlords and commercial tenants, and I, personally, have been involved with that, as have members of the legislative review team. We have been able to encourage those meetings as a group rather than separately, one potentially playing off against the other, and we are now at a point where such progress has been made that I would expect that we would have a Bill which has been largely agreed between all interested parties ready for introduction in this part of the session.

The Hon. M.J. Elliott interjecting:

The Hon. K.T. GRIFFIN: The traders have been very much involved.

The Hon. M.J. Elliott interjecting:

The Hon. K.T. GRIFFIN: I think the honourable member is misguided in his reflection of what traders are concerned about. They recognise that there needs to be an overhaul of the legislation, and certainly my involvement with them has indicated that there is a very significant measure of agreement. From the point of view of landlords and tenants and that of the Parliament, it is preferable, if at all possible, to have if not total agreement then substantial agreement on issues which, at some stage, may have been controversial between the parties.

To my way of thinking, that is the most appropriate way in which to address this issue. It is potentially controversial. The Hon. Mr Elliott has raised the issue; he has his own Bill in the Parliament which the Government is not prepared to support, and we will deal with that later. However, the fact is that, if we can get substantial agreement, it provides a much more appropriate environment in which business can be carried on, both from the point of view of retailers and that of landlords in this State, and that is the goal.

My understanding is that we are almost at the point where the Bill can be finalised, and I would certainly be aiming to have it into the Parliament before the end of this part of the session. If it is not, it will certainly be circulated widely before Christmas as the Bill which we would want to introduce, representing the outcome of the negotiations which

have occurred between small business, retailers, landlords and others who may have an interest in the issue.

That is where it is at the moment; the time frame has been fairly tight; there has been a good spirit of cooperation between the various parties; and I am optimistic that we will be able to introduce it in the very near future.

ELECTORAL VOTING

The Hon. T. CROTHERS: I seek leave to make a brief explanation before asking the Attorney-General a question about electoral voting.

Leave granted.

The Hon. T. CROTHERS: An article published on page 13 of the *Advertiser* of Thursday 17 November 1994 entitled 'Jailed may get vote' states that a committee of the Federal Parliament inquiring into matters electoral has recommended that Federal election campaigns should be shortened, and that persons jailed for crimes carrying sentences of more than five years should not have their votes taken away. This was a majority report, with the Federal Opposition Liberal Party producing a dissenting report.

The Opposition's dissenting report, in part, calls for the abolition of compulsory voting, and Liberal Senator Nick Minchin, himself a South Australian, said that he did not believe Labor gained an advantage from compulsory voting, which of course is an expression of opinion in the eyes of many, quite different—

The Hon. L.H. Davis interjecting:

The Hon. T. CROTHERS: The Hon. Mr Davis should listen and learn about the last by-election. The last by-election is later than 11 December 1993. That is my calculation; the Hon. Mr Davis is not much of an economist if he does not understand that. Senator Minchin did not believe that Labor gained an advantage from compulsory voting, which is of course an expression of opinion in the eyes of many quite different from saying that the left of centre political Parties, such as the Australian Labor Party, are disadvantaged in societies where a voluntary voting system is in place.

I am sure that members in this Chamber will still remember the debate on that very subject which took place in this very Chamber earlier this year. The voting patterns that ensued clearly showed that a majority of members did not, and apparently still do not, think that Senator Minchin's statements contained much that should be supported. Yet some time ago, the Government indicated that it was its intention to reintroduce the legislation, which calls for voluntary voting in South Australia.

I draw the attention of this Council to the recently held by-election for the State seat of Taylor, the final result of which clearly showed that only 79.6 per cent of people on the roll in Taylor exercised their democratic right to vote. I realise that the Liberal Party, for reasons best known to it, did not choose to run a candidate, but having said that I must state that the voter turn-out was inordinately low in spite of the fact that we still have compulsory voting in South Australia.

Members interjecting:

The Hon. T. CROTHERS: Do not give members opposite the opportunity of interjecting; let them answer my questions. My questions to the Attorney-General are:

1. Does he think that the low turn-out of voters in the Taylor by-election is directly linked to the press campaign run by the present Government to whip up support for its voluntary voting electoral Bill?

2. Knowing that we still have compulsory voting in this State, does he believe that, if voluntary voting was introduced into South Australia—

Members interjecting:

The PRESIDENT: Order!

The Hon. T. CROTHERS: I will repeat question No. 2 for the recalcitrants of both sides of the House that appear to be bobbing around today.

2. Knowing that we still have compulsory voting in this State, does the Attorney believe that if voluntary voting was introduced into South Australia voter participation in elections would further markedly decline?

3. Does the Attorney-General believe that the very low voter participation was triggered by the disenchantment of the electoral public of Taylor about the number of electoral promises it perceives that the present Government has either broken or not delivered at all?

4. Does he believe that people who decline to exercise their right to vote are not fulfilling and discharging their civic duty in a democratic society, *vide civis Australianus sum.*

The Hon. K.T. GRIFFIN: For the honourable member's benefit, a Bill has been introduced in the Lower House in this session to revisit the issue of voluntary voting, and that will undoubtedly get to us in due course, so the honourable member will again have his chance to reflect upon the issue.

In terms of what Senator Nick Minchin has been saying, the fact is that there is no evidence in any country that voluntary voting or compulsory voting for that matter—but more so voluntary voting in their experience—does benefit or disadvantage a particular Party. I have made the point before that we only have to look at New Zealand, where there is voluntary voting, to see that there was a landslide against the Labor Party in the 1980s and, in its most recent election, there was almost a hung Parliament where the National Party had lost the vote significantly.

The U.K. has voluntary voting with changes in Governments, between Labor and Conservative, and in the United States the recent Congressional elections and elections for Governor demonstrated quite clearly that the Republicans were the big winners where previously they had been the big losers, and it did not seem to matter whether or not it was voluntary voting. The fact is that people made a choice.

In terms of the by-election in Taylor, I am concerned that even with compulsory voting (and the honourable member said 79.6 per cent voted), 20.4 per cent did not go to the polling booth and exercise a vote. Quite obviously they were prepared to run the gauntlet of fines in order to make their choice as to whether or not they should vote. The fact is that in all places where there is voluntary voting, the political Parties have to woo the voters out, and there are no longer blue ribbon seats. If seats such as Taylor, for example, went to a by-election, with voluntary voting, they would be the subject of a very hot contest, because the candidates would then have to woo the electors with appropriate policies and programs.

Quite obviously, in this instance, because of the nature of the electorate and the fact that there was compulsory voting, none of the Parties believed they should be out there working as hard as possible to woo the voters to the poll.

In the electorate of Kooyong, if one goes the other way, I understand from newspaper reports that 85 per cent of voters turned out. No-one can say that that is not a blue ribbon Liberal seat, so it cuts both ways: winners and losers. The fact is that there is no evidence that one Party or the other is disadvantaged by or benefits from either voluntary or

compulsory voting. Certainly the low turnout in Taylor was not at all related to any issue of voluntary voting as opposed to compulsory voting. The fact is that there was only one main candidate, and the other Party (the Liberal Party) decided not to field a candidate. There was very little interest in the electorate, except from the Leader of the Opposition in the other place who sought to beat it up as its somehow being a test.

The Hon. R.I. Lucas interjecting:

The Hon. K.T. GRIFFIN: That is right, they ran against themselves. There were four questions. I think I have generally covered the ground in respect of all of them. If, when I look at the *Hansard,* I find there is anything omitted, I will endeavour to bring back some report.

POLICEWOMEN

In reply to **Hon. CAROLYN PICKLES** (19 October).

The Hon. K.T. GRIFFIN: The Minister for Emergency Services has provided the following responses:

1. On 30 May 1994, a review of the recruiting policies and strategies of the South Australian police commenced and is expected to report its findings by the end of November 1994. The percentage of female recruits in cadet intakes has increased from 27.45 per cent in 1987-88 to 38.46 per cent in 1993-94.

2. In early October 1994, a review commenced of the South Australian Police Department middle, senior and executive management selection processes and development programs. As part of the terms of reference the under-representation of women at management level is being addressed. The project team is expected to conclude its task in March 1995.

A proposal was recently considered, and agreed in principle, by the Senior Executive Group recommending the implementation of an Equal Opportunity Consultative Committee within the South Australian Police Department. A detailed proposal is currently being prepared and is expected to be presented to the Senior Executive Group at the meeting of 1 December 1994.

3. The Director Human Resources will have responsibility for the implementation of strategies arising from the reviews. However, ultimately, responsibility for implementation rests with the Commissioner of Police.

