LEGISLATIVE COUNCIL

Tuesday 18 July 1995

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

INDUSTRIAL AND EMPLOYEE RELATIONS (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

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

That the sitting 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 the written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 50, 114 and 163.

EARLY YEARS STRATEGY

50. **The Hon. CAROLYN PICKLES** asked the Minister for Education and Children's Services—In relation to the announced expenditure of $2.7 million during 1994-95 on the new Early Years Strategy:

1. What extra speech pathology services are being provided?
2. What extra assessment services are provided by psychologists?
3. How many extra special education teachers have been appointed and where will they be located in 1995?
4. What programs have been initiated for training teachers to identify students with learning difficulties?
5. What are the names of the 50 schools to receive a reading recovery grant of $2 000 this year?
6. What are the details of $200 000 expenditure on the Eclipse and First Start literacy programs?

The Hon. R.I. LUCAS: The Question on Notice concerning Expenditure Early Years Strategy was answered as a Question without Notice in the Legislative Council on 5 July 1995.

TARGETED SEPARATION PACKAGES

114. **The Hon. CAROLYN PICKLES** asked the Minister for Education and Children's Services:

1. How many teaching staff accepted targeted separation packages between 1 July 1994 and 31 January 1995?
2. How many non-teaching staff accepted separation packages between 1 July 1994 and 31 January 1995?
3. How many staff were employed by the Education Department at 30 June 1994 and how many were employed at 31 January 1995?

The Hon. R.I. LUCAS:

1. The number of teaching staff who accepted targeted separation packages between 1 July 1994 and 31 January 1995 is:

School education: 788.6 Full Time Equivalent (FTE).

Children's Services: 1 FTE.

2. The number of non-teaching staff who accepted separation packages between 1 July 1994 and 31 January 1995 is:

School Education: 108.06 FTE (72.56 ancillary staff employees and 35.5 GME Act employees).

Children's Services: 32.9 FTEs.

3. The staff employed by the Department for Education and Children's Services at 30 June 1994 and 31 January 1995 are listed below:

30 June 1994:

School Education:	FTEs
Ancillary Staff	3 200.58
GME Act Employees	805.20
Teaching Staff	13 365.80
Children's Services	1 217.28
Total	18 588.86

31 January 1995:

School Education:	FTEs
Ancillary Staff	3 089.85
GME Act Employees	780.66
Teaching Staff	12 590.00
Children's Services	1 062.18
Total	17 522.69

When comparing these figures it is important to note there are regional variations which make June and January comparisons very difficult.

SCHOOL SERVICE OFFICERS

163. **The Hon. CAROLYN PICKLES** asked the Minister for Education and Children's Services:

1. What was the overall number of School Service Officers in primary schools and high schools throughout the State as at—
   (a) November 1993
   (b) May 1994
   (c) November 1994
   (d) May 1995?
2. Which schools have experienced a reduction in the number of School Service Officers over the past 12 months?
3. Where schools have experienced a reduction in School Service Officers in the past 12 months, who is now carrying out the work formerly done by the School Service Officers no longer employed in those schools?
4. Is it the current policy of the Department for Education and Children's Services to take into account specific needs of sections of the student body at particular schools, in addition to the number of students attending particular schools, when determining the appropriate number of School Service Officer labour hours to be allocated to a particular school?

The Hon. R.I. LUCAS:

1. The overall number of School Services Officers for:
   (a) November 1993—3 083 (FTE)
   (b) May 1994—3 037 (FTE)
   (c) November 1994—3 087 (FTE)
   (d) May 1995—3 078 (FTE)

The above figures include all school support staff (permanent, temporary and casual) employed at all schools (primary, junior primary, high, area, rural, Aboriginal and special).

2. The attached list, set out by school type, indicates which schools have experienced a reduction in support staff hours allocation as a result of a decrease in student enrolments and/or the effect of the 1 per cent staff reduction included in the 1994-95 Department for Education and Children's Services Budget, which came into full effect from 1 May 1995.

3. The deployment of allocated resources is determined by each school based on local priorities and needs. To implement reductions in allocated resources, a school reviews its total circumstances including the range and extent of programs offered. This may result in reallocation of resources to best match the needs of the school and include reduction or discontinuation of some programs to enable resources to be diverted to higher priority needs.

4. The support staff formula provides additional allocations for specific school and/or student needs in the following areas:

Special Education
Aboriginal Education Support Teachers
Country Areas Program
Disadvantaged Schools Program
English as a Second Language
Growth Schools
Gender Imbalance
New Arrivals
NEBS
School Card
R-7 Counsellor
Focus Schools

For each 1.0 FTE teacher appointment for the above program/needs, the school is provided with an additional five hours per week support allocation.

PAPERS TABLED

The following papers were laid on the table:

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

Regulations under the following Acts—
Industrial and Commercial Training Act 1981—Plant Operators—Earthmoving.
Public Sector Management Act 1995—Principal.

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

Classification of Publications Board—Report, 1993-94.
Regulation under the following Act—Industrial and Employee Relations Act 1994—Employers of Public Employees.
Rules of Court—Supreme Court—Supreme Court Act 1986—Notification of Sale of Property.

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

Outback Areas Community Development Trust—Report, 1993-94.
Regulations under the following Acts—
Harbors and Navigation Act 1993—Birkenhead Bridge.
Psychological Practices Act 1983—Fees.
Operation of the City of Enfield District Commercial (Pooraka) Zone Plan Amendment—Interim Report.
Corporation By-law—City of Campbelltown—No. 14—Parks and Reserves.

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

Regulation under the following Act—Public Corporations Act 1993—State Opera Ring Corporation.

STATUTORY AUTHORITIES REVIEW COMMITTEE

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

That Standing Orders be so far suspended as to enable the committee to meet during the sitting of the Council this day.

Motion carried.

HILLS TRANSIT AGREEMENT

The Hon. DIANA LAIDLAW (Minister for Transport): I seek leave to make a ministerial statement about the Hills Transit agreement.

Leave granted.

The Hon. DIANA LAIDLAW: In a move to improve the frequency and number of public transport services in the Adelaide Hills, TransAdelaide's Aldgate Depot and the Mount Barker Passenger Service are to combine operating resources to form a new entity, to be called Hills Transit. This is an innovative step in the management of public transport operations in South Australia, and indeed Australia, with public and private sector operations working together to provide a high quality service to passengers in this important geographic region. This move will reap considerable cost savings to both operators, and hence taxpayers, and represents a key step in the reorganisation and revitalisation of Adelaide's public transport network.

The proposal to launch a new commercial entity to operate Hills bus services was developed by TransAdelaide and a group of leading Australian leading bus operators known as Australian Transit Enterprises (ATE), which is currently finalising negotiations to buy the Mount Barker Passenger Service. It has been developed in the spirit of the Passenger Transport Act, introduced last year, and it meets all the Passenger Transport Board's requirements for the operation of bus route groups in the metropolitan area. The Passenger Transport Board has been fully involved in all negotiations to date and will be responsible for ensuring that all contract conditions are fulfilled in the public interest.

I must stress that Hills Transit represents a unique agreement which fits the particular circumstances of Hills transport operations, unlike any other area in which TransAdelaide operates services in the metropolitan area. A number of TransAdelaide's services operated from the Aldgate depot duplicate those operated by the Mount Barker Passenger Service. The removal of this duplication is an obvious strategy in providing greater efficiency. Other contract parcels in the Adelaide metropolitan area will still be competitively tendered, as has already been announced by the Government and the Passenger Transport Board.

In terms of service delivery, both TransAdelaide and the Mount Barker Passenger Service, to be taken over by ATE, buses will jointly operate services on some routes, and some Mount Barker buses will be fitted with the Crouzet ticketing equipment. However, there will be no alteration to the current ticketing systems.

The two separate fare structures currently in place for TransAdelaide and the Mount Barker Passenger Service will stay as they are. Metropolitan customers will still use the Metroticket system and can transfer to and from any other service operated by TransAdelaide in the normal manner. Mount Barker Passenger Service's ticketing system will also remain in place, and customers catching services outside TransAdelaide's current route service area will still pay according to Mount Barker Passenger Service's current fare structure.

As an added benefit, primarily during off-peak periods, some Mount Barker Passenger Service buses will connect with TransAdelaide services. This will allow increased service frequency outside peak times. This has been sought by many residents over many years. In these circumstances, customers will buy one ticket for the non-metropolitan journey and then purchase a Metroticket when connecting with a TransAdelaide vehicle.

The Hills Transit joint venture will be supported by an aggressive marketing plan developed by TransAdelaide to encourage people back onto public transport. These plans are based on closer community links and targeting off-peak services to stimulate demand. The formation of the joint venture Hills Transit has resulted in an excellent enterprise agreement being negotiated with the Public Transport Union, and is a credit to all parties. The union strongly supports the joint venture as being in the best interests of its members, TransAdelaide and, most importantly, the users of bus services in the Hills area. It has merit in terms of being innovative and meeting the cost savings principles upon which competitive tendering is premised.

IMPRISONMENT COSTS

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a ministerial statement made by the Minister for Emergency Services in another place on the subject of reduction in imprisonment costs.

Leave granted.

POLICE WAGE CLAIM

The Hon. K.T. GRIFFIN (Attorney-General): I also seek leave to table a ministerial statement on the subject of the police wage claim made by the Minister for Industrial Affairs in another place.

Leave granted.

QUESTION TIME

HALLETT COVE EAST PRIMARY SCHOOL

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 the sale of the Hallett Cove East Primary School.

Leave granted.

The Hon. CAROLYN PICKLES: The Hallett Cove East Primary School is a showcase school designed as a 'school in houses', and construction was completed under the former Labor Government in 1992 at a cost of $3.2 million. The Minister for Education and Children's Services has announced that 11 of the school's houses will be sold for $1.5 million on a lease-back deal to C&G Pty Ltd—a $2 company registered in South Australia in 1992. My question is: what will be the annual rental paid by the Government to C&G Pty Ltd?

The Hon. R.I. LUCAS: I will get that information and bring back a reply.

The Hon. CAROLYN PICKLES: My further questions to the Minister are:

1. What are the terms of settlement under the contract for the purchase of the school?

2. Will the purchaser pay cash or are there terms applicable to settlement, and are there any prerequisite conditions on settlement, such as the availability of finance to the purchaser?

3. Can the Minister explain his statement that 'C&G Pty Ltd will be organising the mums and dads of South Australia with their savings and superannuation funds and whatever else, into an investment fund.'

The Hon. R.I. LUCAS: I will be pleased to bring back a reply.

SAWLOG

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking the Minister for Education and Children's Services, representing the Premier, a question about the export of raw sawlog.

Leave granted.

The Hon. R.R. ROBERTS: Members would be aware of recent decisions by the Minister for Primary Industries to sell 190 000 cubic metres of round wood from the Mount Lofty Ranges to the company Western Pacific Wood. The vast majority of this wood is now at Port Adelaide awaiting export. I am informed that the company has no intention of processing or value adding most of this wood, but is rather selling it directly to Korea. The Minister for Primary Industries, in a ministerial statement tabled in this place on 30 May, claimed:

> Western Pacific proposed the export of that portion of timber unsuitable for sawlog from Port Adelaide, with the remainder of the round wood being processed in South Australia.

The Minister further stated:

> These requirements were part of a tender process which stated that there should be 'local processing of round wood meeting local sawlog specifications'.

I am informed that as little as 600 cubic metres of the 190 000 round wood harvested has been set aside for processing locally and the rest is to be shipped overseas with no local value adding. I am further informed that the local processing industry and unions involved in the industry consider that most of the logs stored at Port Adelaide for export are in fact sawlog which meets local sawlog specifications and which could be used by the local processing industry. I understand that if this sawlog were to be retained in South Australia for value adding it would pump approximately $34 million into the local economy and provide up to 100 jobs over a two year period.

The Minister for Primary Industries has ignored the advice of the local processing industry and keeps claiming that the wood stored at Port Adelaide is not sawlog but rather small diameter wood and Pineaster, which he claims is not preferred by the local processing industry. However, I am informed a South Australian processor in the South-East could process Pineaster. The local wood processing industry and the union covering workers in the industry, the CFMEU, recently put a proposal to Western Pacific Wood to assist it to value add the sawlog in South Australia, yet the company still insists on exporting the wood and the jobs to Korea with, it appears, the active encouragement of the South Australian Government.

I understand the Minister has been invited to visit the site at Port Adelaide, along with the independent industry representatives and union officials, to establish for himself whether it is in fact sawlog that is stored there, but he has refused the offer. I understand the Premier personally gave a commitment to South Australia's timber processing industry that no raw sawlog from the State Government forest would be sold for export, yet the Minister is allowing it to happen and seems happy to export South Australian jobs to Korea. My questions to the Minister representing the Premier are:

1. Will he insist that the Minister visit the site with independent industry representatives to view the log stored there, to ascertain whether it is sawlog that could be processed in South Australia and should be processed according to the contract with West Pacific Wood and, if not, why not?

2. Will he ensure that his commitment to the local processing industry—that no raw sawlog from State Government forests would be exported unprocessed by his Government—is complied with and, if not, why will he not insist on it?

The Hon. R.I. LUCAS: The honourable member asserts a number of statements claimed to have been made on behalf of or by the Premier. Obviously, I am not in a position this afternoon to attest to the accuracy or otherwise of those claims, other than to say that the honourable member has been known to be inaccurate on occasions in the past. I will refer the honourable member's questions to the Premier and bring back a reply.

EWS OUTSOURCING

In reply to **Hon. T.G. CAMERON** (31 May).

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

The answer to the question whether Community Service Obligations (CSOs) undertaken by EWS will continue after outsourcing is, yes.

These services (CSOs) have been factored into forward estimates (10 years financial plan) and in particular the 1995-96 budget for SA Water. This budget was determined after allowing for the outsourcing initiatives to take effect from 1 January 1996.

WATER PLAN

In reply to **Hon. SANDRA KANCK** (31 May).

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

1. The discussion papers were prepared by the Department of Environment and Natural Resources (DENR) under the auspices of the South Australian Water Resources Council of which the chief executive of SA Water Corporation (formerly Engineering and Water Supply Department) is a member. In addition, officers of the EWS were consulted during preparation of the discussion papers.

2. The list of stakeholders was developed by the DENR which went to great lengths, including newspaper advertising, to ensure that any organisation or individual with an interest in the issues had an opportunity to be involved in the consultation process. SA Water is one of those stakeholders.

3. On many occasions, it has been stressed that Adelaide's water and waste water systems are not being privatised. A contract is being let to a private company to provide a range of services to SA Water which are now being provided by SA Water. There will be no sale of assets and the EWS will continue to be fully accountable for the provision of services and the supervision of the contractor.

It therefore follows that the contractor will have no role in the overall management of water resources. This will continue to be the responsibility of the DENR supported by SA Water as appropriate.

4. The contractor will:

- receive raw water from SA Water, treat this water to the required standard and distribute it to customers in the metropolitan area; and
- collect waste water from customers in the metropolitan area, transport this to waste water treatment plants for treatment to standards set by the Environment Protection Authority and disposal in accordance with SA Water requirements.

Therefore, the contractor will have no responsibility for developing the use of urban stormwater or the re-use of treated effluent.

5. SA Water will be accountable for implementing and/or responding to Government policy on water resources. If any future policy issues affect the operations of the contractor, SA Water will deal with the contractor on these matters.

SCHOOL FIRES

In reply to **Hon. CAROLYN PICKLES** (9 March).

The Hon. R.I. LUCAS: Since July, 1992 to the current financial year the following have been arrested, reported or cautioned in relation to the offence of setting fire to the Department for Education and Children's Services property.

	1992-93	1993-94
Arrest	10	5
Report	10	18
Caution	0	3
	20	26

GRANGE MEMORIAL HALL

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister representing the Minister for Employment, Training and Further Education a question about the fate of the Grange Memorial Hall.

Leave granted.

The Hon. T.G. ROBERTS: The Grange Memorial Hall was built in the early 1950s as a memorial to those members of the community who had fallen in the Second World War, and $8 000 was raised solely by the local residents, children and adults doing what they could to raise that money. Yesterday's *Advertiser* referred to Colin Brown's having spent his spare time searching the area for scrap metal, rags, eggs and paper. He stated that he looked for anything that was collectible to raise money for the school's patriotic fund, and it was decided to use the money raised to build the Memorial Hall. In correspondence to me were minutes of a meeting held between the then Minister and parents and friends, which go into some detail about questions raised by the local community in its approach to the Minister for assistance at that time and which make interesting reading.