4. The project team examining the recruiting process has identified a need for marketing and targeting to increase the representation of persons from specific groups. Currently, this does not occur. This finding will be included in the project team's report and subsequent recommendations considered by executive management in the near future.

In addition, the Minister for the Status of Women has advised as follows:

2. If an Equal Opportunity Consultative Committee is established within the Police Department, the Office for the Status of Women will be available to assist police either as consultants or by involvement in the committee's deliberations as deemed appropriate and/or necessary.

5. The Minister for the Status of Women will continue to work with the Minister for Emergency Services, as she works with all Government Ministers, to ensure that women have the opportunity to participate fully and equally in all facets of Government.

POLICEWOMEN

In reply to **Hon. A.J. REDFORD** (25 October).

The Hon. K.T. GRIFFIN:

1. A detailed response to the Hon. Ms Pickles' question of the 19 October 1994 has now been provided.

The Minister for the Status of Women has provided the following response to parts 2 and 3 of your question:

2. I am aware that a review of recruiting strategies in the South Australian Police Force is being completed and that the representation of women in the Police Force is being addressed as part of the review. I anticipate that the outcome of the review will identify measures to increase the number of women employed.

I am also aware that the police have conducted a review of middle, senior and executive management selection procedures and implemented development programs. The focus of the review was to address the under-representation of women at management level.

3. I share the interest of the Minister for Emergency Services in seeking an improvement in the number of women employed in the South Australian Police Force in the near future and will ensure that the Minister has the continued support of the Office for the Status of Women to progress this matter.

GAS

In reply to **Hon. T. CROTHERS** (3 November).

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

Santos continue to make new gas discoveries in the Moomba areas, although those made over the last few years have not been confirmed as large. However, they have been sufficient to allow the 1989 Gas Sales Contracts to be maintained on a 10 year rolling basis. In addition, Santos have advised there is 400 Petajoules of gas reserves which are currently not under contract. These reserves include the remaining ethane reserves not contracted to ICI in Sydney. Santos have given an undertaking to this Government that, until July 1996, South Australian consumers have the sole rights to negotiate to secure all or part of this 400 Petajoules gas reserve for supply over the 10 year period 2004 to 2013.

Negotiations are also in progress for BHP to market their Minerva gas discovery, offshore Victoria, in South Australia.

It has been agreed by the Council of Australian Government that impediments to the free and fair trade in gas throughout Australia will be removed over the next two years. This will allow a more uniform depletion of reserves in eastern Australia generally, and thereby improve the economics of any subsequent connection to the large gas reserves known on the North West Shelf. It is considered unlikely that any such connection would be necessary before the second decade of the next century.

ABALONE

In reply to **Hon. G. WEATHERILL** (27 October).

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

The person alleged to be an abalone poacher interviewed on national television is suspected to be a person prosecuted many years ago in South Australia for abalone poaching offences. It is understood the person now resides in Queensland.

The following information summarises the abalone fishery management arrangements in South Australia.

- All offences under the Fisheries Act are summary offences and do not attract a criminal record. However, the Act provides that where a person is convicted of a fisheries offence, that person is not eligible to obtain a licence for three years from the date of conviction.
- The abalone fishery in South Australia is divided into three zones with a total of 35 licence holders restricted to fishing in the relevant zone, as follows:
  - Western Zone—23 licences
  - Central Zone—6 licences
  - Southern Zone—6 licences
- Each licence holder is allocated an annual catch quota of abalone, which is closely monitored by fisheries compliance officers.

An Abalone Task Force of five fisheries officers dedicated to the policing aspects of this fishery was recently formed to concentrate on the illegal buying sector. The illegal practice of buying abalone from poachers is closely monitored. Clearly poachers will try to achieve the highest value for their product which has resulted in organised criminal activity within this group. The recent convictions and resultant monetary penalty of a number of poachers and buyers in South Australia is an indication of the effort by officers to reduce this activity.

FISH PROCESSORS

In reply to **Hon. R.R. ROBERTS** (27 October).

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

1. To date, no formal proposal has been put to the Minister for Primary Industries by the fish processing sector regarding the registration fee.

2. When the proposal is received it will be given consideration.

With regard to the disallowance of the $2 000 registration fee on 12 October 1994, the Subordinate Legislation Act provides that when a regulation is disallowed, the regulation will cease to have effect. That is, the disallowance is not retrospective. Therefore the

regulation which prescribed the $2 000 registration fee was valid until its disallowance.

There is no provision under the Fisheries Act 1982 which requires a refund to be issued in the event of a disallowed licence or registration fee. However, there is a provision whereby fish processors may apply to cancel their registration and receive a proportionate refund of the fee. Furthermore, where an application for a new registration is received during the registration year, the applicant is only required to pay a proportionate amount of that annual fee. Therefore, fish processors have the option of cancelling their present registration and immediately applying for a new registration. In both instances the proportionate amount of the registration fee is calculated on a full month basis; a part month being considered as a full month.

In order to simplify this process for individuals, the Department of Primary Industries—Fisheries wrote to processors and advised that a repayment would be forthcoming. However, it is important to note that as there is no power or requirement under the Act to issue a refund following a disallowance, the refund being issued by the department is in the nature of an *ex gratia* payment. The *ex gratia* payment, or repayment, of $860.42 would be based on retaining 5/12ths of $2 000 plus 7/12ths of $525. By the same token, those that had made part payment of their registration fee by instalments were asked to remit the balance outstanding. In summary, the registration amount being retained by the department is $1 139.58—comprising 5/12ths of $2 000 ($833.33) plus 7/12ths of $525 ($306.25).

As previously mentioned, the department is not under any obligation to issue a refund following disallowance. The department could have waited for applications for cancellation to be lodged and then processed them individually. It should be noted that if this approach were to have been adopted, then applicants would have been required to pay 8/12ths of $525—i.e the period October to May. However, the department chose to take a proactive role and made arrangements for repayments to be sent out without waiting for applications for cancellation to be made. As it is, registration holders benefited from not having to pay the equivalent of a full month for October.

The claim that the method of calculating the repayment was vindictive is absolutely untrue. The actions of the department have been consistent with the legislation and indeed, assisted industry by not requiring an unnecessary amount of paperwork to be completed in order to obtain a refund.

When the industry proposal regarding registration fees is received, it will be considered as part of the industry consultation for setting licence and registration fees for 1995-96.

PRIMARY INDUSTRIES DEPARTMENT

In reply to **Hon. R.R.ROBERTS** (26 October).

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

No firm or consultant has been engaged by my office or by the Department of Primary Industries to monitor telephone service standards. There is, however, a program about to get under way in the Department of Primary Industries to achieve excellence in customer service via the phone. In any quality management program, assessment of performance is paramount, and this will sometimes involve independent measurement. The point that has been missed in the question is that it is the staff, not me as Minister, who will be seeking to measure their performance as part of that service development program.

FORWOOD PRODUCTS

In reply to **Hon. R.R. ROBERTS** (19 October).

The Hon. K.T. GRIFFIN: The Hon. D.S. Baker, the Minister for Primary Industries, has provided the following responses:

1. No.

2. The conditions and status of PISA employees made available to Forwood are not in question. Employees may choose to remain in the Government's employ and receive current PISA rates of pay and conditions of employment or accept a TSP.

3. In the event that some or all of the people who elect to remain with PISA are redeployed, the Government's redeployment policy provides, among other things, for income maintenance for up to two years.

4. Conditions of employment and work arranged for Primary Industries' workers will, where employees choose to remain in the Government's employ, be in accordance with Government conditions. Where employees elect to resign from the Department of Primary Industries and take a job with Forwood, their rates of pay and conditions of employment will be in accordance with relevant registered industrial awards and the Forwood Enterprise Agreement.

Unions are party to the Timber Industry Agreement with the State Government, relevant Federal awards and the registered Forwood Enterprise Agreement. In these circumstances, negotiation of conditions of employment is not involved.

FISHERIES POLICIES

In reply to **Hon. R.R. ROBERTS** (12 October).

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

1. As the review is principally internally focused and about developing an effective fisheries management regime, the terms of reference as such are purely a reflection of the General Manager of Fisheries job specification.

2. All commercial and recreational fisher's organisations in South Australia, and interstate and overseas fisheries agencies have been contacted as part of the input to the review. It is also planned to meet key persons before finalising the review.

3. The review will be a public discussion document from which the Minister for Primary Industries will make final decisions after a brief period of public consultation. It will not be a drawn out green paper/white paper process, but will require the normal parliamentary process in terms of any recommendations requiring Act amendments or new regulations.