Over the years, the Memorial Hall has become an integral part of the Grange community and of the Grange Primary School. It is now being used by local sporting groups and as an assembly hall by the school, and is a constant reminder to users, especially the younger generation who have no memory of the war or of the ultimate sacrifice made in the defence of this great land. This memorial hall means a great deal to those local residents who worked hard to raise the money to build it and who personally remember the people it memorialises. It seems particularly inappropriate in this year of the fiftieth anniversary of the end of the Second World War that this memorial hall should be sold and possibly disposed of. My questions to the Minister are:

1. What consultation took place with the local community before making the decision to sell the hall? If no consultation took place, why not?

2. What alternative proposals does the Government have for the local sporting and other groups that currently depend on this facility for their activities?

3. Will the Government consider retaining the Memorial Hall, which is of considerable heritage significance to the local residents of Grange?

4. What is the Government's preferred option for the site and its buildings?

5. What actions are the Government prepared to take concerning the community's efforts to protect those buildings and in relation to the preservation of those buildings and, possibly, the site?

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

NATIVE VEGETATION

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

Leave granted.

The Hon. M.J. ELLIOTT: My question relates to the Native Vegetation Council's approvals for the clearance of native vegetation. There was great anguish during the 1980s with the introduction and implementation of the Native Vegetation Act. Since that time, there has been some finetuning of the legislation, and the general community believed that the issue had settled down. I am now receiving many approaches—it has been particularly noticeable over the past four or five months—expressing great concern about reports of increasing numbers of approvals being made by the Native Vegetation Council for the clearance of native vegetation within South Australia.

One recent example which I have raised in this House is at Greenways, where an 850-hectare Reedy Creek property was purchased by the Department of Primary Industries, Forestry Division without approval to clear. In excess of 3 000 native trees covered the property. Before the department bought the land, a nearby landowner was told that they were unlikely to get approval to clear the land. However, the division applied to clear the land to plant a pine plantation. Despite a petition against the clearance by local residents, the Native Vegetation Council approved the clearance of 620 hectares, which means that more than 1 900 trees will go.

I have also received two separate reports which involve senior members of the Brown Government in relation to native vegetation clearance. The first involves a member who has sought and been granted approval for the clearance of native vegetation on his own property. There have also been reports of a second member of Government telephoning and harassing employees of the Native Vegetation Council on a

number of occasions, supporting the proposed clearance of land owned by constituents.

An honourable member interjecting:

The Hon. M.J. ELLIOTT: I will not name him this time. My questions to the Minister are:

1. Will the Minister provide details of all native vegetation clearance applications that have been granted in the past two years, including details of who lodged the applications, the number of trees approved for clearance, and the number of hectares approved in each case?

2. Will the Minister give a monthly summary for the past four years of the number of trees and the area of vegetation approved for clearance?

3. Will the Minister confirm whether any Government members of Parliament have sought and/or received approval for the clearance of native vegetation?

4. Will the Minister advise whether any Government member has been telephoning and harassing employees of the native vegetation branch?

The Hon. DIANA LAIDLAW: I will refer those questions to the Minister and bring back a reply. I suspect that it would have been better to place those questions on notice.

PUBLIC TRANSPORT

The Hon. M.S. FELEPPA: I seek leave to make a brief explanation before asking the Minister for Transport a question about transport.

Leave granted.

The Hon. M.S. FELEPPA: On Wednesday 7 June this year, in response to a question from me, the Minister said that the multi-trip ticket discounts are the most generous in the nation and, as she suspected, the most generous in the world. This is taken as a justification for an increase in the prices of tickets and should result in attracting more patronage. The Minister is reported as saying that this increase in patronage would occur because the increased prices would enable users of public transport to plan their travel arrangements with confidence.

The strategy of increased prices of fares is supposed to attract more users of public transport, following years in which there has been a declining use of public transport. The strategy was doomed from the start and, according to the report, certainly is not paying off, as the *Advertiser* of 12 June 1995 rightly reports that there were—

The Hon. Diana Laidlaw: What's not paying off?

The PRESIDENT: Order!

The Hon. M.S. FELEPPA: The strategy was doomed from the start—

The Hon. Diana Laidlaw: Which strategy? The fare strategy?

The Hon. M.S. FELEPPA: Exactly.

The PRESIDENT: Order! The Minister will have a chance to answer the question.

The Hon. M.S. FELEPPA: I am basing my question on what has been reported. The report of the *Advertiser* of 12 June 1995 states that there were 49.1 million passenger journeys annually when the Brown Government came into office in 1993. The figure dropped to 46.1 million in 1994-95 and is expected to fall to 44 million in this financial year. There will be two million fewer trips in the next 12 months. The Government is pinning its hopes on private operators being given special incentives to generate passenger numbers in the years ahead. These special incentives have not been revealed. The two-pronged strategy is, first, increasing the price of fares and, secondly, contracting out and special incentives to contracting bus operators, both to attract more people to use public transport. The strategy seems to be patently unworkable and contrary to common sense. My questions are as follows:

1. Does the Minister believe that the report by the *Advertiser* is correct?

2. Will the Minister explain the rationale behind the two-pronged strategy to increase the use of public transport when, based on the *Advertiser* report, the strategy appeared to be flawed?

3. Will the Minister advise the Council if she will consider any modification to such a strategy?

The Hon. DIANA LAIDLAW: I thank the honourable member for his question and I appreciate the opportunity to enlighten the *Advertiser* in respect of its ill-informed reporting on passenger transport strategies. The number of passenger transport journeys will reduce based on the current way in which we do our business. That is in part because of a decision made by Government in January this year which has an effect over two financial years to discontinue the student concession card. That is estimated to have an impact on passenger transport journeys of some two million. The Passenger Transport Board is also estimated to lose between $1.2 million and $1.8 million in revenue from that decision. That was a Government decision and is one that passenger transport has to live with in this State. However, that does not mean that we are not making every effort and doing all in our power to pursue other strategies to increase public transport use and improve the image of public transport. Some strategies have been developed, as the honourable member noted. Neither has had a chance to be implemented at this time, so to call the strategies ill-conceived and doomed seems to be prejudging measures which have not yet had an opportunity to be introduced, let alone prove their worth.

With respect to competitive tendering, the two areas that are to be contracted first have been released for tender. I have indicated to this place in the past that those tenders for the outer north and outer south have been considered, and the Passenger Transport Board will make a decision with respect to who wins those contracts at the end of August and early September. Five tenders have been received for the outer north and four for the outer south.

TransAdelaide is bidding in both instances, and the work force at both depots has been extraordinarily diligent. Their work practices, the way they do business, the rostering situation, the routes on which they travel and the way in which they deploy their buses have been looked at to see how services can be improved not only to win more business but also to retain that business in the future. I know that similar work is being undertaken in all TransAdelaide depots in the metropolitan area, as they develop a competitive way of thinking about their business. As any honourable member would recognise, working in a competitive climate, whether it be business, sport, the arts or public transport, encourages new ways of thinking to keep ahead of the field, and TransAdelaide is doing just that at the present time. It is working through best practice agreements at each depot level, and it is doing so with the assistance of the union movement.

I have made one reference to the innovative thinking that is going on in TransAdelaide when I gave my ministerial statement earlier today with respect to Hills Transit. Again, it is foolish to cite the fare strategy as ill-conceived when it has not yet been introduced. The strategy comes into force

from 23 July. It reduces the discount on the price of multi-trip tickets and freezes for three years the price of single trip tickets and short haul journeys. This has been the area of greatest loss in terms of TransAdelaide passenger journeys in recent years, so we are acting on that.

It freezes the price for student concessions for three years. That is a step by the Passenger Transport Board and the Government for families and kids, recognising the earlier decision by the Government to remove the school concession card. That fare strategy is an important part of the competitive tendering strategy because, if new operators of contracts—and TransAdelaide may be one—are to plan new services with confidence, they must know that they will be able to attract people and keep them and that people will not be put off by any *ad hoc* change in fare strategies. It is also important that, when people are budgeting and planning long-term movements in the way in which they do business or travel in the metropolitan area, they have confidence in what the fares will be in the future.

So, the Government has developed this three year strategy from both those perspectives. It has received very little adverse comment, because we have frozen the fares where we have lost most passenger journeys in the past; we have frozen the fares for students; and we are reducing the discount on the price of multi-trip tickets but, even when it reaches the 30 per cent level, that discount will still be the most generous in Australia. So, it will still be particularly attractive in terms of price to travel on services, whether they be operated by TransAdelaide or by other private sector operators, in the future.

I repeat: to suggest that there is a crisis suggests ill-informed comment about, and reflection on, what is happening in TransAdelaide. It was a great disappointment to all in TransAdelaide who have worked so diligently under a new management style and who have looked at the way they are delivering services in order to perform better in the future. They are doing both those things in a way that should be of great pride to all members of this Parliament.

Certainly, it is of great pride to the Government, and it was ill-conceived on the part of the *Advertiser* to reflect on the fare strategy and competitive tendering rather than to accuse the Government in such a way when neither strategy has been implemented and had a chance to prove itself. I am confident in both instances that it will service public transport well in this State.

GOVERNMENT REVENUE

The Hon. T. CROTHERS: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, as leader of the Government in this Council, a question about future Government revenue sources.

Leave granted.

The Hon. T. CROTHERS: Much has been done recently in Australia at a national level and in all States in regard to corporatisation or privatisation of Government owned enterprises. This has been done by all the mainstream political Parties, mine and the Government's included. Of course, it would be remiss of me to suggest that both Parties agree on what should or should not be corporatised/privatised. Indeed, a casual perusal of *Hansard* and the daily press throughout Australia indicates that there are some differences but, by and large, it would appear that both major Parties see some merit in going down the Thatcherite path.

Some people have suggested to me that corporatisation has not worked in Great Britain as well as it was thought it would and I, for one, have been somewhat concerned about what has been suggested might be the end result of such practices here. With that backdrop, I intend to ask questions of the Minister, and I do so in the full realisation that the present State Government has argued that the more it can pay off the State debt the more it will save on the State's interest bill on any debt each year. Sir Harold McMillan before me (and one must bear his comments in mind) said:

> One has only so much family silver to sell and, when that is sold off, what then does one do?

Having made that quote, I direct the following questions to the Minister:

1. Of the State Government owned instrumentalities already sold off, how much was their total contribution to State Government revenues in the last full year of contribution to Government coffers?

2. What other Government owned or controlled instrumentalities does the Government intend to sell off, and how much have they contributed to State Government revenues in their last full financial year of contribution to the Government's coffers?

3. When all of the corporatisation/privatisation sell-offs have been completed, what will be the total loss of contributions by these instrumentalities to the State Treasury's revenues?

4. How does the current State Government intend to make up the State Treasury shortfall brought about by the loss of revenue normally contributed to State moneys which under normal circumstances would flow from the State bodies that either have been or will have been sold off, privatised or corporatised?

The Hon. R.I. LUCAS: In broad terms the honourable member almost answered the question himself in his explanation, that is, that the Government—

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: It was a clear question and answer—you answered it yourself. In paying off portions of State debt, the Government obviously reduces the recurrent interest payments that come out of Recurrent Account.

The Hon. T. Crothers: That's only one—

The Hon. R.I. LUCAS: No, it is not. The payment off the State debt of $8 billion or $9 billion, whatever it is at the moment, is a one-off payment. In terms of recurrent savings, there is an annual saving in interest that we pay on the level of outstanding debt that is left. For example, if we currently have a State debt of $8 billion and we reduce that by $1 billion to $7 billion, we are paying interest on only $7 billion debt every year out of your current account as opposed to paying interest on $8 billion.

Members interjecting:

The Hon. R.I. LUCAS: I think that the Hon. Mr Crothers' eyes have opened and he understands that.

Members interjecting:

The Hon. R.I. LUCAS: I will put it in manageable terms. It is like the Hon. Mr Crothers or some of his constituents who might have a $50 000 mortgage on which they are paying interest. If through some means they re-arrange their situation, perhaps inheriting $10 000 and the mortgage is reduced to $40 000, the annual interest repayments on the household debt will obviously be correspondingly reduced.

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: That is the difference between the Commonwealth Government and the State Government in terms of how that money is expended. Therefore, it is not true to suggest, as the Hon. Mr Crothers was suggesting, that it was only a one-off benefit: it is an ongoing benefit to the recurrent budget in terms of reduced interest payments. Of course, Treasury must balance the reduction in interest payments with the loss of any income stream that may well be there. Certainly, the Treasurer and his advisers in relation to the sale of PASA, the petroleum authority, and BankSA referred to those net costs and the benefits to State Treasury of those transactions. Nevertheless, I shall be pleased to refer the specifics of the honourable member's question to the Treasurer and seek his advice before bringing back a reply.

HINDMARSH ISLAND BRIDGE

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

The Hon. K.T. GRIFFIN: I have ascertained from my ministerial colleagues that they did not receive the bundle of documents referred to by the honourable member in her question of 14 March 1995.

RURAL COUNSELLING SERVICE

In reply to **Hon. R.R. ROBERTS** (6 June).

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

1. The Government strongly supports this excellent community service, as indicated by my recent decision to provide rural counselling in this State with annual grants of $250 000 for the duration of the current Commonwealth scheme. This also includes on-going access to vehicles on long term lease from State Fleet, although I acknowledge that access to plain number plates will be withdrawn. Those counsellors who feel that they will be disadvantaged by driving a Government number-plated car may wish to pursue commercial lease options.

2. I am led to understand that not all counselling services would incur higher vehicle running costs if they changed from State Fleet to commercial lease, and that those in low mileage, low tyre-wear areas would save money. Irrespective of that, I am confident that the Rural Counselling Trust Fund will, to the limit of its funds, continue to make fair allocations to each service, depending on their individual budget requirements.

3. There is no decision to overturn.

WORKCOVER

In reply to **Hon. ANNE LEVY** (1 June).

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

The recent amendments to section 35(5) of the Workers Rehabilitation and Compensation Act aligns WorkCover legislation to the age at which a worker becomes eligible for an age pension under the Commonwealth Social Security Act 1947.

If the WorkCover Act did not include an age-based limit, this would substantially increase the scheme's liabilities by providing benefits to people who, in the normal course of events, would be supported by Federal benefits which are intended for that purpose. Currently, age pensions are available to women who reach age 60 years and to men who reach age 65 years. This age differential arises under Federal laws made by Governments of all political persuasions. In these circumstances it is quite remarkable that the honourable member seeks to criticise this Liberal Government for reflecting that differential in its WorkCover legislation.

From 25 May 1995, women who reach age 60 years and men who reach age 65 years are no longer eligible for income maintenance payments and, in accordance with the legislation, WorkCover has ceased payment of income maintenance to such workers.

From 1 July 1995, the Department for Social Security will be gradually increasing, over 20 years, the age pension age for women to bring it into line with that for men. The Minister for Industrial Affairs has informed me that WorkCover will adjust its age eligibility in line with these changes as they occur.

TRAIN RIDES

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport a question about train rides.

Leave granted.

The Hon. T.G. CAMERON: I refer the Minister to the photograph of her on page 1 of last Wednesday's *Advertiser* on a TransAdelaide train over the caption 'Ms Laidlaw samples an Adelaide train trip yesterday'. What was the train's destination? At what station did the Minister alight and how did she make the return journey to Adelaide? If the caption is not correct, what steps has the Minister or her office taken to correct it?

The Hon. DIANA LAIDLAW: I was asked by the *Advertiser* to go to the station. The *Advertiser* was seeking a photograph of a deserted station, and that was impossible to oblige because there were thousands of people at the station. The *Advertiser* sought a photograph with me on a train that had no passengers. It was impossible to oblige. I told the *Advertiser* that, if they looked around, there were passengers everywhere. The *Advertiser* had then to accept that there was a photograph with passengers, and I attended for the purpose of the photograph. If the *Advertiser* chooses to define that as sampling a ride, that is its prerogative.

JETTIES

The Hon. CAROLINE SCHAEFER: Is the Minister yet able to give a full report on the extent of storm damage to jetties throughout South Australia and, if so, can she give an estimate of the cost of repairs? At a time when local government is having difficulty with finances, who will pay for these repairs and in what time frame?

The Hon. DIANA LAIDLAW: This is important in terms of who will pay because some damage was incurred. Fortunately, it was not as much as the Labor Party would have liked and I first feared. In those terms, I would say that the—

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: You should have listened to Kevin Foley all day. The Department of Transport is liable for the first $100 000 of damage. In each instance, damage to any jetty did not amount to that sum. Therefore, there will be no insurance claim. Repairs are being commenced now and the cost will be met within the budget that the Department of Transport has provided this year for jetty maintenance in general; that is, $1 million.