4. Industry will be given the opportunity to comment on proposals before any action is undertaken.

MOTOR FUEL LICENSING BOARD

In reply to **Hon. R.D. LAWSON** (24 August).

The Hon. K.T. GRIFFIN: The Minister for Industrial Affairs has provided the following response:

Six applications for new licences were heard during the year ended 31 December 1993. A significant amount of administrative work is required to be handled by the board in addition to the hearing of applications for new licences or permits. This includes surrender of licences of which there were 32, and a further 20 permits were surrendered. These numbers do not include cancellations initiated by the board.

Further areas requiring administrative time include—

· applications for suspension of trading of which there were 41.
· applications for variations to licences and permits of which there were a total of 87.

The other area that involves considerable time is attending to queries, many of which of course are handled by the secretary.

1. The 1993-94 gross annual cost of administering the Motor Fuel Distribution Act 1973 was $126 000 which was offset by fees received under the Business Franchise (Petroleum Products) Act, 1979 of $123 000 leaving a net deficit position of $3 000.

Annual running costs include the following—

		$
*	Board/Appeal Tribunal	75 000
*	Administration Support Costs	16 000
*	Inspectorate Costs	4 000
*	Fee Collection Costs (State Taxes)	31 000

2. No; recent discussions which the Chairman of the Motor Fuel Licensing Board attended with officers involved in the planning applications clearly indicated that the objectives of the Act could not be achieved by appropriate Government planning controls. Co-regulation is, however, being examined.

3. The Motor Fuel Licensing Board is not aware of any specific analysis having been undertaken. However, a number of submissions from members of the public were received in response to a report from the 'Department of De-Regulation'. In particular, the Motor Trade Association, which represents the majority of the retail outlet operators, is firmly of the view that the legislation should be retained.

4. The current view of all parties is that the Motor Fuel Distribution Act should not be repealed, but rather that co-regulation is the preferred course of action. As indicated above, the mechanism by which co-regulation can be achieved is being examined.

PRISON PRIVATISATION

In reply to **Hon. T.G. ROBERTS** (12 October).

The Hon. K.T. GRIFFIN:

1. The union is being given every opportunity to contribute to the reduction of costs and to have a say in the running of an efficient and effective correctional services system. All changes to unit management have been made in consultation at both the local institutional level and at the fortnightly meetings with the PSA. In most institutions, restructuring has been implemented smoothly. For example, at Yatala, changes were designed by a committee of key representatives comprising of staff, the unions, occupational health and safety and management.

At Mount Gambier, correctional officers will have the opportunity to tender on behalf of the department for the management of the new Mount Gambier Prison. Funding has been made available to the staff to engage external consultants to assist them in the preparation of their bid. This Government will be the first in Australia to allow staff to tender in the private management process.

2. In addition to the Mount Gambier Prison, a planned new 500-700 bed prison will also be offered for private management. While there are no plans to privately manage existing prisons, those that do not remove restrictive work practices to enable costs to be reduced to competitive levels may also be considered for privatisation. The Adelaide Remand Centre has been put on notice regarding this. Restructuring must continue to drive costs down to acceptable levels and the covert practices and intransigence by a very small group of correctional officers must not be allowed to hinder the reform process.

3. The cost of provision of correctional services in South Australia is the highest in Australia, a fact referred to the Commonwealth Grants Commission and the Commission of Audit. The Commission of Audit recommended that the Government examine outsourcing a number of functions, including total prison management to the private sector with an aim of reducing costs to Government.

The following criteria have been set for correctional services:

- To increase competition in the provision of correctional services and establish an alternative benchmark to improve cost effectiveness and to significantly improve the quality of services to prisoners in the form of rehabilitation, education and work programs. These areas have been neglected for many years, a fact that is clearly demonstrated by South Australia's return to prison rate of some 65 per cent. This situation is at a great cost to both the individual and the community. During 1993-94 some $89 million was expended in the administration of correctional services. The public sector does not have a monopoly on best practice and the Government wishes to explore alternatives offered by the private sector.
- To improve value for money by directing attention to the real costs of providing services to offenders and to expose subsidies and restrictive work practices. Reform and restructuring in the prison system has been extremely slow and has only occurred as a result of the impending introduction of private management.
- To generate savings to assist debt reduction and make the prison system more cost effective and provide improved services.
- To create a dual system whereby ideas and technology can be exchanged between the private and public sectors and create an environment whereby competition for world's best practice is ongoing.
- To be able to use alternative sources of finance and redeploy capital to other areas in the community of higher priority.
- To increase accountability to the community and Government in the provision and administration of correctional services.

SCHOOL SERVICE OFFICERS

In reply to **Hon. M.J. ELLIOTT** (2 November).

The Hon. R.I. LUCAS:

1. If School Services Officers are forced to move from their current position to another school, their salaries will be maintained.

2. This process is in line with the requirements as prescribed in the School Services Officer Award as agreed to by SAIT and the PSA and the previous Labor Government.

INDEPENDENT GAMING CORPORATION

In reply to **Hon. M.S. FELEPPA** (25 August).

The Hon. R.I. LUCAS: The Premier has provided the following response. My reference to the Independent Gaming Corporation merely reflected the fact that the Independent Gaming Corporation is an unlisted public company owned by the hotel and clubs industry. There is absolutely no taint of corruption inherent in my statements, as alleged by the member.

LOTTERIES COMMISSION

In reply to **Hon. T. CROTHERS** (18 October).

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

1. I have been advised that no officers of the South Australian Lotteries Commission act as investment advisers or as investment agents to winners of large cash prizes.

2. As a matter of procedure the General Manager of the Commission generally meets with major prize winners who are advised verbally that they should obtain professional advice from independent investment advisers or from their bank before making investment decisions.

The Commission intends to produce some written material for the information of major winners which will include a specific recommendation that major winners should obtain professional investment advice.

INFORMATION TECHNOLOGY

In reply to **Hon. M.J. ELLIOTT** (6 September).

The Hon. R.I. LUCAS: My colleague the Hon. Stephen Baker has provided the following response. The evaluation process conducted was to ensure that the decision making was managed properly:

- It was done on the basis of a competitive negotiation with IBM and EDS.

  They put forward proposals which included commercial-in-confidence material and because it was a competition, neither company should gain any information about the other company that could have given them an advantage in the process.
- I am happy to provide the following general information on criteria used to evaluate the companies:
  - industry development
    - commitment to the MFP, Centre of Excellence, etc.
    - support local industry, etc.
    - expansion of export potential for the State.
  - outsourcing
    - human resource issues associated with employment of public sector people.
    - a required level of guaranteed savings to Government.
    - commitment to maintaining service levels and protection of data/security, etc.
    - ability to do the required job.
    - refreshment of technology.
    - purchase of non strategic assets.

The Government is considering the entire issue of protection of data confidentiality at all levels as part of its outsourcing negotiation with EDS. Overseas and local practices and precedents will be incorporated wherever practical to ensure that State of the Art practices are achieved.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Health, a question about funding for the Women's and Children's Hospital library.

Leave granted.

The Hon. SANDRA KANCK: The library at the Women's and Children's Hospital has recently moved to new premises. However, there is a lack of space to house the books and journals from the Queen Victoria Hospital. The building plans had allowed for this by allocating archival space but this has now been scrapped. The other squeeze on library funding is journal subscriptions, which have been reduced by 12 per cent over the past year. I am informed that health budgets are getting so tight that some journals are no longer being subscribed to anywhere in Australia.

I am also told that some of the journals being cut are so essential that researchers are considering subscribing personally to put them into the library and then seeking a

refund from the department. However, this does come with the risk of getting caught and careers and reputations being affected. Some journal subscriptions are very expensive, costing up to $4 000 annually. My questions to the Minister are:

1. What plans are being made to ensure that adequate space will be available so that there is room for the library items coming from the Queen Victoria Hospital?

2. Will the hospital have to make further cuts in journal subscriptions this financial year? If so, what systems are put in place to ensure that the latest research material is available to researchers in both South Australia and Australia generally?

3. Does the Minister consider that, without access to the latest research information from overseas, medical researchers at the Adelaide Women's and Children's Hospital will be able to compete on equal terms with private enterprise?

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

STATE FINANCES

The Hon. T.G. CAMERON: I seek leave to ask the Minister for Education and Children's Services, representing the Treasurer, a question about State finances.

Leave granted.

The Hon. T.G. CAMERON: Recent articles in the newspapers have stated that the State debt has increased. There have also been a number of articles in the press recently regarding increases in interest rates. We have recently seen the Federal Government further increase interest rates. There have recently been a number of reports by economists and other financial writers suggesting that interest rates could rise to as high as 13 or 15 per cent.