Other than Brighton jetty, which the Government had already determined was out of action for public use, no other major damage was sustained. However, with regard to the Brighton jetty, we must replace two piles and do some resheeting to secure the decking so that the men who are working there with York Civil and the Department of Transport can have safe access over the jetty for the work that they are doing with the new piles.

Only minor damage was incurred at Henley. Six pieces of decking will be replaced, 12 metres of kerbing and 12 metres of hand rail. Some decking has been lifted and this will be resecured. The approximate cost is $5 000. The repairs are under way. The jetty was initially closed for part of the weekend but it is now open. The jetty at Grange suffered no damage. Some decking was lifted and that has been hammered down. The approximate cost was $500. Again, this was open for the weekend.

At Semaphore, work was done on one crosshead, three girders, 30 pieces of decking, and 40 metres of kerbing and six metres of hand rail have had to be refastened. The estimated cost of repairs is $26 000. Work is in progress to secure the damaged sections to minimise further damage. I understand that this jetty has also been reopened. At Largs Bay three pieces of decking have had to be replaced, and it was open for the weekend. There was no damage at Port Noarlunga.

At O'Sullivans Beach the marina had some damage to the paving in the south-west corner. This is a council responsibility. The access ramp to floating pontoons was damaged, and bunting has been placed there to prevent access. The extent of the damage is still being assessed. In the south-east there was no damage to the fishing jetty facilities in the area. At Port Rickaby there was some damage to the decking, but the extent is still being determined. The jetty, which is leased by the Minlaton council, has been closed to the public.

Overall, I can reassure the honourable member that metropolitan and country area jetties have fared well. That is a relief, because, having been allowed to fall into disrepair over a number of years, jetties are susceptible to storm damage. The Government allocated $1.8 million last year, $1 million this year and $5 million over five years to undertake urgent work. We are fortunate that almost all of that money will be devoted to important work in the public interest and not simply to storm damage work arising from the storms last week.

BEACH PROTECTION

The Hon. G. WEATHERILL: I should like to ask a supplementary question. The Minister talked about structures such as jetties. Could she tell us whether there are any expenses with regard to the grasses that have been grown on the beaches for the protection of the foreshore and things like that?

The Hon. DIANA LAIDLAW: I shall be pleased to get further information for the honourable member on that subject. I appreciate his concern. The jetties are the responsibility in most instances of the Minister for Transport. The area that the honourable member has highlighted is the responsibility of the Coastal Protection Board and the Minister for the Environment and Natural Resources. I will seek an urgent report about the grasses and sand movement and the coastline in general.

YELLOW-TAILED ROCK WALLABIES

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

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

The yellow tailed rock-wallaby referred to in the Tourism SA brochure is undoubtedly the yellow footed rock-wallaby. This misprint highlights the need for open and constructive communication between the major bodies promoting and managing the natural heritage of this State. An interdepartmental liaison committee exists between Tourism SA and the Department of Environment and Natural Resources and this misprint or misnomer will be brought to the attention of that group.

In terms of having a plan for protecting this vulnerable species, the Minister for the Environment and Natural Resources would like to bring to the attention of the House the important role of this animal within a number of major land management projects in the Flinders, Olary and Gawler Ranges. This species is becoming an icon for ecotourism developments in South Australia.

The yellow footed rock-wallaby is the focus of an Earth Sanctuaries development in the Buckaringa Gorge area near Quorn. This wallaby is also a key indicator of the success of a habitat restoration project being conducted by Department of Environment and Natural Resources in the Flinders Ranges National Park. Rock-wallaby numbers are increasing in a number of colonies as a result from control of four of Australia's most damaging environmental pests, namely, goats, rabbits, foxes and cats. This is a major undertaking by the Department of Environment and Natural Resources and the Minister urges members of the House, when next in the Flinders Ranges, to visit Brachina or Wilkawillina Gorges and Wilpena Pound to view some of the rock-wallabies and discuss the work with departmental staff. If any member would like further information on this project the Minister can provide them with a copy of a progress report prepared earlier this year by the Department.

Concurrent work is being carried out to ensure the security of the wallaby on pastoral lease land in the Gawler and Olary Ranges where the species is particularly vulnerable to predation by foxes and competition from goats.

In addition to these initiatives, this species has been a feature of the Adelaide Zoo's display for over a century and is about to become the subject of a joint Zoo-ETSA project to establish a colony of these animals in an area of the Flinders Ranges where they previously occurred.

In mentioning these projects, the Minister notes that it is heartening to see an increase in the knowledge and appreciation of our natural environment and the land management commitment that is required to preserve species such as the yellow footed rock-wallaby.

An enhanced understanding of these issues will enable the development of an eco-tourism culture in this State that has a lasting international appeal as well as conserving our natural heritage.

PATAWALONGA

In reply to **Hon. T.G. ROBERTS** (7 June).

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

1. There has been monitoring of the sludge as part of the predredging investigations. As expected variable numbers of micro-organisms were found but the environmental conditions of the sludge favour the growth of non-pathogens and not the survival of pathogenic organisms. Monitoring of the Patawalonga water and sludge discharge on flushing events has also been undertaken. Advice from the SA Health Commission has indicated that micro-organisms in the dredged sludge should not be a significant risk to public health.

2. Transportation of the silt (sludge) to the disposal pond will be by pipeline. The disposal storage pond will be clay lined, any leakage will be captured by a cut-off drain. Upon drying to a consistency suitable for earthmoving machinery the silt will be taken to the West Beach Trust rehabilitation site. Dust control will be exercised in this phase. EPA conditions on the project stipulate extensive monitoring of groundwater and return flows at and around the sludge disposal site and in the Patawalonga. Contingency arrangements are also required in the unlikely event of any leakage or spill. Dust control is required which will minimise any unforeseen microbiological problems. The requirements placed upon the project are considered to be adequate to protect public and environmental health in the surrounding areas.

3. Analysis of the pumped sludge is required by the proponent as an EPA condition. Microbiological monitoring of the sludge would achieve little due to the bacterial die-off on exposure to sunlight and drying. Nevertheless, tests on the sludge for indicators of pathogenic organisms will be undertaken prior to final disposal as landfill.

4. The dredged soils (not sand) from the Patawalonga will be mildly contaminated with heavy metals but extensive testing has found that they will meet Health Commission guidelines for landfill and landscaping in the area with a top soil cover.

ARID LANDS

In reply to **Hon. T.G. ROBERTS** (6 June).

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

1. The Pastoral Board first became aware that the numbers of cattle on Pandie Pandie Run in the State's Far North were in excess of the lease maximum in July 1992, following a routine on-ground inspection. At the time of the July 1992 inspection it was in its third dry year. The lessee was requested to reduce numbers by 3 000 head before the onset of hot weather. An inspection in October 1992 and

a monitoring of Gepps Cross cattle yardings indicated that this had largely been complied with.

A further brief inspection was made in July 1993 and a detailed inspection, involving three staff of the Pastoral Branch, took place in October 1993.

2. In October 1993 an inspection, including two members of the Pastoral Board and two members of the Marree District Soil Conservation Board, met with the lessee's son in Marree to indicate both Boards' concerns about the run, and to agree a course of action. Agreement was reached for the removal of a further specified number of cattle and the closure and destocking completely of certain waters. This agreement was evidenced in writing and endorsed by the lessee. Stock turnoff figures were monitored via sighted consignment notes.

The Pastoral Board and the Marree Soil Conservation Board were adhering to the usual policy of trying to come to a co-operative agreement on land management issues in the first instance.

3. In April 1994, as part of its lease assessment process, the Pastoral Management Branch of the Department of Environment and Natural Resources carried out a full rangeland condition assessment of Pandie Pandie. It was found that conditions had deteriorated further and a number of agreed waters had not been destocked. The Pastoral Board met in June and in view of the breach of the Marree agreement subsequently issued the lessee with a formal notice in terms of section 43 of the Pastoral Land Management and Conservation Act. This required the destocking of the specified waters and a further reduction of 1 600 head of cattle. These reductions were also monitored by consignment notes. The stock reduction was to be achieved by 31 July.

During the period 9-11 August 1994, experienced personnel from the Departments of Environment and Natural Resources and Primary Industries, Port Augusta, carried out an aerial count on Pandie Pandie to check compliance with the section 43 order. The count revealed cattle numbers well in excess of those anticipated and a considerable number of domestic horses as well.

As a result of this count the Pastoral Board met again and found that, in failing to comply with all of the conditions of the section 43 notice, the lessee was in breach of the conditions of his pastoral lease.

The Pastoral Board imposed a fine of $10 000 on the lessee and ordered a complete destocking of the run to be completed by the end of November 1994. It was further made clear to the lessee that any further failure to comply would leave the Board no choice but to cancel the lease.

The lease was destocked within the required time, except for some 400 straggler cattle, which were well dispersed over the 6 600 sq kms of the run. The Board allowed 90 stock horses to remain of the 222 counted.

The Pastoral Board and the Pastoral Management Branch has continued to monitor Pandie closely and the run has been re-inspected twice during this first five months of 1995.

4. The Board has varied the section 43 notice twice. Once to ensure the complete removal of all cattle from the Diamantina River frontage and, the second time, to allow a nucleus of 1 100 breeding cattle, held on agistment, to be returned to the lease provided agreement as to stock numbers, dispersement, water closures and refencing, in terms of a property plan be prepared and agreed. This has now occurred.

It is emphasised that the cattle returning are going to the southern portion of the run which received substantial rains in January 1995 and was in sound condition throughout the preceding dry period, and would have continued to carry stock had not the agreements on destocking been breached.

In addition to the 1993 Marree meeting, the Marree Soil Conservation Board has made two inspections of the run of its own volition and accompanied the Pastoral Management Branch on one occasion.

5. The information on lease condition, and the subsequent actions taken, are usually only communicated between the lessee, the Pastoral Board in its stewardship role on behalf of the Minister, and the appropriate District Soil Conservation Board.

ROAD TRAINS

In reply to **Hon. R.R. ROBERTS** (22 March).

The Hon. DIANA LAIDLAW: I announced on 13 June in a media release that the Department of Transport had completed a strategic study of overtaking needs between Port Augusta and Port Wakefield. Seven overtaking lanes are recommended between Port Augusta and Lochiel, and a further three overtaking lanes are recommended between Lochiel and Port Wakefield. The study has found that the recommended overtaking lanes are justified irrespective of whether road trains are allowed on the road after the conclusion of the current trial. This study involved the Royal Automobile Association, the South Australian Road Transport Association, local councils on the highway, and other stakeholders.

The construction of these overtaking lanes has not yet commenced, although site surveys have been undertaken at the sites south of Lochiel. As the road is a national highway, Commonwealth Department of Transport approval is required. Subject to Commonwealth approval, it is anticipated that individual overtaking lanes will be progressively completed during 1995-96 and 1996-97.

PERFORMING ARTS COLLECTION

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister for the Arts a question about the performing arts collection.

Leave granted.

The Hon. ANNE LEVY: In the last week of sitting I asked the Minister a question about the performing arts collection and its possible transfer to the Helpmann Academy. She provided quite a lengthy answer, but it has been drawn to my attention that a number of matters in her reply seem rather confused. She said that there were discussions between the management committee of the performing arts collection and the Performing Arts Management Working Party, which I had set up, chaired by the Director of the State Library. The committee which I set up was not a committee to look into the performing arts collection; it was to examine the uses of the institute building. The performing arts collection would have been considered only in that context as being a possible tenant of the institute building. Once the decision was made that that was not to apply, that committee had no further function whatsoever with regard to the performing arts collection. It may be that the Minister has changed the terms of reference of that committee, but I understand it has not met for two years, so it is unlikely to be considering the location of the performing arts collection.

The Minister further stated that the Adelaide Festival Centre Trust wanted the performing arts collection out of the centre. It is certainly true that at an earlier stage the CEO of the Festival Centre Trust indicated that he felt the collection should move from the centre. However, I understand that the new CEO of the Festival Centre Trust has no desire for the performing arts collection to leave the centre, feels that it is a very valuable asset to the centre and has informed the Department for the Arts and Cultural Development of this. The Minister also said:

> There were discussions between the Director, the CEO of the Department for the Arts and Cultural Development and the Helpmann Academy.

The CEO of the Department for the Arts and Cultural Development is Winnie Pelz, but it is not clear who the Director is that the Minister mentions. Is it the Director of the Helpmann Academy, David Meldrum; the Director of the Festival Centre, Bill Cossey, or the Director of the State Library, Fran Awcock? It is not clear from the answer which director was involved in these discussions, but one thing of which we can be sure is that it was not the Director of the performing arts collection. I understand that neither the staff nor the management committee of the performing arts collection has been consulted regarding this possible move to the Helpmann Academy. Will the Minister reassure the Performing Arts Collection Management Committee and staff, this Council and the public of South Australia that

decisions regarding the performing arts collection will not be made without proper consultation with the committee and staff of the performing arts collection?

The Hon. DIANA LAIDLAW: I certainly give the honourable member the reassurance she seeks. She sought clarification about the Director to whom I referred: it was the Director of the Helpmann Academy. In respect of the views of the Director of the Festival Centre Trust, I can confirm that he is very keen for more area to be provided for trust operations for a variety of reasons; one principal reason is the expansion of the entrepreneurial effort the trust has been undertaking in recent years. A recent occupational health and safety study was undertaken and the trust and the Government are obliged to meet occupational health and safety requirements, and we are seeking to do that.

The Festival staff will be leaving shortly. However, that will free up only about 9 per cent or 12 per cent of the required space. The relocation of BASS and freeing up of space in terms of the performing arts collection are both options. The relocation of all those current responsibilities within the Adelaide Festival Centre Trust would meet the trust's occupational health and safety obligations, a matter which the Government is obliged and keen to deal with as soon as possible.

VISUAL ARTS COURSE

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for the Arts a question about the axing of the visual arts course at Flinders University.

Leave granted.

The Hon. SANDRA KANCK: I was shocked and disappointed recently to hear about moves by the Flinders University to axe its Bachelor of Arts visual arts course. A number of Flinders University students currently studying the visual arts course have told me that, to them, the decision to axe the course seems to have been made in great haste and with no consideration for existing visual arts students who, if the move is successful, will be unable to complete their degrees at Flinders University. They also tell me there seems to have been little consideration of the value of this course to the arts, not only in our State, with the Helpmann Academy of which it makes up a significant part, but the nation and the Asian region as well. According to one senior ranking official in the arts:

> It is a savage blow to the credibility of Flinders as a university committed to the arts and humanities and to the Helpmann Academy which plans to bring the visual and performing arts in South Australia under one umbrella, not to mention attempts to have Adelaide promoted internationally as an education city.

Liberal policy on the Helpmann Academy states:

> Our goal is to build on the strengths of all our arts education and training institutions. Our preference is to maintain a strong focus for both the performing and visual arts.

The Flinders University Council is scheduled to meet next on 28 July, and I understand the future of the visual arts course will be an item for consideration. My questions to the Minister are: will the Government be directing its representatives on the Flinders University Council to vote to retain the visual arts major in its degree; if not, what is the South Australian public to make of the Government's stated commitments to the Helpmann Academy and the arts in South Australia?

The Hon. DIANA LAIDLAW: I share the honourable member's concern. I know other members of this Parliament have equally been shocked and disappointed about the decision, and the Hon. George Weatherill, a member of the council, has spoken to me about this issue. I am a graduate of Flinders University and of the course it has now axed, so I take a personal interest in this matter. I have conveyed to members of the council my disappointment in a personal sense, as well as Minister for the Arts in this State. I believe there has been little consideration of the value of the course to the arts in South Australia and I understand, from the Hon. George Weatherill, that a decision has not yet been made by the council; that it was deferred at the last meeting of council and will be reconsidered at the next meeting.

I would hope that, at that time, consideration will be given to the views of many members in this place about the value of the course, the way in which the course has been cut off midstream affecting those students participating, and generally for the status of the Helpmann Academy and all the efforts that have been made in that direction.

CRIMINAL LAW CONSOLIDATION (MENTAL IMPAIRMENT) AMENDMENT BILL

In Committee.

Clause 1—'Short title.'

The Hon. K.T. GRIFFIN: I thought it might be helpful for members to have some idea as to what has been happening with this Bill and the proposals to deal with it from here on. I am conscious that it has been on the Notice Paper for, perhaps, an inordinately long time. Therefore, if I give a brief explanation of the reasons and where it is going, that will be helpful to members. In general terms, the law about insanity and fitness to plead is to be found in a combination of statute law and common law. The current statutory provisions can be found in the Criminal Law Consolidation Act and the Mental Health (Supplementary Provisions) Act. With one significant exception, both common law and statutes have remained in fundamentally the same form since the early part of the nineteenth century. The law is not satisfactory, and needs to be changed.

In South Australia a discussion paper on mental impairment and the criminal process, containing recommendations very similar to those mooted now, was widely circulated and discussed in late 1990 and early 1991. Taking those recommendations further was delayed by extensive renovation to the civil laws on mental impairment and by a national criminal law process described in a little more detail later. In 1991 Dr Ritson MLC introduced a private member's Bill into the Parliament which eventually became the Criminal Law Consolidation (Detention of Insane Offenders) Act 1992. That legislation made changes to the way in which detainees could be released on licence and gave victims and next of kin a voice in the process. It also compelled the formulation of a treatment plan for people held in this way.

These measures, which were supported by all Parties, have been incorporated into the Bill now before the Council. In 1992 the Criminal Law Officers Committee, as it was then known (which is composed of representatives from all

Australian jurisdictions and which reports to the Standing Committee of Attorneys-General), released a report on the general principles of criminal responsibility. In it the committee made recommendations for a nationally consistent set of standards for the defence of insanity. In addition, that committee had been asked by the Standing Committee to develop a national position on the procedural and adjectival law surrounding the general principles. The development of the South Australian Bill has run parallel with the committee's advice and has benefited from the national consultation process that the committee undertook.

The Bill was introduced into Parliament on 3 August 1994 and reached the Committee stage. There was very considerable consultation in this State on the Bill as it evolved through the drafting stages. However, once the Bill was introduced, the Supreme Court judges and the Law Society, both of which had been extensively consulted about the draft Bill, realised that the Government was, after such lengthy consultation, actually going to do something about reform in this area, and made strong representations about the content of the Bill. In deference to their position and in the expectation that the content of the Bill could be improved only by expert examination and discussion, progress of the Bill was halted and consultation restarted. That process is now complete. The results of this last consultation are now represented in the amendments which I think have been placed on file but which, if not, will certainly be placed on file within the next day or so.

It would serve no useful purpose to go through them now. While bulky, they do not represent any substantial changes to the policies contained in the original Bill. However, the bulkiness of the amendments, the fact that they make a quite complex Bill very difficult for members to read and assess, and the tight legislative program that members now face, have persuaded me that the best course of action is to have a draft Bill made up which incorporates the proposed amendments and which presents the Bill to members as a whole. There is no realistic chance that this can be done in time for the Parliament to give this major Bill the attention and debate it deserves. Therefore, with some reluctance, I have determined that the matter should be held over the next few weeks of recess and that it should be reintroduced in the next session.

In that event, it will be reintroduced in a consolidated form, taking into account the amendments that I have put on file. That, I think, will make it much easier for members to work through some of the important policy issues that are represented in those amendments. I reiterate that there have not been significant policy changes in the amendments that I am proposing. The issue of personality disorders has been removed because that was a highly contentious issue, and there are a significant number of difficulties in addressing that issue in this legislation. Therefore, it is my intention to postpone consideration of the Bill in the context to which I have referred.

Progress reported; Committee to sit again.

MISREPRESENTATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 July. Page 2194.)

The Hon. K.T. GRIFFIN (Attorney-General): I thank the honourable member for her contribution on this Bill. She has on file an amendment and, during my second reading reply, it is appropriate to endeavour to put on record an explanation of the reasons why I do not think the approach proposed in the amendment is appropriate, and if it is moved in the Committee stage the Government will not be supporting it. Quite obviously, it is a complex issue, but I think it would help if at least my response was now put on record. For the benefit of those members who are not familiar with this area of the law (that is, misrepresentation), let me just identify some statements by way of explanation.

A representation in the law of contract is a statement made by one party to the other before or at the time of contracting with regard to some existing fact or past event, which is one of the causes that induces a contract. A misrepresentation is simply a statement or representation that is untrue. Inducement is the causal connection between the reliance on the misrepresentation and the loss or damage suffered. A fraudulent misrepresentation is a false representation made by a person who, at the time of making it, had no honest belief in the truth of the statement or was recklessly indifferent as to its truth. An innocent misrepresentation is a false representation made by a person who, at the time of making it, believed it to be true.

The honourable member has moved an amendment which, if passed, would remove the obligation on the person to whom a misrepresentation was made of proving that the misrepresentation induced him or her to enter into the contract. Instead, the misrepresentation will be presumed, in the absence of proof to the contrary, to have induced the contract. Importantly, the section proposed by the honourable member will operate only where it is proved that the misrepresentation was made prior to the formation of the contract with the intention of inducing the formation of such a contract.

Instead of having to prove that he or she was induced to enter into a contract by a misrepresentation, the person to whom the misrepresentation was made will have to prove the intention on the part of the person making the false statement to induce the formation of the contract. That might prove to be a more onerous obligation. In addition, it is debatable whether the person who makes an innocent misrepresentation can ever have the requisite intention required in the honourable member's amendment. That could lead to a situation in which the person who enters into a contract on the basis of a fraudulent misrepresentation would have to prove intention to induce, but not inducement, while the person who enters into a contract on the basis of an innocent misrepresentation would have to prove inducement. That type of distinction is not one that the law has ever made, nor is it one that has ever been canvassed by the many law reform bodies that have examined the issue of misrepresentation over the years.

In the honourable member's second reading contribution, she stated that the burden of proof in misrepresentation cases should be examined 'in the light of cases based on the provisions of the Trade Practices Act', dealing with misrepresentation. I have had legal officers in my office and in the Office of Consumer and Business Affairs do some research on the matter, which is the subject of the amendment, particularly on the trade practices issue. The relevant provisions in the Trade Practices Act are section 52, dealing with misleading or deceptive conduct—similar wording is also found in section 56 of our Fair Trading Act—and section 53 dealing with false representations. One should refer also to section 58 of the Fair Trading Act.

Miller's *Annotated Trade Practices Act*, which is a pre-eminent text on the matter, discusses reliance upon and its relationship with inducement under section 52 at paragraph 815.68:

> In order to recover damages the applicant must prove that the loss or damage claimed to have been suffered was by the conduct of the respondent. It is therefore necessary to prove a relevant nexus [e.g. inducement] between the conduct complained of [misrepresentation] and the loss or damage suffered: see e.g. *Leo v. Brambles Holdings* (1982) 65 FLR 310; *Shepherd v. Noyes Bros Pty Ltd* (1985) ATPR 40-588.

A well-established line of section 52 cases confirms the need for a consumer to establish inducement. Many of the authorities were discussed in *Argy v. Blunts and Lane Cove Real Estate Pty Ltd* (1990) ATPR 41-015. At pages 51 279 to 51 282 Hill J, in considering false or misleading representations, found that:

> For misleading conduct to give rise to the statutory cause of action under either the Trade Practices Act or the Fair Trading Act [NSW] it is necessary that the loss or damage suffered arise from or out of the misleading or deceptive conduct. This causative requirement flows from the preposition 'by' which is present in both sec. 82 of the Trade Practices Act [dealing with remedies for contraventions of the Act] and its equivalent section sec. 68 of the Fair Trading Act NSW [at page 51 279].

In *Kabwand Pty Ltd v. National Australia Bank* (1989) ATPR 40-950 at 50 378 Lockhart J said:

> For present purposes it is sufficient to say that a person claiming damages must show either that he has been induced to do something or to refrain from doing something which gives rise to damage or has been influenced to do or refrain from doing something giving rise to damage by the conduct contravening s. 52.

In *Shepherd and Anor v. Noyes Bros Pty Ltd* (1985) ATPR 40-588 Spender J awarded damages to the purchaser of a 1970 Volvo prime mover. The vendor had misrepresented the age and horsepower of the vehicle by four years and about 40 horsepower. It was held that that constituted an offence under section 53A of the Act, being a false representation as to the history, model and standard of the goods. Part of the decision in that case is:

> The statutory formulation of the cause of action is that loss or damage has to be suffered 'by' the conduct of another person that constitutes a contravention of Pt IV or V of the Act. This makes it plain that it is only loss or damage that is caused by the contravening conduct which can be recovered in the statutory cause of action.

In the Full Court of the Federal Court, in *Henjo Investments Pty Ltd v. Collins Marrickville Pty Ltd* (1988) ATPR 40-850, Lockhart J, with whose reasons Burchett J agreed, commented at page 49 154 that:

> These decisions support the view that recovery under sec. 52 is founded by the applicant's actual reliance upon the misleading or deceptive conduct of the respondent although that conduct was not the only factor in the applicant's decision to enter a particular agreement, and although the applicant did not seek to verify the representations or did so inadequately and so failed to discover their falsity.

'Actual reliance' in this context equates to 'inducement'. The manifest weight of authority stands for the principle that consumers seeking to recover damages on a misrepresentation under the Trade Practices Act and under the parallel provisions of the Fair Trading Act must succeed in establishing reliance on the false representation. At common law the requirement of inducement is well established. The applicable principles were laid down by the High Court in *Gould v. Vaggelas* (1984) 157 CLR 215, a case dealing with the tort of deceit. Wilson J. with whom Gibbs CJ and Dawson J agreed—Brennan J to the same effect—summarised the law in these terms:

1. Notwithstanding that a representation is both false and fraudulent if the representee does not rely on it he has no case.
2. If a representation is made in breach which is calculated to induce the representee to enter into a contract and that person in fact enters the contract there arises a fair inference that he was induced to enter the contract by the representation.
3. The inference may be rebutted, for example, by showing that the representee, before he entered the contract, either had knowledge of the true facts and knew them to be true or alternatively made it plain that whether he knew the true facts or not he did not rely on the representation.
4. The representation need not be the sole inducement. It is sufficient so long as it plays a part, even if only a minor part, in contributing to the formation of the contract.

Brennan J, at pages 250-251, expressed the test as:

> . . . whether the misrepresentation alone, or with or notwithstanding other things that accompanies it, was a real inducement, or one of the real inducements to the plaintiff to do whatever caused his loss.

The above principles have also been applied to the misrepresentation sections under the Trade Practices Act. It is clear that a misrepresentation is no ground for relief at common law unless it induces the contract.

In the case of Gould, Wilson J confirmed that the onus of proof of inducement rests on the person to whom the representation is made. That onus may be discharged when, as a matter of common sense, an inference can be drawn that the statement did induce if it was calculated to induce. The evidentiary onus shifts to the person inducing the representation to prove facts such as those set out in rule 3 above. The High Court's decision in the case of *Holmes v. Jones* (1907) 4 CLR 1692 at 1 711-1 712 is authority for the principle that a representee who does not allow the representation to affect his judgement, even though it was designed to do so, cannot make it ground for relief. Thus, as presently subsisting, the law asks those seeking remedy for misrepresentation only to satisfy courts that they have reasonable grounds to believe the false representation, that they relied on it and that their reliance on that false statement was one of the factors which induced them to contract with the other party.

If those grounds are proven (depending, of course, on the other issues in a particular case), the courts will calculate the damages according to the settled principles, and the aggrieved party will recover the loss he or she has suffered arising from that arrangement.

Why then change the settled rules? To remove the need to establish inducement would go against the direction of traditional legal thought. I am not aware of any problem with the law. The common law has developed an adequate set of rules and there does not seem to be any reason to regulate that part of the law within the ambit of the Misrepresentation Act by statute law. It should also be remembered that a person guilty of a false representation can be prosecuted under the Fair Trading Act and the Misrepresentation Act. Where the misstatement constitutes a fraud, prosecution can be initiated under the criminal law. Additionally, there are other statutes, such as the Land Agents Act, which create offences of false and misleading conduct and representations in certain occupational or other contexts.

Persons to whom a misrepresentation is made but who do not act upon that misrepresentation are not entitled to a remedy. It is appropriate that the onus of proof of inducement should be on the person to whom the misrepresentation is made. If the honourable member can point to a particular problem with the law, I will be happy to look at it and obtain advice from practitioners and academics in the area. As

presently advised, I do not consider that there is a problem needing legislative intervention.

Bill read a second time.

STATUTES AMENDMENT (PAEDOPHILES) BILL

Returned from the House of Assembly with the following amendment:

Clause 8, page 4, after line 37—Insert:

(c) a condition preventing the prisoner from providing or offering to provide accommodation to a child who is not related to the prisoner by blood or marriage or of whom the prisoner does not have lawful custody.

Consideration in Committee.

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

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

The amendment was the subject of consultation with me by Mrs Dorothy Kotz before she moved it. She wanted particularly to include a condition in relation to release on parole which required the Parole Board to consider imposing a condition, on the release of a prisoner sentenced to imprisonment for a child sexual offence, which related to the provision or offering of accommodation by that prisoner to a child who was not related to the prisoner by blood or marriage or of whom the prisoner does not have lawful custody. It seemed to me that that was quite a reasonable proposition and it is therefore appropriate that I indicate support for it.

The Hon. CAROLYN PICKLES: The Opposition supports the amendment, as it has been supported by the shadow Attorney-General in another place. I have one question that I would put to the Attorney. What would be the situation if, for example, a parolee were to be a partner in or own a boarding house or hotel? Would this then inhibit the person from carrying on their business once they had been paroled from prison?

The Hon. K.T. GRIFFIN: It would depend very much on the Parole Board. I imagine that, in those circumstances, if it involved a licensee under the Liquor Licensing Act, the Liquor Licensing Commissioner would be taking a good hard look at the person who may have been convicted of such an offence. I think it is very much in the hands of the Parole Board. All this does is provide that the board, in dealing with an issue of parole relating to a person who has been convicted of a child sexual offence, must have consideration to imposing this sort of condition. I think they can do it, anyway, but we wanted to make sure and I was happy to accede to the request to ensure that it was in the legislation that the board could in fact impose this sort of condition, but they would obviously take into consideration other matters. It is a matter of being aware of all the facts and the Parole Board's then making a decision about whether or not the condition should be imposed.

Motion carried.

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

A quorum having been formed:

RETAIL SHOP TENANCIES

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

1. That a joint committee be appointed to inquire into retail shop leasing issues relevant to retail shop tenancies, including the following matters—

(a) rights and obligations of parties at the end of lease;

(b) allegations of harsh and unreasonable rental terms; and

(c) rights and obligations of parties on relocations and refits.

2. That in the event of a joint committee being appointed, the Legislative Council be represented thereon by three members, of whom two shall form a quorum of Council members necessary to be present at all sittings of the committee.

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

4. That a message be sent to the House of Assembly transmitting the foregoing resolution and requesting its concurrence thereto.

(Continued from 6 July. Page 2257.)

The Hon. R.D. LAWSON: The Attorney-General, in moving this motion, set out the reasons why this proposal for a joint select committee arose, and particularly out of the fact that an agreement was reached in connection with the extension of shop trading hours. The Attorney said that the Government has agreed in good faith to establish the select committee with a view conscientiously to working through the issues that have been raised and, in particular, the rights and obligations of parties at the end of a lease, allegations of harsh and unreasonable rental terms and the rights and obligations of parties on relocations and refits.

Much of this material was examined in some detail when this Parliament was considering the Retail Shop Leases Bill, which was passed earlier this year. Notwithstanding the passage of that measure, albeit a somewhat rough passage, there are those within the industry who have continued to claim that our legislation is and remains inadequate. Allegations were made that tenants were not prepared to come forward with information relating to the allegedly harsh and unreasonable terms and also with regard to allegations of improper practices on the part of landlords.

This select committee will provide the opportunity for those with evidence to come forward and present it to a joint committee of the Parliament so that the facts rather than innuendo will be before the Parliament. So, I support this measure in the way in which it has arisen.

The Retail Traders Association has been active in promulgating the view that our Retail Shop Leases Act provides inadequate protection to tenants. It has been drawing to the attention of those who would listen the provisions of legislation in England, and in particular the Landlord and Tenant Act 1954, which Act applies not only to retail premises but also to other business and professional premises. The Act provides that a tenancy to which it applies does not come to an end at the end of the term of a lease unless the lease is terminated in accordance with the provisions of the Act. That English Act, which has been in force since 1954, and a predecessor of it which was enacted in 1927 have provided a measure of protection for tenants.