My question to the Minister is: as the deterioration in the State's indebtedness coupled with recent interest rate increases, with more to come, could create severe problems with this year's budget and, in particular, the next two budgets, will the Treasurer provide the Council with a detailed assessment on the State's finances and the impact of the recent increases in our State debt and the recent interest rate increases?

The Hon. R.I. LUCAS: The honourable member has rightly pointed the bone where it ought to be, and that is at the Commonwealth Government's financial policies and in particular inadequate budget policies which have caused and brought about the prospect of some concern in relation to interest rates nationally and the flow-on effect to South Australia. I will refer the honourable member's questions to the Treasurer and bring back a reply.

SELECT COMMITTEE ON THE REDEVELOPMENT OF THE MARINELAND COMPLEX AND RELATED MATTERS

The Hon. R.I. LUCAS (Minister for Education and Children's Services) brought up the special report of the Select Committee on the Redevelopment of the Marineland Complex and Related Matters.

STATUTES AMENDMENT (OIL REFINERIES) BILL

Second reading.

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

That this Bill be now read a second time.

The objective of the Statutes Amendment (Oil Refineries) Bill 1994 is to ratify certain changes to the South Australian Government's Indenture Agreements with Mobil Oil Australia Ltd. The main amendments concern arrangements for payment of wharfage on the movement of petroleum feedstocks and finished products across the Port Stanvac wharf, which were originally negotiated and ratified in the Oil Refinery (Hundred of Noarlunga) Indenture Act 1958. Wharfage arrangements were extended in 1976 to apply to the lube refinery and incorporated in the Mobil Lubricating Oil Refinery (Indenture) Act 1976. The original intent of the wharfage arrangements was to compensate the State for income forgone through the Port of Adelaide when the refinery was constructed and to provide an incentive for local refining.

Mobil owns, operates and maintains its marine facilities and does not receive any services from the State Government in return for the wharfage paid, which adds to refinery operating costs. The Port Stanvac refinery makes a significant direct and indirect contribution to the South Australian economy in terms of production, employment and export earnings. To sustain this contribution the Mobil company competes against other affiliates in the international Mobil Corporation for a scarce pool of capital. The investment required to ensure the continued viability of the refinery in the long term will only proceed if it is able to achieve a return on investment comparable with that which could be made on investment offshore.

The Government has therefore agreed that wharfage payable on imports of crude feedstocks will be abolished on expiry of the current arrangements on 1 February 1996. The indentures also require payment of wharfage on imports of refined petroleum products. However, some limited imports of refined products are a necessary part of refinery operations, to maintain local supply during shut-downs. In the Government's view, the oil refinery should not incur a cost penalty due to wharfage charges on refined product imports if such imports are an unavoidable aspect of normal operating conditions. This Bill therefore provides for limited imports of refined products to be exempt from wharfage. Imports which do not satisfy the conditions for exemption will attract wharfage at the full market rate.

The further restructuring of wharfage charges will both enhance the cost competitiveness of the Port Stanvac refinery and strengthen incentives for local refining rather than the use of Port Stanvac as a terminalling facility for interstate or overseas imports of refined products. This Bill also modifies the arrangements for the supply of petroleum products to the South Australian Government: clauses requiring the State to provide preference to Mobil when purchasing petroleum products are to be removed from the indentures as well as a related provision concerning pricing which has become redundant. The preference provision contravenes the Government Procurement Agreement to which this State is a signatory and is also inconsistent with the principles of the planned national competition policy. The resulting injection of greater competition into the tendering process for Govern-

ment contracts can be expected to offer cost savings to Government agencies on purchases of petroleum products.

The new policy on wharfage with respect to the Port Stanvac refinery is a further sign of the Government's commitment to create a favourable business climate which supports viable and internationally competitive industry. It also highlights the Government's preparedness to take positive action to facilitate major new investment in South Australia. In return for these agreed changes to wharfage arrangements, Mobil has advised its commitment to a major new investment program involving expenditure of some $50 million over the next three years. Investment in new processing equipment and infrastructure, including a new wharf, will strengthen the refinery's export capability. The investments will also enhance secondary processing capability, increasing production of higher value added products, such as waxes and solvents, for export to Pacific Rim countries. Estimated additional export revenue from this investment program over the next three years is $36 million rising to $20 million per year in the fourth year and beyond.

Negotiations with Mobil have resulted in agreed revisions to the indentures which will be mutually beneficial for the future. The new Indenture Agreements, and the investments which flow from them, are vital for the refinery's future and of ongoing significance to South Australia, given the strategic role which the refinery plays in the State's economy. I commend this Bill to the Council. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

This clause is formal.

Clause 2: Interpretation

This clause is the usual interpretation provision included in statutes amendment measures.

PART 2

AMENDMENT OF OIL REFINERY (HUNDRED OF NOARLUNGA) INDENTURE ACT 1958

Clause 3: Amendment of s. 9—Cargo service charges

This clause amends section 9 of the principal Act by striking out subsection (1). The provisions of that subsection are incorporated in the amendments to the Indenture.

Clause 4: Amendment of schedule—Indenture

This clause makes the following amendments to the Indenture.

Interpretation

A definition of 'cargo service charge' has been inserted and all references to 'wharfage' have been replaced by this expression, in line with the terminology currently used by the Department of Transport.

The definition of 'Esso' has been removed as it is no longer necessary.

The definition of 'Port Adelaide' has been revised to bring it into line with that in the new *Harbors and Navigation Act 1993* which has replaced the *Harbors Act 1936*.

A definition of 'lube refinery' has been inserted as it is used in new clause 10 of the Indenture.

References to 'Minister of Roads', 'South Australian Harbors Board' and 'South Australian Railways Commissioner' have been replaced by 'Minister for Transport' or 'Department of Transport', as appropriate.

References to 'tonnage' and 'port dues' have been replaced with, respectively, 'harbor service charge' and 'navigation service charge', in line with current Department of Transport terminology.

Pilotage

The provision exempting ships arriving at or proceeding from Mobil's marine installations from the requirement to be piloted as prescribed by the *Harbors Act 1936* has been revised on account of the *Harbors and Navigation Act 1993*.

Charge on unloading of crude oil

The concessional rate of the charge payable in respect of feed stock unloaded by means of Mobil's marine installations has been updated from $1.6861 to $2.0076, which is the current rate. The clause imposing the charge will expire on 1 February 1996 if Mobil has, before that day, paid to the Minister for Transport the sum of $1 000 000.

Charge on unloading of finished petroleum products

The rate payable in respect of finished petroleum products unloaded by Mobil at its marine installations has been increased to the full rate payable in respect of bulk liquid cargo unloaded at Port Adelaide.

However, the Minister may, on application by Mobil, grant an exemption from the charge. The Minister must not grant an exemption unless satisfied that production of finished petroleum products at the fuels or lube refinery has been, or is to be, interrupted and that the unloading to which the application for exemption relates is necessary to ensure continuity of supply of such products in South Australia. Mobil cannot unload more than 100 000 kilolitres of finished petroleum products per calendar year pursuant to such exemptions unless the Minister is of the opinion that exceptional circumstances exist to justify the unloading of a greater quantity without payment of the unloading charge.

Charge on loading of crude oil or condensate

The concessional rate of the charge payable in respect of crude oil or condensate loaded at Mobil's marine installations has been updated from $1.6861 to $2.0076, which is the current rate.

Preference and prices

The preference and pricing clauses have been removed for the reasons given above.

PART 3

AMENDMENT OF MOBIL LUBRICATING OIL REFINERY (INDENTURE) ACT 1976

Clause 5: Amendment of s. 6—Cargo service charges

This clause amends section 6 of the principal Act to replace references to 'wharfage' with 'cargo service charge'.

Clause 6: Amendment of first schedule—Indenture

This clause makes the following amendments to the Indenture.

Interpretation

As in the 1958 Indenture—

- a definition of 'cargo service charge' has been inserted and all references to 'wharfage' have been replaced by this expression;
- the definition of 'Port Adelaide' has been revised; and
- references to 'Minister of Roads', 'South Australian Harbors Board' and 'South Australian Railways Commissioner' have been replaced by 'Minister for Transport' or 'Department of Transport', as appropriate.

Charge on unloading of crude oil

The concessional rate of the charge payable in respect of lube refinery feed stock unloaded by means of Mobil's marine installations has been updated from $1.6861 to $2.0076, which is the current rate. The clause imposing the charge will expire on 1 February 1996 if Mobil has, before that day, paid to the Minister for Transport the sum of $1 000 000 under the 1958 Indenture.