The theory underlying the English Act is apparently that business persons can establish goodwill in premises, which goodwill can be arrogated by a landlord to his own use at the end of the lease. So, the scheme of the English Act is to provide that the tenancy will come to an end unless a notice is given by the tenant that he or she wants the tenancy to continue. The landlord must give a notice opposing the extension of the tenancy and, in giving that notice, the landlord is limited to a number of specified grounds.

I think there are about seven of those grounds, which can be summarised briefly, as follows. The first is failure to repair the premises. If a tenant has failed to repair them, the landlord is justified in refusing to grant a further tenancy. The second is persistent delay by a tenant in paying the rent. Thirdly,

substantial breaches of covenants and bad management by a tenant provide a ground for the landlord's refusing to grant a further tenancy. Fourthly, it is provided that the landlord may avoid granting a further tenancy or an extension by providing satisfactory alternative accommodation to the tenant. Fifthly, if the landlord desires to relet the premises as part of larger premises from which the demised premises were originally excised, that is a further ground. The sixth is that, if the landlord intends to demolish or reconstruct the premises, the landlord may in certain circumstances be entitled to refuse a further tenancy. Lastly, it is provided that the landlord may refuse to grant an extension if the landlord himself has a *bona fide* intention to reoccupy the premises.

That this legislation has operated apparently satisfactorily in the United Kingdom is mostly a testament to the nature of the English tenancy market. Although a number of major retail shopping centres have been established in England since the Second World War, the most predominant form of tenancy is a simple village or high street tenancy, so the English property market is quite different from that which applies here.

However, as the Retail Traders Association has drawn the provisions of this English legislation to the attention of those who are interested, no doubt that is a matter which the joint select committee that is established by this motion will examine—and examine in some detail. I am reasonably confident that it will be found that the provisions of the English legislation do not provide a model that would be satisfactory or workable in this State. Nonetheless, this joint select committee will provide an opportunity for all interested in this subject to come along and give evidence. I commend the motion.

The Hon. ANNE LEVY: I rise to support this motion moved by the Attorney. As has been stated, it arises from a commitment made to the Retail Traders Association and the Small Business Association when Sunday trading was being discussed. The Government got its Sunday trading and is fulfilling part of its bargain by setting up this joint select committee. I very much doubt that the Government will be prepared to give any more than it did when the Commercial Tenancies Bill was before the Parliament. To that extent, I think this joint select committee of the Parliament may be a waste of time, but certainly it will enable people to come and tell it what they were coming to tell us all individually as to some of the iniquities that occur with retail shop leases. It may well be that the joint select committee will come up with recommendations which will please the RTA and the Small Business Association but, as that is likely to mean a back-down on the part of the Government should they be implemented, I do not suggest that the people concerned hold their breath waiting for a favourable result or favourable legislation, whatever the joint select committee may recommend.

I certainly welcome the opportunity to have aired in public the many allegations and difficulties that have been brought to us individually as members of Parliament. As the committee will have power to be an open committee, perhaps the media will be able to attend committee meetings and report accurately the evidence presented to the committee on these matters. This may prove a positive step and, for this reason, I certainly support the motion, although I am dubious as to any legislative outcome from it because most of the issues have already been presented to members of Parliament as individuals rather than in a public forum as is proposed now. It is the *quid pro quo* for Sunday trading on the part of the Government. Who knows, it may even have a favourable result for some of the people concerned by harsh treatment.

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their indications of support for the motion. As the Hon. Anne Levy said, it is the outcome of the arrangements to ensure that Sunday trading in the city was permitted by legislation. I have no preconceived ideas about what may arise from the committee, but it may be the important forum at which people do bring their differing points of view on this issue. I think the previous Government and the previous Minister for Consumer Affairs would have recognised that there is a particular tension in the community about these issues.

The previous Government had its own problems to sort out with respect to that issue, so it is not by any means an issue that is addressed to any one particular political Party. It is an important issue. It may be that it can never be adequately resolved to satisfy competing interests but this committee will be helpful in at least giving people an opportunity to present their views to the committee. It is meant to be operating within a fairly short period of time. It may be that evidence can be given publicly. When I moved the motion I expressed the view that, if at all possible, that ought to occur, but that ultimately will be a matter for the committee to resolve. I thank members for their indications of support.

Motion carried.

ROAD TRAFFIC (SMALL-WHEELED VEHICLES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 June. Page 2158.)

The Hon. M.S. FELEPPA: I will be brief. The Bill deals with the recreation and enjoyment of young people who, because of their age, are not directly represented in this Parliament. Nevertheless, we have a special duty towards them to see that they are dealt with in the same respectful way as adults in our community. In 1993 or thereabouts the riding of in-line skates came into favour. They became so popular that their use in streets and car parks became almost a nuisance at times. On occasion they caused some serious damage. It was then thought that legislation should be enacted to prevent the nuisance and remove such dangers without hindering the recreation and enjoyment of young people. That is the logic behind the Bill before us.

While the Bill goes some way towards restricting young people who enjoy in-line skating, it is also claimed to be for their benefit. Therefore, any legislation dealing with this issue must be restrictive but should not unduly interfere with the pleasure of young people using small-wheeled vehicles. At the same time, it should provide effective safety against nuisance and accidents to vehicles, pedestrians and motorists in areas where these vehicles may be used.

The Bill attempts to do all of this, but I for one am not entirely convinced that it tries to achieve its intentions in the best possible way. I am not entirely satisfied that the Bill embraces the intention of the 1993 report and recommendations on in-line skates. The Bill as drafted does recognise that small-wheeled vehicles are not an alternative to transport such as bicycles for riding from house to school or work. As drafted, the Bill in clause 3(b) specifically provides:

'small-wheeled vehicles' means a skateboard, roller-skates, in-line skates, scooter or other vehicle of a kind ordinarily used by a child at play or by an adult for recreational or sporting purposes. . .

The Local Government Association was one of the six contributors to the 1993 report and its recommendation from the in-line skates working group. The report envisages local councils having major responsibility for carrying out the terms of the Bill. Therefore, it seems to me that that is where the major responsibility should lie, with local government.

The Bill, however, states that these small-wheeled vehicles are not to be used on certain designated roads—that is, minor roads—and that these roads are to be identified by Government regulation. That gives the Government, not the local council, the primary power to say where small-wheeled vehicles may be used. This, in my view, does not match the intention of the report which was produced by that group.

I believe that each council knows its own area better than the Government. Therefore, it should be for the council, as I have already stressed, to consider and decide about the use of minor roads, footpaths and other areas within the council's area. Main thoroughfares are the State's responsibility. These main roads are definitely off limits to small-wheeled vehicles and that is provided by the Bill and by the report which was produced. I believe that the Bill should be so worded as to give each council the power to make by-laws designating suitable places for use by small-wheeled vehicles; it should not be for the Government to do so by regulation. The Bill could and should be amended by a simple change of wording, and I hope that the Minister at this late stage will consider this important point that I have tried to address.

Another concern that I have about the drafting of the Bill relates to the signs to be erected throughout a council's area showing where small-wheeled vehicles are not to be used. I emphasise the words 'not to be used'. I have some objection to this. There are so many unsuitable places for using small-wheeled vehicles that there would be a forrest of signs springing up throughout a council's area. In particular, I draw the attention of the Australian Democrats to this issue, because they seem to be concerned about almost everything which interferes with the natural view of our environment. The signs would be aesthetically distasteful, and more signs would have to be erected at enormous expense.

The Bill does not specify whether the cost of the signs would have to be met by the Government or the councils. I suspect that at the end of this exercise the cost will ultimately fall on the councils and the burden, therefore, would be shifted on to the ratepayers by regulation. Even at this late stage, perhaps the Legislative Review Committee, of which I am a member, will have an opportunity to consider this matter. Whichever way the costs are met, the number of signs would be a tremendous monetary burden on either the taxpayers generally or the ratepayers. People would have to pay for a large number of unnecessary signs. The Local Government Association is totally against this situation. I have spoken to a number of members of the Local Government Association, and they have indicated to me their objections to having signs all over the place identifying unsuitable places.

The more reasonable alternative is for the councils to be responsible for the designation of areas for use by small-wheeled vehicles, and only the areas to be used ought to be identified by signs. I believe this would make more sense. Again, I draw the Minister's attention to this point. I anticipate that some of the councils may dig in their heels and say that no areas will be designated for the use of small-wheeled vehicles. Of course, this would be very disappointing to young people, as they would be denied a place to play and exercise this sort of sport. It would also be a breach of the intention and expectation of the In-line Skates Working Group, this Parliament and, particularly, many young people in our community. However, I make the point that section 176(1)(c) of the Road Traffic Act, as amended by this Bill in its present form, provides:

The Governor may make regulations for . . . prohibiting, regulating or restricting the driving, standing or parking of vehicles or small-wheeled vehicles on prescribed roads or parts of roads, or on roads or parts of roads within a prescribed area. . .

Unless I misinterpret the Act, this means that as a response to an uncooperative council the Government has the ultimate power to designate by regulation areas that can be used by small-wheeled vehicles, and the regulation could require the council to erect signs to the effect that those areas are available for use. Therefore, the Government would not be totally excluded, but it would be seen, and rightly so, as having a kind of discretionary power to be used as a back-up in case the necessity should arise. It may or may not be necessary for this discretionary power to be spelt out in the Bill.

Lastly, there is a gap in the Bill that needs to be filled. As the Bill now stands and as I have suggested it be amended so far, there is no protection for the councils in case of an accident or damage resulting from allowing the use of small-wheeled vehicles in certain areas. Amending words should be added to the effect that a council or an employee of a council is not legally liable in an action arising from injury to a person or damage to property caused by a small-wheeled vehicle user in the dedicated and designated areas. However, the council would still be liable for injury or damages due to a failure to keep the areas in suitable repair or for not bringing the areas into a suitable state for their intended use.

I note that late this afternoon an amendment was tabled on behalf of the Minister defining liability, and it seems contrary to what I have just said. I look forward to the Minister's explanation when she discusses this amendment in the Committee stage. In this regard, I am not totally satisfied with the Bill as it stands. I think that the problems within the parts of the Bill which I have brought to the attention of members, and particularly the Minister, should be suitably addressed.

Having expressed my concerns about young people, parents and the councils' responsibility, the Minister should exercise her discretion to amend the necessary clause to accommodate the matters I have briefly raised. I hope the Minister will take note of my concerns. With that brief contribution, I indicate I will be supporting the Bill.

The Hon. DIANA LAIDLAW (Minister for Transport): I thank all members for their contributions to the debate. All members have given very considered views when addressing the issues raised by this Bill, and I respect the fact that some issues are considered contentious by the community, particularly some local councils and some older people. It is important to recognise why this legislation is before this place: it arises from a move by the former Minister for Transport, the Hon. Barbara Wiese, to establish a working party, comprising essentially representatives of Government agencies, to address this whole issue of in-line skates, skateboards and roller-skates.

It was pointed out to the former Minister by the Solicitor-General and, I understand, the police that, with the increased use of in-line skates, skateboards and roller-skates, there was

a need for clarification of current legislation. The Road Traffic Act currently bans the use of these devices on the carriageway of public roads, while vehicles, in the broader sense, are banned on public footpaths. Advice from Crown Law and the police at the time was that small-wheeled vehicles were not defined as vehicles or pedestrians in the Road Traffic Act and therefore the legal situation of their use was not clear. Accordingly, the police have been reluctant for some time to prosecute offending behaviour because of uncertainty in respect of the law.

When I reconvened the working party late last year, upon representations from the Local Government Association, I did so to address a number of issues, including the issue of liability. Also, I took the opportunity to increase the working party beyond representatives of Government agencies to include older people in our community or groups representing their interests. These groups included the Office for the Commissioner for the Ageing, the Australian Retired Persons Association, the Council of Pensioners and Retired Persons and the South Australian Council on the Ageing. I also took the opportunity of requesting a representative from the South Australian Youth Affairs Council, the State Bicycle Committee and an in-line skates representative to participate and, in each instance, a representative was provided.

I am advised that the reconvened working party held many lively meetings on this issue and it reached a consensus, which is the Bill before us today. I am not saying that every person or group represented on that working party is totally and euphorically in favour of the legislation but each supports the legislation. Some may support the legislation on the basis of reaching a compromise from their stated position. Nevertheless, I have spoken to all individuals who have emphasised that they support this legislation on the basis of some compromises, but particularly on the basis that this legislation—as has been proven with mirror legislation in New South Wales, Victoria and Queensland—provides the police with the teeth to deal with instances of offending behaviour, and that is a very important reform.

It is very important for members to recognise that there was, as the police and local government have described, hysteria before this measure was introduced in New South Wales. The level of concern was a little less in Victoria and Queensland when legislation was introduced in those respective States, but in all instances councils, the police and politicians of all political persuasions in those States have confirmed to me their support of the legislation. Essentially, South Australia is catching up on a legislative reform which has been undertaken for some years in other States and which provides for the use in certain circumstances of in-line skates, skateboards and roller-skates, and acknowledges their increased use in the community and the need for clear laws to address the use of these vehicles.

I have been advised of no instance interstate, nor has it been observed, of a phenomenal or even major increase in the use of in-line skates, skateboards or roller-skates arising from legislation in those States. I emphasise that this legislation will not give rise to a proliferation of in-line skates. Simply, the use of such skates will be controlled in the future and local government will be able to plan for their use in their communities. I want to address briefly other issues raised by members, such as the issue of personal liable. Legal liability for injury or accident involving small-wheeled vehicle users is the same as currently exists for pedestrians or cyclists, that is, legal redress can be sought through the judicial system. Many small-wheeled vehicle users will be covered for public liability under existing household or family insurance policies.

Also, small-wheeled vehicle users will be subject to the due care provisions in the legislation, just as due care provisions are provided for pedestrians in the Road Traffic Act. There will be no difference in terms of the due care provisions required for pedestrians and small-wheeled vehicle users. That is a practice that has been applied through the Act in respect of pedestrians for many years. Any accident or injury involving a motor vehicle and a small-wheeled vehicle user would be treated in the same manner as one involving a pedestrian or cyclist. Specific insurance policies will be available for purchase by small-wheeled vehicle users if they so wish.

In terms of local government liability, it is true, and all members have acknowledged, that local government has sought that there be no liability on its part in the event of an accident arising from the use of a small-wheeled vehicle. Crown Law opinion has been that councils have not been liable at common law for damage resulting from councils' nonfeasance, that is, a failure to repair a footpath. Councils are liable for misfeasance, that is, creating a hazard, and it has been the Government's view, not only in respect of this legislation but also as a general principle, that when any authority creates a hazard they should be liable, whether it be a council, the Government, a hospital board, or whatever, but they should not be in respect of nonfeasance. The courts we acknowledge, however, have been straining to find liability in particular situations, although there has not been any major claim against a local government interstate for liability for injury to a user of a small-wheeled vehicle.

As I noted earlier, local government in this State remains concerned about this issue. It highlights the fact that our society appears to be becoming increasingly litigious and it is seeking full exemption or, as a compromise, limited exemption from liability. The Government would not accept a situation whereby councils can opt out of their responsibility to keep roads and footpaths in good repair, but we have been prepared to look at a compromise situation. I will be moving an amendment that seeks to address this issue of limited liability on a footpath, where the council could argue that there is a higher order of construction and maintenance required for small-wheeled vehicle users than for pedestrian traffic. So, we are not seeking to change the arrangements in this sense; we are aiming for councils to continue to do what they currently do in terms of design, construction, maintenance and management of roads. I will explain that amendment in a little more detail shortly. I will also be moving an amendment that has been on file for a little time, I understand, expanding the definition to preclude the use of motors and other matters.

The Hon. Mr Feleppa and some other members talked about the criteria for the designation of prohibited areas. Mr Feleppa, in particular, talked about a forest of signs all over the place, and not only the ugliness but also the cost of such an exercise. I am able to advise that the criteria for prohibition of signs will be specified within the regulations of the Road Traffic Act in the code of practice for the installation of traffic control devices, and that the criteria will take into account safety considerations for all road users, including small-wheeled vehicle users, the likely levels of compliance and the design and placement of the signs. Further guidelines for areas to be designated as prohibited areas will be spelt out in regulations under the Road Traffic Act. It is most important in this regard to note that councils

have sufficient flexibility under the legislation to designate areas where deemed necessary, either through regulation or through signposting. They do not have to resort to signposting alone if they do not wish to. We as a Government believe—and I understand the Australian Democrats appreciate—that this is the best way to go in this matter. It is certainly the way that New South Wales, Victoria and Queensland have proceeded, and I cannot see why, west of Wagga Wagga, we should be treating this whole issue differently.