Preference and prices

As in the 1958 Indenture, the preference and pricing clauses have been removed.

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

SOUTH AUSTRALIAN WATER CORPORATION BILL

Adjourned debate on second reading.

(Continued from 27 October. Page 630.)

The Hon. SANDRA KANCK: One of the truisms one inherits by being South Australian is the oft-quoted statement, 'We live in the driest State on the driest continent of the world.' So it is a credit to the Engineering and Water Supply Department, given that we are at the receiving end of all the toxins and pollutants which have accumulated in the Murray River along its journey, that it has succeeded in providing us with potable water at such a low cost. The importance of water cannot be underestimated. In 1992 the Worldwatch Institute released a study which showed that water shortages

could be the source of the next major international conflict. It also pointed out that world water demand has more than tripled since the 1950s. So the decisions we make in this place about the future of the EWS could be quite crucial. Given the importance of water, it is most unfortunate that, in the context of this Bill, it is just another commodity, and one that has to be looked at purely in terms of its capacity to make a profit.

The corporatisation of the Engineering and Water Supply Department, we are told, has been motivated by the Hilmer report on national competition policy and the report of the South Australian Commission of Audit. For this reason, I intend to concentrate the remainder of my remarks on the implementation of these recommendations and their consequences for South Australians. The Hilmer report made three broad recommendations for the structural reform of public monopolies: first, separating regulatory responsibilities from commercial activities; secondly, separating natural monopoly elements of an organisation from activities which are contestable; and, thirdly, separating the potentially contestable elements of a monopoly into several independent businesses operating in one market.

These recommendations were broadly echoed by the Audit Commission Report in a more detailed and specific manner. The Australian Democrats are relatively comfortable with the idea of separating regulatory and commercial activities as the accountability of Government bodies tends to be improved, but I find it extremely interesting how these recommendations have been approached by the Government.

In my briefing on the Bill with senior people from the Minister's office, I was told the aim of the legislation would be to remove from the political domain the commercial aspects of EWS administration and, in the case of the setting of water charges, the Audit Commission recommended that pricing should be removed from the political arena. It is therefore a trifle puzzling that in this Bill the Minister seems to be implying that pricing waters for industrial consumers is a regulatory activity while pricing waters for domestic consumers is a commercial function.

Why else is he proposing to hand over holus-bolus to the corporation the power to set residential charges but is retaining the authority, albeit subject to consultation with the corporation, to determine water charges to industry? It seems to me that the Minister could be able to negotiate separate water rates with private companies for the supply of their water while leaving domestic consumers at the mercy of the corporation for the pricing of their water. Since the Audit Commission recommends that the Government should expect a set rate of return on fixed assets, the Minister could put the corporation in the position of having to bump up domestic charges to achieve a required profit.

It only serves to exacerbate my concern about the implications for domestic consumers to know that the Minister is undertaking this corporatisation before the Government has gazetted the new schedule of water rates which it says is due by early December. A cynic might see it as an act of gross political expedience that the Bill proposes to take from the Minister the power to determine residential rates whilst maintaining his power to determine commercial rates. Why do we have one lot of ratings to be determined by the Minister and the other by the corporation? I shall need to be provided with a satisfactory answer or I shall be moving an amendment in Committee seeking to bring these two divergent price-setting mechanisms into line.

The issue of cross-subsidisation of country water consumers is also important, and I would like the Government to spell out clearly what it intends. Given that the Government could bump up water charges substantially and still remain competitive with other States, I will also want to know what the new pricing structure and the bottom lines for consumers are going to look like before I support the changes. In terms of contestability, the Audit Commission recommendation adopted by the Government has gone further than the Hilmer recommendation in that not only has it said that the EWS should be scoured for functions that can be 'contested' by the private sector, but that, where possible, the functions performed by the EWS should be outsourced.'

I recently visited the EWS Bolivar Sewage Treatment Works, and it struck me that the staff cutbacks achieved over recent years were substantial. I was impressed by the job that they have done in managing the staff reductions and by the program of further reductions that they plan in their work force. It was pointed out to me that these impressive efficiencies have taken many years to achieve and that private contractors will have to start from scratch. The shift in maintenance policy at Bolivar from corrective maintenance to preventive maintenance has been a major factor in their efficiency drive and requires an accumulated knowledge and experience that can be acquired only over the course of many years. As a result of staffing cutbacks over the past few years, they are already outsourcing a great deal of work, and in a very socially responsible manner, too, by choosing local firms wherever they can do the work. The staff at Bolivar aim at efficiencies over the long term which, I would argue, they are much better suited to deliver as a complete, though lean, organisation than as a rump of contract administrators.

It is really such a short time since the Hilmer report was published—most of the public have never heard of it—but it has been adopted by Governments and the business sector almost as a bible. Yet, with so little public consultation, the Audit Commission took Hilmer's recommendations and went even further. To say, as the Audit Commission has recommended and the Government has implied in its approach to this Bill, that everything that can possibly be privatised, outsourced, competed for, made more cost effective or deregulated should be is an ideological approach and may have serious long-term consequences for this State, particularly in the loss of expertise. Yet there is no provision in the Bill for the factoring in of what the Audit Commissioners and other economic rationalists may refer to as human capital. The Bill neglects this most important investment that would be run down by the outsourcing process.

The ideal of competition also seems inconsistent with the Audit Commission recommendation, which was also adopted by the Government, that the 'EWS should investigate the benefits from franchising service areas.' I would like the Government to clarify for me whether it intends implementing this, as it seems to be saying that the Government should look at replacing the EWS monopoly with private submonopolies. The Government's response to the Audit Commission recommendation of the use of BOO (build, own, operate) and BOOT (build, own, operate, transfer) schemes 'to reduce the costs of new infrastructure projects' was to adopt this, and I understand that the planning of individual projects is under way. This is another move by the Government which is alarmingly pre-emptive of Parliament. I would like to know exactly what projects the Government is planning and the principles for the operation of BOO and

BOOT schemes before I sanction their use pursuant to this Bill.

Whilst the Government has promised to keep key infrastructure under its control, it begs the question of where the money will come from when the profitable parts of EWS will be outsourced in the short term and possibly privatised in the long term. I recall just a few years ago when a major trunk pipeline had to be resleeved on the section of North Terrace between East and Dequetteville Terraces that the cost was more than $1 million for work that covered a distance of little more than one block. As Adelaide's ageing pipelines continue to deteriorate, how will their repair and replacement be funded if the profitable aspects of the EWS have been taken away? The only way, it seems to me, would be through drastic increases in water rates for consumers. Will the Minister deny that is the likely scenario?

In conclusion, I am surprised that in another place the Opposition's infrastructure spokesperson in his second reading contribution raised only a few of the concerns outlined by the Democrats. With some reluctance, because the Opposition has indicated its support for the Bill, which proceeds down the same path it was taking before it lost Government, I support the second reading.

The Hon. R.R. ROBERTS: The Opposition's contribution will be relatively short on this matter, but we will probably make some expanding comments on our amendments. I apologise to the Council because those amendments have not yet been finalised and circulated. However, I can indicate what we are on about. We intend to move an amendment on the introduction of clause 8A, which would read:

> The board must not cause or permit water or water services or facilities to be provided or operated on behalf of the corporation by another party under a contract or arrangement unless the board determines, on the basis of a proper examination of the matter, that the corporation could not itself provide or operate the same services or facilities competitively.

It is our intention to provide the opportunity under this new regime for those people who are working for EWS, in particular, and who have been providing good and faithful service for many years with respect to the full range of services required by EWS, to tender for these particular services and to have their tenders properly assessed. In other areas we have seen the Government's intention to contract part of services out. In particular, one can draw an analogy with the Transport Bill where the Government intends to contract different services out to private companies. Indeed, I understand that the Transport Authority will also be able to compete for the same services. However, we feel that some unfair impediments can be placed in front of the authority and that an amendment such as this—I emphasise this is not the precise wording of the amendment with which we may come back tomorrow—will provide an opportunity for these people to compete fairly and maintain some of these services that they have assiduously and faithfully provided in the past.

Very briefly that is what we will be doing and what we propose in respect of the new clause. We also intend to have an amendment in respect of clause 11, which is the construction of the board. It would be our intention to suggest that the board ought to consist of four members appointed by the Governor and the chief executive officer, which would make a total of five members on the board. We will also be bringing this in line with the electricity Bill. In the circumstances, we believe that that is appropriate so that these boards run properly and efficiently. It is our belief that the chief executive officer, who is the principal officer in all of these authorities, ought to be a part of the board and, therefore, we will be moving an amendment in that light.