I can understand where the Labor Party's amendments come from: it was the view of the initial working party that they be banned generally unless a council area provides a designated pathway or area in which they could be used, and one may have some general sympathy for that approach. I do not, mainly because I understand that, since this Parliament gave them provision under amendments to the Road Traffic Act a number of years ago to designate areas where pedal vehicles could be used, no council has acted to designate such a use. Therefore, I do not accept that, if we did give the benefit of the doubt to councils in terms of where small vehicles could be used, as we have given the benefit of the doubt to councils in the past in respect of pedal cycles, councils would act on the expressed wishes of the Parliament. They have given me no reason in the past to have such confidence; they certainly do not for the future. Those views have been reinforced by discussions with various representatives of the Local Government Association and of councils.

It is important to recognise that this legislation does not allow small-wheeled vehicles on every road throughout the State at all times of the day and night. Very specific roads are defined where these small-wheeled vehicles could be utilised; there are very defined areas and times of day in which a user can enjoy the sport or recreation; and at all times a helmet must be worn. Finally, I thank all members today for their contribution. I thank officers in the Department of Transport and my own office for all the work and the enthusiasm they have shown in relation to this issue and the reforms proposed.

I thank all members of the initial working party established by the Hon. Barbara Wiese some years ago, and the members of the reconvened working party who started meeting in February 1995 and who proposed the legislation that is before us at present.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

The Hon. DIANA LAIDLAW: I move:

Page 1, line 24—Leave out 'a pedal cycle' and substitute—
'—
(a) a pedal cycle; or
(b) a vehicle that is fitted with a motor or that is designed to be propelled by the wind; or
(c) a vehicle of a class prescribed by regulation.'

This amendment seeks to extend the definition of small-wheeled vehicles by specifically precluding the use of motors. Furthermore, it is proposed that the definition should be amended to permit exclusion of vehicles prescribed by regulation. That will ensure that vehicles that are developed in future can be brought within the ambit of the Road Traffic Act through promulgation of a regulation rather than the slower process of amending the Act.

The Hon. T. CROTHERS: The Opposition accepts the amendment. We recognise the wisdom of expanding the definitions of vehicles that are entitled to use the areas listed in the Bill. As the Minister has said, entitlement can be extended by regulation. That would certainly be much less messy than our having to revisit the Bill.

The Hon. SANDRA KANCK: The Democrats support the amendment. The measure is reasonably far-sighted. I would hate to go through this process each time someone invented a new little toy. We have had quite an emotional debate over the past couple of months, and this is an appropriate way to proceed. Obviously, it also allows for later regulations which, of course, can be disallowed by Parliament.

Amendment carried; clause as amended passed.

Clauses 4 to 6 passed.

Clause 7—'Use of small-wheeled vehicles.'

The Hon. T. CROTHERS: I move:

Page 2, line 16—Insert 'Subject to this section,' before 'The following provisions'.

This is a very simple amendment, which will make the matter clearer. New section 99B will include pertinent matters, as opposed to loose ends that might be waved around and picked up by a legal eagle. Our amendment is specific and simple; there is nothing untoward in it.

The Hon. DIANA LAIDLAW: I wonder, Mr Acting Chairman, whether this would be a test clause for all the amendments that the Hon. Mr Crothers intends to move in relation to councils' powers to determine whether small-wheeled vehicles can be used within a certain area. The Hon. Mr Crothers might wish to expand on or speak to all the amendments.

The Hon. T. CROTHERS: I do not mind going down that path, but it would require a fair bit of delivery on my part to do that. There is a plethora of reasons for our amendments. It might be quicker to deal with the amendments as they stand rather than go down that path. I had intended to test a certain matter and then not say much about other matters, which would obviously fall into line if there were the support of the majority in the Chamber.

The Hon. DIANA LAIDLAW: If the honourable member is prepared to use this as a test clause and elaborate on his parcel of amendments, the Government would be pleased. The Democrats might also agree. The Hon. Mr Crothers might wish to outline his package of amendments at this stage. This amendment is not necessary to the Bill, so we oppose it, although it seems to be innocuous.

The Hon. T. CROTHERS: I understand what the Minister says, but I should like my comments to be recorded in *Hansard*.

The Hon. DIANA LAIDLAW: We oppose the amendment. It seems to be innocuous, it is not relevant and it is not important to the batch of amendments yet to be moved by the Hon. Mr Crothers.

The Hon. SANDRA KANCK: The Democrats do not support the amendment. As I interpret it, the rest of the amendments that the Opposition intends to move will ride on this clause. As the Hon. Trevor Crothers has said, he does not want to use this amendment as the test. I will not elaborate further on our arguments; we will leave that for the next clause.

Amendment negatived.

The Hon. T. CROTHERS: I move:

Page 2, line 19—Leave out 'designated road or part of a road' and substitute 'road or part of a road other than a playstreet, playfootpath or bikeway'.

This amendment will demonstrate why—if I can be given some leeway—the Opposition has scheduled a series of amendments standing in my name. We welcome the Minister's endeavours to provide for the youth of our society and to legalise what has become a very common practice—that is, the use of small-wheeled vehicles by, mostly, younger members of our community.

An honourable member: You had a go.

The Hon. T. CROTHERS: I have been on my granddaughter's skateboard, yes. When I came back from the Lyell McEwin Hospital I swore that I would never use it again! The problem that confronts the Opposition when it considers the matter is that the Local Government Association has been in touch. Several matters are germane to the Bill and to the amendment. If I could be given some leeway, it might be appropriate to deal with them now.

The local councils have set up the Local Government Mutual Liabilities Scheme, and that insurance fund, as I recall it, came into being as a consequence of the liabilities incurred by the Stirling council subsequent to the bushfires that ravaged the Stirling area a few years ago. At the end of the day, the consequence was that the Stirling council could not meet its obligations in respect of the payment of moneys that had accrued to its lot, as the local government body responsible in most instances for many of the problems of the bushfire, and it had to be subsequently funded both by the previous Government, of which I was a member, and by the present Government.

As I recall it, out of that came this collective cooperative, if you like, with respect to councils having a sufficiency of funding to cover any liability that might arise to their charge. So, as a consequence of that, I understand that, whilst a similar scheme may have existed, it now means that every council in this State, with perhaps one exception, is a member of that scheme.

I am aware of the Minister's amendment which she kindly faxed to me earlier today, but it is not so much what the Bill provides: it is perhaps that which the Bill does not provide which could be tested in the Supreme Court or, perhaps, the High Court. I do not think that the faxed amendment which I received today from the Minister and which seeks to strike out the liabilities of the councils and others relative to accidents incurred by virtue of the fact that the council has allowed skateboards and other small-wheeled vehicles to use particular areas in the council's area of responsibility is appropriate. I am not a lawyer, but it seems to me there are very clever lawyers out there, and I am aware of them (as, indeed, the doctors are at the moment).

I wonder what will happen with respect to insurance companies. If the user of a skateboard causes an accident to occur because of an avoidance procedure by two drivers, what is the position in respect of liability relative to the people who have insured the drivers of those vehicles? It seems that there might just be two laws that will butt heads in respect of that and that it will provide a philistine arena in the courts of this State and land relative to resolution of those matters.

I do not decry what the Minister has tried to do. She has endeavoured to pick up the problems that the councils would have in respect of liability bearing in mind the way in which the Bill was originally worded, but I do not think that has been done. I do not know how we can mitigate against an insurance policy with respect to the driver of another form of vehicle. I do not know how you can do that.

The other problem is how those areas that have been set aside by the council are policed. How is that council provision enforced? The councils have certainly made observations to me that the cost of a sign warning people off is approximately $90. What if a council does set aside an area? How is that enforced or policed? The answer is that it is policed at very great cost to the community. If the legislation is as widespread as it is in this Bill, which permits this additional usage not only of the footpaths but also the roads under council or other control, how will it be enforced? The simple answer is that, in essence, for 99 per cent of the time, it cannot be done.

The difficulty is such that we believe the Bill ought to be narrowed, not just because of the representations the councils have made to the Opposition but also because common sense demands that, somehow or other, as they did many years ago with the Findon Skid Kids—and we are really talking about skateboards—we legalise them in such a way that we can exercise greater control. If the position is that a council has the right to designate any of those areas, footpaths or roads, within the parameters of its responsibility, then the question must arise: how do we enforce and police something out of which we are trying to take the risk and danger? How do we take the risk and danger out of it with respect to other road users?

I put it to this Council for its consideration that if we have skateboards on footpaths it would be an exception if someone were killed by it. Probably the skateboard rider would be the one killed by someone reversing out of a driveway. However, if you put them on the road, you run the risk of not only their being killed but also of their causing an accident that could kill somebody else. That is the concern of the Opposition which we have endeavoured to cover.

This is a serious matter. It is not a matter that, because of its minor nature, should be just cast to one side, because we are trying to confine the risk of that which is being done *de facto* by skateboard riders all over the State. If we allow them to use the road—as this amended Bill provides—we widen the risk, and at what cost to the community? I am not convinced that the Minister's amendment, which seeks to restrict liability, will in fact do that.

The legal profession will have a field day in the various courts of this State, and perhaps even as high as the High Court. There are already some court decisions that have gone against councils in respect of their responsibilities.

I do not really care what they do in Victoria, New South Wales or Queensland; I am a South Australian. I care about what we do here and about what we do in respect of trying to protect all our citizens, young and old. I pay a tribute to the Minister for having the courage of her convictions, because I know she had considerable opposition from some members of her own Party, but that will not prevent me from highlighting what I believe to be a wrong contained in the Bill. I seek to delete from the Bill the concept of the utilisation of roads at all. As I said before, it will be a nightmare for the police, and they are the ones who will be called on to give effect to the additional utilisation of the roads by small-wheeled vehicles. It will be an impossible nightmare for the police to do that.

Secondly, I do not believe that the faxed amendment which I have received from the Minister (for which I again thank her) will have the impact that her advisers have told her it will have. I do not think that will close off the avenue with respect to litigation at all, and that concerns me. At the end of the day, councils, the third arm of government, like the

State and Federal Governments, draw their revenue in the main from the citizens of the council area, the State Government area or the Federal Government area.

Whilst we are trying to fix what has become an irritating problem, we may well expand that into a greater problem in dollar and cent terms. People have often said to me, 'Oh no, you are wrong; that will not happen.' I have been around the traps with legal people, and I am not knocking them when I say that. They have a job to do, they discharge it well and some members of the legal profession are very clever. If I were to go to them as a client and say, 'I ran into a woman because I tried to swerve to avoid a person using a skateboard, and I killed or badly injured that lady and there are tens of thousands in hospitalisation damages and everything else; is there any way you can assist me?', it is my view that that amendment will provide a way for a bright and intelligent lawyer. It is a tragedy if that happens, because what the Bill is attempting to do is sound commonsense, provided we confine the council areas where those small-wheeled conveyances can be used. I would not like anyone to treat this Bill lightly because, if we sow the winds today with respect to having this as widespread as it is, we will reap the whirlwind tomorrow. I could say much more, but I will not say any more on this amendment. I have tried not to speak too much on other amendments, but I may wish to speak to other amendments more briefly than I have spoken here. I commend this amendment in the interests of all the citizens of the State, not just a small segment of them. I commend the amendment to the Committee.

The Hon. SANDRA KANCK: The Democrats do not support this amendment. I reiterate the position that I took in my second reading speech, namely, my enthusiasm for the use of such vehicles to be legal once people step outside their front gate. I think it is important for all sorts of reasons, not least of which is that, if these vehicles are made legal, schools can start teaching children how to use them properly. At the moment, if their use remains an illegal activity, schools cannot play any part in educating children about how to use them in a safe manner, because the schools would be seen to be countenancing an illegal action. It is very important, therefore—

The Hon. T. Crothers interjecting:

The Hon. SANDRA KANCK: It will be more enforceable when there are parts that are specified as legal and parts that are illegal, because the police will need to look at fewer areas than they currently do.

In summing up the second reading, the Minister referred to the amendment some years ago of the Road Traffic Act which involved pedal cycles and which gave local government the opportunity to take action and, as she says, none of them have done so. I fear that that would be exactly the same result of this amendment. We would make the activity legal but we would be totally dependent on each local government unit to make the decision to allow it within its local government area. It is quite apparent to me that some members of local government and some local councils are utterly opposed to this legislation and would refuse to do anything. If the example of pedal cycles is anything to go by, we could expect that all councils would take no action and, as a consequence, the effort that we are putting into this Bill to make this a legal activity would be for nothing. On that basis, the Democrats will not support the amendment.

The Hon. DIANA LAIDLAW: The Government does not support the amendment, either. For the benefit of the Hon. Mr Crothers I repeat that I too care about what we do here in South Australia, in that our decisions must be suitable for local circumstances, and I too believe that this is a serious matter. I would not have fought so hard and at some personal cost if I did not believe that this was a serious issue. If it was frivolous I probably would not have pursued it in the first place, and if I did not have some backbone I would not be here now defending this. I believe it is a serious matter to the extent that I am very keen to pursue it through this place. I also happen to believe that, like road laws in general, most drivers are decent, law respecting and able when they are on the roads. I equally believe that most rollerbladers are responsible and caring and will not wilfully do damage to others or themselves. They will respect others who use the footpaths and minor roads.

In the transport area there is always a danger that we legislate for those who behave with no consideration for others or who behave irresponsibly on the roads. I make that statement because in the transport portfolio I am always reminding myself that I was a civil libertarian when I came into this place; some days I think I have lost that quality altogether. Essentially, I do believe that, as with road users generally, those who use in-line skates and the like are doing so as a means of exercise, fun and getting about without any serious intent to do damage to themselves or others. That is exactly why I have quoted New South Wales, Victoria and Queensland; because, in those more populous States, where one could argue that the infrastructure is not as good as in South Australia and where there is a greater concentration of people, the issue of small-wheeled vehicles—or toy vehicles, as they are essentially known there—is a non-issue. It caused alarm as people speculated about all the frightful circumstances that could arise following the passage of such legislation but, in reality, while there will still be some people who cause some difficulties, the legislation has not seen a proliferation of toy vehicles or small-wheeled vehicles. However, it has allowed the police to control the use of those vehicles much more effectively, in the public interest. That is why this course is being pursued by the Government.

It is also being pursued in this form because, as I said earlier with respect to pedal cycles and as the Hon. Sandra Kanck has reiterated, local government was given the opportunity by this Parliament to do what we thought was best, and that was to allow designated footpaths to be used for pedal cycles. Not one council in this State has acted in that regard, and with respect to small-wheeled vehicles there is no reason to assume that the councils would act to allow the legal use of rollerblades on minor roads or footpaths. Yet, I am confident that we would all know individuals young and old, but particularly young, who not only have acquired but who have been given rollerblades and who use them today on the footpath. It is arguable whether they are doing so legally. That should be cleared up in the public interest so that their parents, their grandparents and they themselves know that it is a legal activity on certain roads. Equally, we should be clearing up the law so that when there is foul behaviour the police are able to act.

I was interested to learn last week from further discussions undertaken by officers of the Department of Transport with the Local Government and Shires Association and the senior policy officer of the Traffic Section of the New South Wales Police Department that in that State the approach has been very much an educative one, that young riders especially have been advised by the police and local authorities why the practice of riding toy vehicles in that State in a crowded place causes safety problems. They have been advised of where

they can ride legally and safely and of the need to wear helmets. It is always this educative approach that we would wish and there will be a strong educative program in relation to the introduction of this Bill. But, where education does not work, and it does not always work, then the police and the community need to know that they can act.

This legislation provides such teeth. The police do not have such powers today because there is confusion about the status of the law. This legislation is essentially righting a wrong: it provides direction. As the Hon. Sandra Kanck said in her second reading speech, it provides direction where there is no direction now or where there is confused direction. In moving the amendment the Hon. Mr Crothers talked about small-wheeled vehicles causing an accident with a truck and what would happen in such circumstances. We have confined these vehicles in the legislation—and this is not left up to councils—to roads that are deemed to be minor roads, roads without a line, because minor roads do not handle these trucks. Most truck traffic will be on what we see as major roads and, in those instances, small-wheeled vehicles would not be involved in a decision of this place or Parliament as a whole. If there is an accident on a minor road if a truck is there or with a car or in any other instance, the same situation would apply as applies today. The legal liability for injury or accident involving a small-wheeled vehicle user is exactly the same as presently applies for pedestrians and cyclists and redress can be sought through the legal system. We are doing nothing that is new, novel or outlandish. This is a reasoned extension of current practice and legal procedure. Also, few small-wheeled vehicle users want to use main roads. Some may and sometimes we see them there but they are not legal now and they will not be legal in the future.