There are some consequential amendments that we will be pursuing in respect of the construction of the board. There are some seven or eight amendments which are basically consequential on the construction of the board amendment that I have just outlined. The test, of course, will be that if we, with the support of other members of this Chamber, are successful with this amendment in respect of the construction of the board, we would see the other amendments as consequential, and if we fail obviously they will just fall off the back.

This Bill has been discussed in another place and I am advised by the shadow Minister in another place that, whilst this is not the Opposition's preferred position in respect of the operation of our major corporations for the provision of services to South Australians, we understand that the Government is in power, it has made its intentions quite clear in these areas and it will be our intention at this stage to move those two amendments and seek the support of members of this Chamber to make this Bill much more acceptable and to give those loyal employees of EWS and ETSA the opportunity to compete for their jobs. It is not a principle that we like. We believe that these people do provide a valuable service and should not have to compete with people who come in and do a once-off job, where these people are permanent employees. However, we understand the situation and the fact that the Government has made its intentions clear in this area and, as I say, we will be pursuing those two major amendments.

The Hon. J.F. STEFANI secured the adjournment of the debate.

NATIVE TITLE (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 17 November. Page 861.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): I propose to address the four Bills, which deal with the issue of native title, in the one second reading speech in line with the recommendations of the Government and as the legislation was dealt with in another place. It facilitates the passage of these Bills and, as they are all interrelated, it is a sensible proposal. I wish to address my remarks to some of the issues in general relating to Mabo and the reasons why we have these sets of Bills before us today, and intend to deal in more detail with the specific four Bills in the Committee stage.

Although the goals and intentions of the Opposition and the Government coincide in respect of many of the matters covered in these Bills, the Opposition has substantial objections to several aspects of these Bills. I can state at the outset that the main issues where we take a very different position from the Government are in respect of the conjunctive agreement proposals, the right to negotiate with potential native title holders, which, we say, should take place prior to the granting of any mining tenements by the Government, and a spurious declaration of law regarding the impact of South Australian pastoral leases on native title rights, which the Government seeks to include in the Native Title Bill. There are some other lesser matters which are nevertheless import-

ant. We can come to those, as I mentioned earlier, in the Committee stage.

Over the last week the Opposition has been trying to work through a number of amendments which the Government will be introducing, and, following consultation, we will seek, wherever possible, to have some kind of agreement with the Government on these amendments. To properly understand the Opposition's position in respect of these issues, it is necessary to examine the history behind this legislation. The legislation itself is of historical significance and must be put in the context of developments in the latter part of the twentieth century which signify another milestone in the maturity of Australia as a nation. I refer to the developing reconciliation between the Aboriginal people of Australia and the rest of the Australian community.

The story behind this legislation really begins tens of thousands of years ago when Aboriginal people came from places north of this continent to settle the coast, the vast inland and the peripheral islands of this land. The Aboriginal tribes grew and spread out over all of what is now known as Australia. These people developed their own customs, laws and spiritual beliefs closely bound to nature and the land itself. As Justice Blackburn said in the Gove land case decided in 1971:

> The evidence shows a subtle and elaborate system highly adapted to the country in which the people led their lives, which provided a stable order of society and was remarkably free from the vagaries of personal whim or influence.

In 1788 came the first incursion of a permanent white settlement into this land which had been occupied for tens of thousands of years by the Aboriginal people. Those first European settlers claimed the entire continent for their mother nation, England. This raised a question of international law. The relevant principles of international law have not essentially changed in the past 200 years.

The coming of the European settlement raised three possible legal scenarios. If the claim to the whole of the continent was valid, it had to be achieved in one of three ways. It was either a matter of conquest, cession, or occupation of vacant land. As Justice Brennan said in his majority High Court judgment in the case of *Mabo v. Queensland (No. 2)*, in this context, 'No other way is presently relevant.'

Cession is the act of one State handing over territory to another. Clearly, cession is inapplicable in the context of the European settlement of this land which we call Australia. For one thing, there was no overarching, governing body of the Aboriginal people of the day which could have had authority to effectively hand over all of the continent to the European intruders.

But there is a more important, fundamental reason why cession is inapplicable in this context. The belief system of the Aboriginal people of the day would not have permitted the surrender of all rights to the land, in the European sense. Traditional beliefs were more suggestive of the Aboriginal people belonging to the land, rather than the land belonging to the Aboriginal people. In European terms, however, the Aboriginal people possessed the land and obviously had the right to use it. But the land was not, and could not have been, ceded to the European settlers.

The second possibility to consider is whether the Australian continent was occupied as vacant land by the European settlers. We know immediately that this is nonsense. Virtually everyone in Australia today realises that there were Aboriginal people living on the land before European settlers arrived here. And the first European settlers here could not deny what they could see with their own eyes, that they came into contact with Aboriginal people virtually as they first came ashore. Yet, incredibly, the lawyers and judges of the eighteenth century were able to ignore this evidence and proclaim that, legally, the Australian land was vacant upon European settlement. In lawyer's Latin it was known as *terra nullius*—nobody's land. We can politely call this notion a fiction. It would be more apt to call it a cruel lie. It was, after all, a deliberate self-deception to justify the proprietary abuses which came with the European settlement of this land. I do not quarrel with the legal concept of precedent in itself. Employment of that concept in our legal system promotes stability and certainty, to an extent. But lawyers, judges and successive Governments, here and in England, used the crutch of precedent to perpetuate the lie of nobody's land.

In the 1970s and 1980s, even in the solitary minority judgment of Justice Dawson in the Mabo case decided in 1992, the lie was perpetuated. The doctrine of *terra nullius* provided the authority for England, the colonial Governments, and ultimately the State Governments and the Commonwealth of Australia, to do as they pleased with any part of this land and purportedly stripped Aboriginal people of all property rights immediately upon the first European settlers coming ashore.

The majority judgments in the Mabo case exposed the lie. Six of the seven High Court judges pointed out, essentially, that the facts as we know them today do not fit the lie. We cannot kid ourselves any longer. These High Court judges have displayed the conscience of the nation. The most regrettable thing about the Mabo decision is that it did not come earlier. But then it was only in 1967 that we, as a nation, accepted that Aboriginal people should have the vote and therefore be recognised as citizens of this nation. I note that here in South Australia we recognised and gave Aboriginal men and women the right to vote in 1894. It was less than 20 years ago that the Commonwealth Racial Discrimination Act was passed, which brought with it an insistence that Aboriginal people were to be accorded the same rights as other Australians. Having set the groundwork for acceptance of Aboriginal people as citizens of this nation, to be accorded the rights and respect due to all members of our community, we are only just now able to face the truth of what has taken place since 1788.

Acknowledging what we now know, we can look to the lie about Australia being nobody's land at the time of European settlement, and we can ask: how was this lie spoken in the first place, when it was so obviously inconsistent with the facts? The answer is that it was a simple, pure case of racism.

There have been many offensive and condescending descriptions of Aboriginal people, their culture and spiritual beliefs, over the past 200 years or so. Many of these views, which reinforce the historical misunderstanding of the Aboriginal people, do not bear repetition in this place. But the racist view of Aboriginal people came to be of profound significance in our legal system. Justice Brennan of the High Court—again I refer to the Mabo decision—quoted an English judge who in 1863 pronounced the law to be as follows:

> Where Englishmen establish themselves in an uninhabited or barbarous country, they carry with them not only the laws but the sovereignty of their own State. . .

The prevailing view in the eighteenth and nineteenth centuries (and up until 1967 among some groups of people

in Australia) concerning alterations to our Constitution was that the Aboriginal people were barbarous. Because of their different ways, because of their different customs and beliefs, because of their more rudimentary means of food gathering and production, because they were not Christian, they were seen as something less than human beings. Because the beliefs that the Aboriginal community had to be saved by Christianity, that they had to have their children ripped away from their families in the name of civilising them, the belief that force could be legitimately used to remove Aborigines from land which non-Aboriginals wanted for cultivation—all of these beliefs are utterly racist. As a nation, we need to stop and reflect on the reality of this racism, which unfortunately lingers among many people in this country, before we can realistically and constructively approach the question of the special place of Aboriginal people in the Australian nation.

Just as in any relationship when one person has been consistently abused by another, the healing cannot begin, and progress cannot be made, until a sober, frank and realistic appraisal of the past is made. I believe that we as a nation are now accepting much of the reality of what has happened, as between Aboriginal people and the rest of the nation.

I see two particular areas in which the people of Australia need to be more honest and more enlightened if we are to truly accord Aboriginal people their rightful place in this nation. The first thing is to acknowledge the prevailing racist attitudes of the past and the continuing racism of many people throughout this country. Secondly, it is very important to be honest about the process by which Anglo-Saxon culture became dominant in this land.

At this point I return to my earlier theme: an analysis of European settlement here in terms of international law. It has become clear that this land was not ceded to the European settlers, and the European settlers did not come across an empty land to occupy. The only remaining possibility, in terms of the concept of international law, is that the land was taken by conquest.

I believe it is very important that we acknowledge that the British conquered this land. In itself, this acknowledgment may not make Aboriginal people feel any better. But if we speak the truth about the past we have a building block to construct an honest and just relationship between the Aboriginal people and the rest of the nation. It was an unannounced war, incrementally fought. Victory was unannounced, just accomplished. In some cases, as the British came ashore with their guns and swords, moving steadily inland over time, Aboriginal people simply retreated. But in many cases, in tens of thousands of incidents which have taken place since the first European settlement, land was taken by force and Aboriginal rights were severed with bloodshed.

There seem to have been more major confrontations along the eastern coastal areas, but there are also historical accounts of Aboriginal people in the Colony of South Australia being hunted down and shot. In South Australia, as in all other colonies on the Australian continent, wherever the British and their descendants sought to take land for farming or mining purposes, the only choices available to Aboriginal people were to retreat or to resist and face death. This is nothing but a history of conquest. It was a conquest masked as 'further exploration and settlement' by the British and their descendants. It is a pattern that was mirrored in many other continents of the world. The power to mask conquest in this way was derived from ignorance, racism and misunderstanding of Aboriginal people and their beliefs.

By the beginning of the twentieth century at least, the conquest was effective and complete. The British and their descendants were dominant over almost all the populated areas of the country. Aboriginal people may not have liked it at all, but the fact is that the law of the Commonwealth of Australia came to apply over all the land and all the people. The separate Aboriginal nation, or nations, had been subjugated. Unpalatable as it is, that is the history of this country. I am not suggesting that anybody should feel guilty about the conquest—guilt is pointless. But once we as a nation accept that this conquest took place, then we can properly consider the consequences that flow from it.

With respect to the Aboriginal people, I believe that they also must acknowledge that this conquest has taken place. The rights for which they now seek recognition must be rights which are accorded by the law of the Commonwealth, and that is the law of and for all people in this one nation. If there are Aboriginal people who cannot reconcile themselves to the fact of conquest and the consequent supremacy of the law of the Commonwealth of Australia, I think that attitude would be pointless, because the only way forward now is through the legal and political system of this nation. And the basis of the legal system of this nation is the Commonwealth Constitution and its ultimate acceptance by the people of the nation. With the Commonwealth Constitution, we have the State Constitutions. Based on these Constitutions, we have the Commonwealth and State laws. Underpinning the Constitution, and ultimately based on the common beliefs of the people of this nation, we have the common law.

The High Court decision in Mabo (No. 2) tells us what the common law is in respect of the traditional pursuits of Aboriginal people where those pursuits have gone on undisturbed since before European settlement. The right to carry out these traditional pursuits of hunting, gathering food, and participating in cultural and religious rituals, have come to be known as native title rights. The key point of the Mabo decision was that these native title rights persist—they have not necessarily been overridden by the conquest of this land by the British people and their descendants. This conclusion is made possible by the fact that conquest does not mean that all the land in Australia is automatically and immediately forfeited to the Crown or the Government of the colonising power.

The colonisation and conquest of this land allowed the Crown—the English monarch—to legally claim the 'radical title' to the land. This right has passed on to the Crown in the form of the Commonwealth Government and the State Governments. Owning the ultimate title—the radical title—of the land means that the Government in question potentially has the right and the power to take over and deal with the land at will.

But there are several strands of good and just concepts bound up in the heart of the common law. One of those concepts is that the State should not take over the land of a citizen without justly compensating the citizen. This notion is reflected in the South Australian Land Acquisition Act and comparable legislation around the country. In conjunction with this legislation, one must also consider the Racial Discrimination Act of 1975, passed by the Commonwealth. The Commonwealth Act ensures that Aboriginal people are just as entitled to just compensation upon acquisition of real property rights as any other citizens of this nation. Because native title rights relate to land, they are property rights which should be given protection by the Land Acquisition Act.

Once we accept that Aboriginal people have native title rights which do not necessarily translate into the common law forms of property holding, such as exclusive possession or use of usufructuary rights (which one might call 'rights of access'), it is clear that special arrangements need to be made throughout the Commonwealth to facilitate the recognition and protection of these rights. Hence the historic Commonwealth Native Title Act of 1993. As members would be aware, the Commonwealth Act provides for Native Title Tribunals to be established throughout the country for determination of questions concerning native title.

Needless to say, to ensure the passage of the Commonwealth Native Title Act through the Federal Parliament, various deals were no doubt done. The various States of Australia undoubtedly had concerns about Commonwealth monopoly over determination of these questions. So, out of the legislative melting pot we have the strange situation where there will be two different possible avenues for resolving native title questions. Claimants or concerned property holders will have the choice of going to the Commonwealth judicial stream or the South Australian judicial stream. On the one hand, one can go to the Commonwealth Native Title Tribunal, and from there to the Federal Court and thence to the High Court. Alternatively, one can go to the Environment, Resources and Development Court of South Australia, from there to the Supreme Court, and from the Supreme Court to the High Court.

In the context of this framework, and bearing in mind the historical understanding which I have expounded today, it is easier to understand the fundamental principles which have guided the Opposition in its consideration of these four related Native Title Bills. First and foremost is the principle that native title rights should not be wrongly or inadvertently impaired or extinguished, or in any way abused, as a consequence of the Government Bills.

Accordingly, the primary issues of contention between us and the Government are as follow. First, we have expressed grave concern about the Government's proposals in relation to conjunctive agreements. These are agreements whereby mining companies can make arrangements with potential native title holders, not only for immediate exploration but also for subsequent mining at the option of the mining company. These agreements could bind future Aboriginal communities to arrangements made under very different circumstances. The catch is that the State Minister will have the power to override any agreements, or even court determinations. Obviously we will need to go into more detail about our opposition to this issue in the Committee stage.

Secondly, we consider it vital that the negotiations with Aboriginal people must take place before the grant by the Government of mining tenements. In many cases, we fear it will be practically pointless to insist upon negotiation after mining tenements have already been granted. Past experience has shown that some prospectors will get away with whatever they can, in terms of abusing other people's proprietary rights. We will insist upon a safeguard whereby prospectors and mining companies must negotiate prior to being given what is effectively a legal green light to jeopardise native title rights.

Thirdly, the legal advice we have received is that native title may not have been extinguished by the granting of pastoral leases in South Australia. There is a body of legal opinion which says that native title has been extinguished in such cases. Our point is that the matter will only really be determined by the High Court, and it would be foolish to enshrine a contentious view of property rights in legislation such as clause 4(5) of the Native Title Bill.

I say once again that this is historic legislation, closely linked as it is to the Commonwealth Native Title Act and the decision of Mabo (No. 2). These developments usher in a true era of reconciliation with the Aboriginal people of this nation. Of course, this reconciliation must go hand in hand with the ongoing battle to eliminate poverty and inadequate health care wherever it exists throughout this State and this nation.

In conclusion, I indicate as I did previously that these Bills were introduced in another place. The Opposition moved amendments, some of which were successful in another place, others of which were going to be looked at in more detail by the Attorney-General and on some of which I understand we can reach agreement. On others we cannot, and they will be debated in the Committee stage. I therefore support the second reading of all these four Bills.

The Hon. CAROLINE SCHAEFER: I rise briefly to support the second reading and to state my position on this cognitive Bill; there are four Bills, but I will speak of them as one. We cannot discuss this Bill without realising that it has been put before us in order to bring us into line with Commonwealth legislation which has already been brought down.

I have a deep personal interest in the inland of South Australia and also of the Aborigines who live there, as well as urban dwelling Aborigines, and I cannot help thinking that neither this legislation nor that from which it emanates will solve anything. The legislation implies by the standard that is set by talking about reconciliation that we are in conflict with our Aboriginal brothers and sisters. Personally, I feel no conflict with these people and have a deep respect for their traditions and rights. But, I also have a deep respect for first generation Australians, such as the Hon. Bernice Pfitzner and yourself, Sir. I see that we all have rights under this nation, and I fear that legislation which sets one group of Australians apart from another is divisive rather than positive.