The Hon. T. CROTHERS: The Minister has just proved my point. I have been critical about the width of the allowance of the Bill to use areas under council control. The Minister referred to the pedal cycle Bill that came before this place some time ago and said that not one council had given effect to that measure that went through here. That is precisely the point I make. If we make the Bill too wide, councils will not act on it and it will be a meaningless hotchpotch of a Bill that will not be able to give effect to the provisions, even if in the eyes of the law it is legal under the Bill, provided councils okay it. If councils do not give effect to it, it is meaningless. The Minister said that herself. She said we passed a Bill about pedal cyclists and its provisions were not given effect. I believe that, because the Bill's provisions are so wide, irrespective of the other amendment, litigation responsibilities will still lie with the council. That may have to be fought out in the courts, but I believe that that will be the case. That has been confirmed to me by a lawyer whom I will not name, and I think that that makes a nonsense of the Bill.

The Minister and I are both aiming for the same thing, to ensure that there is some legal probity that exists and governs the utilisation of small-wheeled vehicles, because it allows roads to be so designated. It may be something that may be an estoppel on the councils from giving effect to it. Indeed, it will make the assistance that we are trying to extend to younger members of the community absolutely meaningless in this matter. Finally, the Minister referred to minor roads as opposed to major roads and three lane highways. I have much time for the Minister but unless the Minister has Celtic second sight or some divine providence has endowed her with a special capacity to see who or what vehicles will use what roads—minor or major—the Bill is meaningless because some heavy vehicle only needs to use a minor road once and cause a fatality and that is one fatality too many.

I rather suspect that the Minister and the Democrats got together (just as we do with them) and talked this out, but I wonder how much thought was given to the way in which this could impact detrimentally on individuals, groups and the whole community because of the Bill's width. I have to place on record that I do not think much thought was given to it by the Democrats. Certainly, I commend the Minister for the courage she has displayed. I was not having a shot at her because I understand from sources, who will remain unnamed, that there were problems—it was in the *Advertiser*—with some of her own backbench colleagues and I commend the Minister for sticking to her guns. I have to say that the parameters of application are far too wide.

The Hon. DIANA LAIDLAW: I am sure that the Democrats at any time can defend themselves and I know the Hon. Sandra Kanck can do so, and I will not weigh in there. I have to repeat that small-wheeled vehicle operators are not masochists and will not go out of their way to cause injury to themselves or to others.

They will be cautious. The fatality figures for those who use small-wheeled vehicles, legally or illegally, are absolutely minuscule compared with the figures for pedestrians and motor vehicle drivers. Although New South Wales, Queensland and Victoria have enacted this legislation, we do not need to have what they have. I highlight them to prove that there is no cause for the alarm that some consider will flow from this legislation. I can provide for the honourable member the injury figures for toy vehicles in New South Wales over four years. I would indicate that any death, of course, is one too many. The arguments used, in effect, to ban small-wheeled vehicles here could equally apply to motor cars, pedestrians and certainly cyclists, but those arguments are not used in relation to the forms of activity in transport that we, as adults, are more comfortable using, because we would not wish to upset our convenience. In many instances it is a generational problem for many people. It is a new form of activity and mode of transport for people who are more active than I am. I prefer my comforts more often, I must admit.

Finally, I think there is some confusion. My reference to pedal cycles was based on the fact that this Parliament has provided legally, as you are seeking to do with your amendments, that you can use pedal cycles, rollerblades or in-line skates. In the same breath we have said with regard to pedal cycles, 'We will allow you to use them only where local government says you can.' That is what is being sought to be done with in-line skates and rollerblades. We are saying, 'Yes, we think they are legal, but we do not have the guts to say you can use them unless local government says so.'

The Hon. T. Crothers interjecting:

The Hon. DIANA LAIDLAW: In a sense, you speak with a forked tongue. You say that they should be allowed but that we do not have the confidence to say where they can be allowed and we leave it to local government. We did that with pedal cycles, and local government has decided not to do anything about designating where they can be used. Through this place we have said, 'We believe it is possible for pedal cycles to be used on footpaths.' The honourable member, the Hon. Sandra Kanck and I have said, 'We think it is legitimate for pedal cycles to be used on footpaths, but we then say that we are too scared to say that they can be used unless local government says they can be used.' Local government has not in any instance indicated that they can be used. Therefore,

they are not being used, irrespective of what we have said in general terms in this place. It is for that reason that we are putting this legislation forward in this manner, not in the way proposed by the honourable member.

The Hon. SANDRA KANCK: I am sorry that the Hon. Trevor Crothers doubts my capacity to undertake research.

The Hon. T. Crothers: I didn't say that.

The Hon. Diana Laidlaw: Yes, you did.

The Hon. SANDRA KANCK: The honourable member impugned my capacity to undertake research. However, I think the Hon. Mr Crothers should understand that this legislation allows local councils to decide whether areas are inappropriate. Clause 7(3) allows local government to erect or put traffic control devices in appropriate areas. I raised this matter in my second reading speech, because representatives of the Local Government Association, who have spoken to me, mentioned the enormous cost involved to do that. They talked about $90 per sign, and I thought there was some justification for concern. However, it has since been pointed out to me that the process of stencilling a sign on the footpath would probably cost only 50¢ a pop, so it would not be an exorbitant cost for local government to do this. I think the Hon. Trevor Crothers should bear in mind that later in the clause local councils are given the power to decide which areas are unsuitable, and it will not cost a great deal to put in the appropriate signs to say that they are not suitable.

Amendment negatived.

The Hon. T. CROTHERS: I move:

Page 2, lines 20 to 27—Leave out all words in these lines.

The Hon. DIANA LAIDLAW: I move:

Page 2, lines 25 to 27—Leave out all words in these lines and substitute—

(C) that consists of, or is alongside, a bicycle lane; or.

This is consequential on the earlier amendment that I moved in relation to the definition.

The Hon. T. CROTHERS: We pick this amendment up in later amendments that I have on file. Whilst this amendment concurs only in part with the amendment I have moved in the last two lines, I can see the wisdom of its being there. I was going to oppose it on the basis that we pick it up in our subsequent amendments. However, the numbers do not lie with respect to the Opposition being able to get that up, so I will support the Minister's amendment.

The Hon. DIANA LAIDLAW: Perhaps I should clarify my earlier explanation. It is related to a package of amendments proposed by the Minister for Health in my name. I am seeking to delete the words, 'that is a bicycle lane'. Therefore, I am proposing:

(1) The following provisions apply to the riding of a small-wheeled vehicle on a road:

(a) the rider must not. . .

(ii) ride on a section of carriageway. . . that consists of, or is alongside, a bicycle lane; or

Essentially, it is a drafting improvement.

The Hon. T. Crothers's amendment negatived; the Hon. Diana Laidlaw's amendment carried.

The Hon. T. CROTHERS: I move:

Page 3, after line 17—Insert:

(1a) Nothing in this section prevents the rider of a small-wheeled vehicle from riding on a carriageway to cross directly between two sections of road on which the vehicle may be lawfully ridden.

I am aware that the Minister has a similar amendment on file, therefore I understand she will be supporting my amendment.

The Hon. DIANA LAIDLAW: I support the amendment.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 3, after line 19—Insert:

(2a) A road authority incurs no liability in negligence because of any failure on its part in the design, construction, maintenance or management of a road to take account or proper account of the fact that the users or potential users of the road include riders of small-wheeled vehicles.

This is the important amendment relating to limited liability. The issue was discussed when this Bill was moved, and other members in their contributions to the second reading have all addressed the issue of liability: whether there should be any liability incurred by councils, whether there should be unlimited liability, or some halfway position. The Liberal Party requested this amendment be drafted and it addresses the question of limited liability but not exemption from all liability where small-wheeled vehicles are used on footpaths or the roadway, as the Labor Party would propose.

The amendment that I move is intended to allow councils and other road authorities to continue what they currently do in terms of the design, construction, maintenance or management of roads. In other words, the precautions currently taken to protect pedestrians and cyclists will be sufficient in relation to riders of small-wheeled vehicles. They would have to do no more than they do now in relation to the precautions they take to protect pedestrians and cyclists. From the point of view of negligence liability nothing new or special will be required because of the use of small-wheeled vehicles on footpaths or roads.

Consequently, a rider of a small-wheeled vehicle who is injured in an accident on a footpath or road will have a right of action against the road authority only if the accident resulted from a failure to take precautions required for the protection of a class of road users apart from riders of small-wheeled vehicles. The provision should not affect the question of the misfeasance and nonfeasance rule, and I highlighted those matters earlier in terms of hazards or failure, on behalf of the council, to maintain standards. The provision should not affect the operation of the misfeasance or nonfeasance rule to the extent that the courts continue to apply it in relation to the negligence liability of a road authority.

While the Government in principle does not like the issue of limited liability or no liability by any Government agency at any level of Government (Federal, State or local), we consider that, in this instance, the measure has some wisdom. We also maintain that it should not be seen as a precedent to be applied in other areas of the road traffic law or law related to other agency activities. We are essentially saying that councils have inherited footpaths in terms of pedestrian use. That has been legal for time immemorial. We now deem that footpaths should also be legal unless designated otherwise by local government for the use of small-wheeled vehicles.

This law accommodates the invention, I suppose, of small-wheeled vehicles: rollerblades and in-line skates. It is modern reforming legislation keeping up with the times. It may, however, require a higher standard of footpath than that required for pedestrians. In such cases the council should not be liable above and beyond the standard to which it is legally liable in relation to pedestrians. This amendment, I understand, has been forwarded to the Local Government Association, which indicated earlier to me that its favoured position was no liability, as the Government has proposed, but that it would accept a limited liability situation.

The Government, however, could not accept a no liability situation. It could not accept that a council could leave a hazard on a footpath or a roadway and that if, through no fault of their own, a person on rollerblades had an accident a council was then not liable. The Government would consider that an intolerably irresponsible position for any authority, in this instance a road authority. So we would not, in our wildest imagination, accept a no liability situation, as has been proposed by the Australian Labor Party. We have proposed a limited form of liability which, as I indicated, local government would be prepared to accept in these circumstances. The amendment essentially addresses the concerns of local government.

The Hon. T. CROTHERS: I was not going to speak to this clause or, indeed, to any other clause but this particular clause rather reminds me of the Nuremberg defence, where it says 'a road authority incurs no liability.' Of course, that is what von Ribbentrop, Goebbels, Himmler and a lot of our own believed too. They believed they had a defence because they were only carrying out the law of the land—

The Hon. Sandra Kanck interjecting:

The Hon. T. CROTHERS: The honourable member should listen—only to find out that they had no defence at all, and Albert Pierpoint earned hundreds of quid going and executing them. The point I make is that I think this is so flimsy in respect of any protection it might offer a council. I do not think it means that at all. I believe the legal profession—and I am not knocking it—will have a field day in respect of getting a judicial interpretation on this matter, which will mean more expense for the councils. This is a Bill which, while to some extent it tries to do good, will in fact succeed in muddying the waters to such an extent that it will do more harm than the rectification of the harm that already exists. It will do more harm than good. The situation gets worse in the next amendment, which is along similar lines.

However, I thought I would get it over with now. It reminds me of a Nuremberg defence in an encyclical way, because I do not think that will absolve the council or anyone else from liability. I am not a lawyer, but time will tell. I might even be tempted to go and take law, if Government members keep on putting up legislation like this.

The Hon. A.J. REDFORD: I have a couple of questions, and I apologise to the Minister, as I should have raised them earlier. As I understand her explanation of this amendment, it relates to limited liability in that it protects the authorities in a situation where they are negligent in the design, construction, maintenance or management. I have two matters to raise. As I understand her contribution, the Minister referred to protection of the authority from legal suit by a rider of a small-wheeled vehicle. It seems to me, when one looks at the clause carefully, that third parties may well be dragged into the net, and that may not be the Minister's intention. If, for example, a council negligently puts up a sign which is not seen by a rider of a small vehicle, and that skateboard rider moves to avoid that sign and, as a consequence, bowls over and does substantial injury to an elderly person, on my reading of it, if the elderly person sued the council, the council might well avoid liability. I understand that that is not the Minister's intention.

My second query relates to the use of the word 'management'. I understand that the Minister's intention is for the protection of road authorities in relation to issues such as negligence, misfeasance or non-feasance as far as road surfaces are concerned. I have no problem with that; nor, I believe, would most of the legal profession, as it has always been a vexed issue. But the question I have relates to 'management'. It may well allow a council to use it as a defence in all sorts of issues, and I will cite the example of the placement of signs. The placement of a sign can arguably be suggested to be included in the term 'management'.

The Hon. T. Crothers interjecting:

The Hon. A.J. REDFORD: Maybe: you need to look at the facts. You may have a situation where a sign is in a bad place; you get the growth of a tree or something of that nature, and the council is sued. I am not sure whether it is the Minister's intention to extend the exemption as widely as that, but as a lawyer acting for a council insurance company I would seek to extend the meaning of 'management' to its broadest possible context. Whether a court would agree with me is entirely unpredictable.

The Hon. DIANA LAIDLAW: Is the honourable member suggesting that third parties should or should not be included in the ambit of this amendment?

The Hon. A.J. REDFORD: To be safe, I will not suggest anything. What I want is some clarification, because my understanding of the Minister's earlier contribution was that it was only to protect road authorities from legal suit by riders of small-wheeled vehicles. When I read the clause, it appears to be wider than that.

The Hon. Diana Laidlaw: It is wider than that.

The Hon. A.J. REDFORD: I want to know whether or not that is the Minister's intention.

The Hon. DIANA LAIDLAW: It is wider and that is my intention. That is what the Party room wants, so that is what I do. 'Management' has been included because not only do we maintain our road systems but also we manage them, and today we seek to manage them in a variety of ways which is broader than it has been in the past, because of the new strategic plan within the department, which is in fact saying that we will manage various contracts for road construction and maintenance purposes. There was some debate about including the word 'management', but it was included because of the different way in which we do our business today as a road authority from that of the Department of Transport.

The Hon. A.J. Redford: For example?

The Hon. DIANA LAIDLAW: In terms of our strategic shift within the Department of Transport, we fund and purchase services today and get others to construct, maintain and manage them, and a whole variety of classes is now involved—

The Hon. A.J. Redford: Would it include signs?

The Hon. DIANA LAIDLAW: —including signs, yes. It is important to recognise that a council's designating an area, roadway or footpath where it would not wish roller skating or in-line skating to take place can be by sign, but it can also be by regulation or by a sign painted on the footpath or on a pole. Local councils have concentrated on a sign on a post, because that is the way in which they would incur the greatest cost, and it has been a deliberate part of their campaign to say that I am being impossible, that the Government is worse and that this is all too horrible.

In fact, if they wished to look at this more broadly to accommodate a number of people who live in, work in and use their area of responsibility they would recognise that they could accommodate, as this legislation seeks to do, a variety of ways in which councils could designate an area where they would not wish to see roller blades. And there will be a variety of such areas; I have always conceded that.

Amendment carried.

The Hon. T. CROTHERS: I move:

Page 3, lines 21 to 27—Leave out all words in these lines.

The Hon. DIANA LAIDLAW: I oppose the amendment.

Amendment negatived.

The Hon. T. CROTHERS: I move:

Page 3, after line 30—Insert—

'playfootpath' means a footpath or part of a footpath prescribed by council by law as a playfootpath and on or adjacent to which a traffic control device is erected, displayed or marked to indicate that the riding of a small-wheeled vehicle is permitted on that footpath or part of a footpath;

'playstreet' means a road or part of a road, other than a section of carriageway—

(a) alongside a continuous or broken centre line or dividing strip; or

(b) divided into marked lanes for traffic proceeding in the same direction; or

(c) consisting of, or alongside, a bicycle lane,

that is prescribed by council by-law as a playstreet and on or adjacent to which a traffic control device is erected, displayed or marked to indicate that the riding of a small-wheeled vehicle is permitted on that road or part of a road.

(4) If a council creates a playstreet or playfootpath by by-law, it must cause a traffic-control device to be erected, displayed or marked on or adjacent to that playstreet or playfootpath to indicate that the riding of a small-wheeled vehicle is permitted on that playstreet or playfootpath.

(5) No action lies against a council, or a member or employee of a council, for any personal injury or damage to property arising out of the creation or form of construction of a playstreet or playfootpath.