This State has an excellent reputation throughout Australia for its previous legislation for land rights for Aborigines with the Pitjantjatjara Land Rights Act in 1981 and the Maralinga Land Rights Act in 1984. Both of these set standards throughout Australia, and particularly the Maralinga Land Rights Act is held to be one of the most progressive Acts in this area. So, it cannot be said that we are reactionary in this State as a rule.

My colleague the Hon. Jamie Irwin spoke at some length about the legal implications of these laws and in what way they are headed, and I certainly agree with him. It has always been my understanding that Governments make laws and courts interpret them. In the case of the Mabo decisions this has been reversed. The courts have made a decision and now Governments have been forced to make laws to accommodate that decision.

Since the Mabo decision, it has been explained to me by lawyers that the definition of 'native title' does not relate to land title, in my understanding of the term but in fact relates to the right of natives to recognise their existence with the land and part of the land—that they belong to the land rather than the land belonging to them—and also it implies traditional rights, such as hunting rights. I am not convinced by that definition, because my understanding of common law is that Aborigines have always had the right to come onto my property or anyone else's property to exercise tribal rights, to hunt and to fish. So, the Mabo finding has much deeper

implications than just the issues of hunting, fishing and traditional acts. For this reason it has been and is still very confusing. On speaking with the Hon. Sandra Kanck, I found that the one thing we agreed on was that the more we read about and try to study native land title, the more confused we become.

This Bill endeavours to clear up some of the issues which confuse and concern people who live in areas where land title claims may be made. After all, it is unlikely that anyone in urban South Australia will be affected by a land title claim. One of the necessities for a land title claim is a constant association with that area. However, I would be most surprised if there were successful claims in the most traditional Aboriginal areas, and where people have a constant dwelling and a constant association, such as the Torrens River. Many people who reside in the sparsely populated areas of land from which they have struggled to make a living, some of whom have inhabited that land for five or six generations and are as much a part of the land as their predecessors, the Aboriginal race, have been most concerned by the Mabo decision, by the Commonwealth Native Title Act and also by our own proposed Bill.

This legislation seeks to clear up some of these concerns, and certainly the Hon. Carolyn Pickles has indicated that the Opposition will oppose clause 4. I consider clause 4 to be most important, as it seeks to reassure pastoralists and leaseholders that their constant holdings of titles prior to 1975 do in fact extinguish native title. Not only these people but also their financiers have been thrown into uncertainty, and many property owners have found their properties devalued on the premise that they may be subject to a native title claim. Devaluation of their properties has made it very difficult for them to make a living, which to them is equally as traditional as the native rights in that area.

I return to my previous statement: I am not sure who is a traditional owner of this land. I happen to be a fifth generation dweller on the same property on Eyre Peninsula. Many people in Australia are sixth generation and they live and work their land, and they, too, have a great sense of tribalism. We need only to look at some of the owners of properties who have been forced off the land due to financial problems in the past 10 or so years to see their feeling of great failure; their feeling that they have let down and deserted their tribal values because they can no longer do what was expected of them by their predecessors.

So, while I have great simple sympathy with the Aboriginal lore that gives those people that sense of responsibility, I cannot feel any guilt for what may or may not have been perpetuated by my ancestors; nor do I think that I necessarily have any greater rights than a first generation Australian. I am concerned about any law which indicates that one group of Australians is different from or either superior or inferior to another group of Australians. I do not believe that my stand is racist; I think it is simply commonsense, and anything that this Bill can do to clear up some of those misconceptions, worries and fears for both Aboriginal and European Australians will be very highly thought of by the entire community.

However, I repeat that I am concerned that the longer we dwell on these Bills the more confusion and the more animosity we create among the varying groups of people who are concerned by this legislation. I am pleased to see that we have taken some steps in this Bill to try to make decisions more quickly and cheaply by employing the Environment, Resources and Development Court and the Land Valuation Court as opposed to the Supreme Court. However, I am concerned how any court can make a decision about who were the traditional owners of the land.

As I previously stated the Aborigines never thought they owned the land; they thought the land owned them. How can we make a decision about that when we were not there to see? The classic example of that problem is the dispute that has gone on for a number of years between two Aboriginal groups, each of which claims to be the rightful owner of land in a dispute at Finniss Springs in South Australia.

I cannot see how the best historian or anthropologist is ever going to reach those decisions. I think it will be considerably more difficult for the courts to reach those decisions, and any piece of legislation which seeks to clear up some of those issues will be very much supported by me. I will speak in Committee on clause 4, because I am passionately in favour of that clause remaining in the legislation. I support the second reading of this Bill.

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

STAMP DUTIES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading
(Continued from 16 November. Page 828.)

The Hon. K.T. GRIFFIN: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading of this Bill. It is a sensible Bill which makes life a little easier for married people to carry into effect a property settlement after the marriage has irretrievably broken down. The Bill also provides a concessional rate of stamp duty in respect of the member of a superannuation fund transferring to another superannuation fund. In respect of the marital breakdown situation, the Opposition agrees that it should not be necessary for a couple to divorce before being able to take advantage of the existing stamp duty exemption on instruments related to property settlements pursuant to Family Court orders. Secondly, the Opposition supports the concession in respect of people who transfer from one superannuation fund to another. Often people transfer due to changes in employment whereby the change to a different superannuation fund is in a sense out of the control of that person. The Government amendment promotes greater fairness in this area.

There is a third aspect to the Bill as proposed by the Government in relation to the nexus provisions for certain off-market share transactions. I understand that the Government amendment will create uniform or at least consistent rules throughout Australia for determination of the question of the jurisdiction in which a particular stamp duty liability will fall.

The Opposition seeks to go one step further in addition to the changes proposed by the Government, and this was an issue that we canvassed in another place to which the Treasurer in another place did give some response, but which we wish to pursue by way of amendment in the Council.

We see this as an ideal opportunity to provide an equivalent exemption for *de facto* couples where a property is to be transferred between two people upon the irretrievable

breakdown of the *de facto* husband and wife relationship of the couple. I refer to *de facto* couples being persons who have cohabited continuously as *de facto* husband and wife for at least five years, which is the definition within the context of some other existing legislation in South Australia. As a matter of policy, we cannot see any good reason for maintaining distinction between legally married and *de facto* married couples in respect of this particular stamp duty exemption.

When considering the amendment, I hope members will bear in mind that there is an existing stamp duty exemption for *de facto* couples if they transfer property between themselves during the course of their *de facto* marital relationship. Since the equivalence between married couples and *de facto* married couples is already recognised in the Stamp Duties Act, it would seem wrong and inconsistent not to maintain that equivalence on this occasion when we are reconsidering the stamp duty exemption applicable upon the irretrievable breakdown of a marriage.

We did intend to have the amendment placed on file for the Government and the Democrats to look at today, but because a member of the Parliamentary Counsel is unwell today I have only a draft of the amendment available, but I am happy for members of the Government to look at that. We will be putting a case for the amendment in more detail during the Committee stage. I support the second reading.

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

MOTOR VEHICLES (CONDITIONAL REGISTRATION) AMENDMENT BILL

Consideration in Committee of the House of Assembly's amendment:

Page 2, after line 26—Insert new clause 7 as follows:

Amendment of Stamp Duties Act 1923

7. The Stamp Duties Act 1923 is amended
   (a) by inserting in the second schedule after item 10 of the exemptions from payment of the Component payable in respect of Registration appearing under the heading commencing 'APPLICATION to Register a Motor Vehicle' the following item:
      10a Any application to register a motor vehicle in the name of a person entitled under section 25 of the Motor Vehicles Act 1959 to have that motor vehicle registered on payment of an administration fee prescribed under that Act.;
   (b) by inserting in the second schedule after item 5 of the exemptions from payment of the Component payable in respect of a Policy of Insurance appearing under the heading commencing 'APPLICATION to Register a Motor Vehicle' the following item:
      5a Policy of insurance where the application for registration is made by a person entitled under section 25 of the Motor Vehicles Act 1959 to have the motor vehicle in respect of which the application is made registered on payment of an administration fee prescribed under that Act.

The Hon. DIANA LAIDLAW: I move:

That the House of Assembly's amendment be agreed to.

When this Bill was before this place some weeks ago, we were unable to consider an amendment to the Stamp Duties Act 1923 because it was a money provision. It was in the Bill in erased type. The Bill then went down to the House of Assembly for consideration of the issue. The House of Assembly has passed what is now clause 7 of the Bill. I propose that we also pass this provision.

Motion carried.

ADJOURNMENT

At 4.28 p.m. the Council adjourned until Wednesday 23 November at 2.15 p.m.