Obviously, we do not have the numbers, so I will not waste the Council's time by debating the issue. Perhaps the Minister will be like St Patrick and become involved in a little trinity magic. I shall ask the Minister a question about her amendment relating to page 3, line 30, and, rather than the three in one, we will be able to do the two in one.

The Minister's amendment relates to the same place in the Bill. When she defines 'road authority', she sets out four subsections. The Minister's paragraph (d) states:

any other authority, body or person in whom the care, control or management of a road is vested.

There will be a field day for lawyers—they are all reasonably smart—because of the way in which that provision is worded. We have laws which say that the care, control and management of a road, to some extent, is vested in the driver of a vehicle, the rider of a pushbike, the rider of a motorcycle and God knows whom else. What does it mean? How does one put a finite meaning on that? I will press it to a vote, but I do not speak to my amendment I am talking to the Minister's amendment, which relates to exactly the same place in the Bill as does my amendment.

The Hon. DIANA LAIDLAW: It is consistent with the definition in the Act in relation to road authorities, and we are adding it for that reason. It also includes private roads and the like and would accommodate such circumstances.

The Hon. T. Crothers: You are talking about liability.

The Hon. DIANA LAIDLAW: Yes, we had to define it because of the reference to 'road authority' in the amendment to clause 7, page 3 after line 9.

The Hon. T. Crothers: I have put my question in *Hansard*.

The CHAIRMAN: Does the honourable member wish to proceed or is he withdrawing his amendment?

The Hon. T. CROTHERS: I will put it to the vote, but I will not push it too hard.

The Hon. DIANA LAIDLAW: I move:

Page 3, after line 30—Insert—

'road authority' means—

(a) the Minister; or

(b) the Commissioner of Highways; or

(c) a council; or

(d) any other authority, body or person in whom the care, control or management of a road is vested.

For the benefit of the honourable member, I am simply defining 'road authority' just as he is seeking to define 'playfootpath' and 'playstreet', which need more definition and help than my 'road authority' does.

The Hon. T. Crothers's amendment negatived; the Hon. Diana Laidlaw's amendment carried; clause as amended passed.

Clauses 8 and 9 and title passed.

Bill read a third time and passed.

[Sitting suspended from 5.56 to 7.45 p.m.]

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 5 July. Page 2248.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): I support the second reading of this Bill. In my comments on the Appropriation Bill, I will take the opportunity to reiterate briefly the objections of the Opposition to the social and economic damage that this Government and its dry and regressive economic and social policies are inflicting upon this community. The first Liberal budget was a budget first and foremost of broken promises. The Government's second budget has left no promise unbroken. If the Liberal's first budget was the one that broke promises the Premier had never intended to keep, this budget is one that attacks the basics. In so doing, this Government attacks hope, the hope of ordinary South Australians for a better future, the hope also for fairness and equity for a fair go.

With this budget, the Government with a record majority from the South Australian people signalled it had decided to turn on those people. The second budget signalled to those people that the Government with a record majority from the people had decided to make a clean sweep by breaking the few promises that it had left to break. The Government is now in mid-term and I believe I can say, more in sorrow than in anger, that the Opposition's greatest fears about the consequences of the Government's policies are now materialising. We said that we feared a Government with a record majority from the people of South Australia would eventually turn on them and cut their services, schools and hospitals to the bone, and it has done it.

We said we feared a Government with the discredited policies of the ideologues and economic rationalists would shut down our State's economic growth and put an end to our fragile economic recovery. This budget occurs against the backdrop of a shameful economic performance which has seen us in negative growth for three out of the past four quarters, and in the jobs growth area an anaemic fraction of the jobs boom happening naturally. Meanwhile, Australia has recently enjoyed the highest rate of growth in the OECD, and is now settling down to a more modest growth. The benefits of the national recovery, as we repeatedly warned, have passed us by completely. The net result of all this has been the worst rate of growth in the country, a deplorable and disgraceful minus 1.5 per cent in the year to March.

Finally, so sure was this Government that it was on the right track, that it simply knew better, it would prove

stubborn and intractable in the face of the facts and truth, and unfortunately, it has proved to be just so. Just look at the times when the Government has encountered difficulties of its own making. It has ritually blamed everyone and everything but itself for any difficulty—the Federal Government, the previous State Government, the just claims of the Aboriginals for rights to native title, anyone but the Premier and his Treasurer. Now they are in denial.

In each of the consecutive three terms since last December the ABS has shown what anyone looking for a job or anyone attempting to run a small business—anyone actually trying to make things happen in South Australia—knows full well—we have thus far missed the national recovery. Both the Treasurer and the Premier have been incredulous and have clutched at straws. In response to the latest ABS release, they were simply pitiful. It was an embarrassing display by the Premier and the Treasurer. We all now know that promises by the Premier, when he was Leader of the Liberal Opposition, to increase funding to hospitals and schools, were cynical and dishonest. So was his promise not to increase taxes and charges.

To break these pre-election promises, he claimed the State's financial position was worse than he could have imagined when in Opposition. In fact, all the figures on debt and liabilities were on the public record in the 1993-94 budget papers and the Auditor-General's Report. The Audit Commission could not fault those figures. Indeed, one of the best known commentators on South Australia's finances (and, incidentally, no apologist for the previous Labor Government), Dr Graham Scott, described the financial records inherited by the Liberals as 'probably the best kept set of State books in the country'.

As we have pointed out in another place, this is not a back to basics budget. It is an attack the basics budget. When a Government attacks public schools and public hospitals, when it sells off publicly owned assets to foreign companies, it attacks the very basics and hopes of our battlers for a better future. This budget is an attack on disadvantaged and average South Australian families. Remember family impact statements—they were to accompany each Cabinet decision.

The Hon. Diana Laidlaw: They do!

The Hon. CAROLYN PICKLES: That is not what the Ministers say in the other place.

The Hon. Diana Laidlaw: Where it is relevant.

The Hon. CAROLYN PICKLES: It is not very often relevant—that is the trouble with your Government. In the hundreds of pages produced in this budget, the impact on families and women receives less than two pages of coverage in the middle of Financial Paper No. 1. That is the level of priority assigned to families and women by this Government. Of course, the budget is really an attack on the fundamental services on which families and women rely. For the second consecutive time, the Government has failed to produce a women's budget. I cannot say I am surprised. This Government's record in supporting the advancement of women is not one of which any Government, even a Liberal Government, could be proud. This budget is an attack on hope. This is a fine print budget. Its fine print contains a multitude of hidden cuts in schools and hospitals. The cuts to law and order put community safety at risk. It is a budget that locks in the privatisation of key Government services and assets with little or no regard for the welfare of ordinary South Australians. It is a budget that engages in disreputable social engineering for which the Government has no mandate. It is a budget that reinforces the low growth and high unemployment of the Liberal's disastrous first year. Where there is no growth, there is little hope, particularly when the Liberals are destroying so much of those essential community services and safety nets. Whilst services are down, charges are up.

I have said that in this budget the Government has turned on the battlers of South Australia. It has attacked the school and hospital systems that have until now been the best in the country, and it has embarked upon an ideological private-good, public-bad campaign of privatisation. Let us just look at the size and scope of Government cuts to essential community services. Courtesy of Minister Lucas who, as Opposition shadow education spokesperson, promised to increase funding for schools and increase funding for training, $99.5 million will have been ripped out of the education budget by 1996. This year alone, the real level of the cut is around $15 million. Once allowance is made for inflation, the real level of the cut is $47 million, the equivalent of closing nine Adelaide high schools.

The Hon. R.I. Lucas interjecting:

The Hon. CAROLYN PICKLES: Well, you can't even answer your own questions in Parliament.

The Hon. R.I. Lucas: You can't even add up.

The Hon. CAROLYN PICKLES: You can't even explain your own statements in Parliament. The TAFE system is set to lose millions. From the way this Government behaves towards TAFE, a visitor from Mars could be forgiven for thinking that South Australia had the best rate of job creation in the country, not the worst. Some $65 million has been ripped out of the health budget, with $35 million being taken out last year alone, yet Minister Armitage is actually underspending even his own parsimonious budget. Over $11 million has been cut out of the health capital works budget and recycled again. Over the past two years this Government has cut hospitals by the equivalent of the closure of Modbury Hospital twice over. This is the same Liberal Party that promised to increase spending on hospitals before the election.

Policing is to be cut by $10 million or 250 staff, including 185 officers. This is from the Premier who as Opposition Leader promised 200 more policemen on the beat. Now the Government is selling off the operation of Adelaide's basic resource—water—to one of three foreign firms.

The Hon. J.C. Irwin interjecting:

The Hon. CAROLYN PICKLES: I notice that the Hon. Mr Irwin thinks it is rather funny to sell off the State's most valuable—

The Hon. J.C. Irwin interjecting:

The Hon. CAROLYN PICKLES: We understand it only too well; that is the trouble. We can look forward to price increases and the kind of outrageous increases in fat cat executive salaries that we have seen in England. None of this was mentioned before the election and no legislation will come before Parliament on this critical matter. The Government has no mandate for such social engineering. This is the Premier who as Opposition Leader promised to enhance the accountability of Parliament to the people. This budget confirms that the agenda of this Government is ideologically driven. This budget is premised on large scale privatisation and outsourcing. In almost every portfolio the Liberal Government has plans to privatise. It plans to hand over the management of our water supply to a private firm; in public transport, bus routes are up for sale; in health, public hospitals are becoming private hospitals through outsourcing; our prisons are being privatised; and in education it even plans to hand over school administration to a private for-

profit operator and to sell off school buildings to the private sector.

The entire Estimates process has been a litany of stories about sell-offs, outsourcing and tendering out. It has been a litany of unaccountable decision making by this Government. The Government clearly believes that profit-making companies can do a better job than the public sector in the running of our schools, the operation of our prisons, the supply of water to Adelaide homes and the running of our hospitals. It is wrong. There is a social deficit that the Liberal Government is ignoring. Its privatising agenda is an ideological one. Labor knows of the social deficit caused by the privatisation of water in the United Kingdom as well as under the French franchising system. We know all about the obscene price rises that have introduced a new form of poverty into England; it is water poverty. Disconnections because people cannot pay their water bills have increased 50 per cent. The incidence of preventable diseases from water poverty, such as hepatitis B, have skyrocketed, and we know only too well that, while the executives of privatised water companies have imposed large burdens on the least well off, they have gorged themselves obscenely on huge salaries.

In France, which uses the model favoured by Minister Olsen, water charges have increased by well in excess of inflation, while industry observers point out a decrease in water quality over time. An expert from Geneva recently told an Adelaide conference that between 1980 and 1990 the prices for water in areas covered by the delegated management system that is to be imposed on the people of Adelaide rose by 170 per cent. Senior executives of French companies that are bidding to win control of South Australia's water system are being investigated for corruption, following allegations of bribing politicians and public officials.

The Labor Opposition opposes the drive to privatise the operation of Adelaide's water supply. The Minister for Infrastructure would have us believe that a private operator can make an internal profit, observe the present array of community service obligations of the EWS, not compromise water quality and not raise prices above the CPI. He would also have us believe that, while the Government retained nominal ownership of the infrastructure, it can assure the compliance of a large foreign multinational company to the provision of water and sewerage services at world best practice without any loss of control over the provision of a basic service to the people of South Australia. The Labor Opposition does not believe these claims and neither do the people of South Australia. Expert opinion tells us that the assumed economic development benefits of the privatisation of EWS management are unlikely to materialise and that the deal offers little or nothing that we do not already know ourselves in terms of technology transfer to South Australia.

The Government insults the intelligence of South Australians by its claim that the sell-off of Adelaide's water and sewerage operations is needed to introduce more competition into the operations of our water authority. The contract is for 15 to 20 years. After the award of the contract to one of the foreign firms, competitive pressure on these large multinational firms—the equal in power to any small State government—simply fades away. The French system is full of examples of under-performance and unmandated price rises extracted by large firms from regional governments that have outsourced water operations. A more competitive system than the one we have at present—is that believable? There will be one supplier providing to every home and business in Adelaide. Consumers cannot choose to purchase their water from anyone else. There is no second set of taps that consumers can use to purchase water from another company, should they find the performance of the selected contractor unsatisfactory. Finally, the EWS is also the second largest company with its headquarters in South Australia, and the Government wants control to be given to companies headquartered in London or Paris.

The most significant parts of the Government's privatisation program are being done without the agreement of Parliament and without there having been any mention of privatising health, education or water before the last election. With any move to privatise, outsource and sell off assets there must be adequate and proper parliamentary scrutiny, and this has not been the case so far. Parliament represents the people of South Australia; it is their assets that are up for sale. It is vital that Parliament be confident that any proposal is in the long term interests of the people of South Australia.

The Hon. R.I. Lucas interjecting:

The Hon. CAROLYN PICKLES: If you think it is so good, test it in the Parliament. Can you find anyone who would support what you are doing if you tested it in the Parliament? As we have said previously, in regard to privatisation or outsourcing, key questions must be asked and answered. Do the benefits of the sale or outsourcing exceed the cost? Will the impact on the State's finances and debt position be better or worse over the medium to long term as a result of the privatisation, particularly in light of the Commonwealth's decision not to provide the States with compensation following privatisation? What are the social costs and what will be the impact on services to the community and on jobs? What will be the impact on prices, particularly for consumers on low incomes or those from remote areas? Will the privatisation result in more or less competitive pressure on the enterprise concerned? What consultation will there be prior to the privatisation with all relevant parties, including unions and the key users of the service provided by the enterprise? Will privatised assets in South Australia see excessive profits and huge increases in executive salaries as a flow-on from increased prices to the public? What will be the long term environmental impact?

These are just some of the many questions to which the Labor Opposition is demanding answers and indeed to which all South Australians should demand answers. As yet, we have received next to no information from the Liberal Government, and its arrogance on this issue is absolutely unbelievable. The Government is fond of saying that the affairs of this State need to be run more like a business. However naive this view may be when applied to the broad functions of Government, in the case of plans for privatisation, it is pure hypocrisy.

The reality is that listed private sector companies are required to make much more extensive disclosures in the event of a takeover bid or sale of major parts of their operations. Listed companies intending to sell major assets must gain the ratification from a general meeting of shareholders and the rationale must be clearly explained at that forum. Where a takeover is under consideration, expert, independent reports must be provided to assure stockholders that, amongst other things, the price on offer is fair. Decent information that allows experts, the Parliament and the people to come to an informed view about the cost and benefits of any privatisation or outsourcing is absolutely vital and absolutely absent from the debate in South Australia under the Liberal Government. None of the significant questions about the Government's billion dollar privatisation and

outsourcing plans has yet been answered by the Brown Government.

Let us remember what the Liberals said about accountability when in Opposition. The Liberal's Parliament policy of November 1993 states:

> The role of State Parliament should be enhanced to improve the representation of the people and to make a Government more accountable to the people through Parliament.

This was the pledge from the same Liberal Party that brought us the information technology outsourcing debacle and the outsourcing of Modbury Hospital operations. This is the same Liberal Party that is now privatising Adelaide's water supply, parts of our prison and public transport systems and it even wants to outsource the administration of public schools. All of these things are being done without the agreement of Parliament and without any mention of privatising health, education or water before the last election.

This Government's second budget is not only a budget of broken promises; it is as I have already said a budget that offers no hope to South Australian battlers. There are two sides to this. Not only has the Government cut deeply into essential community services and safety nets as I have outlined but the Government has also engineered an appalling performance on economic growth and jobs. I said that the Treasurer was pitiful in responding to the latest ABS figurers that show us with the worst economic performance in the country, and moreover the worst by a country mile! If any member of the previous Labor Government had responded to bad economic data from independent sources such as the Australian Bureau of Statistics in the manner of this Premier and this Treasurer, the media response would have varied from laughter and derision to an absolute pillorying. That is absolutely true and it is amazing to see the kind of reporting that we get on this issue in the local media in this State.

The Hon. R.I. Lucas interjecting:

The Hon. CAROLYN PICKLES: What an absolute joke! Respect! You have no idea what the ABS statistics are even saying.

The Hon. R.I. Lucas interjecting:

The Hon. CAROLYN PICKLES: Only because you give them insider information which is always untrue and inaccurate. In the year to March, when Australia grew by 3.8 per cent, South Australia was the only State or Territory to go backwards. Our growth was a pathetic negative 1.5 per cent, seasonally adjusted. In three of the last four quarters South Australia has recorded negative growth, and three consecutive quarters of negative growth constitute an official recession. One thing the Treasurer claimed in denying the message of the ABS figures was that the ABS applies a high implicit price deflator to South Australia. This is simply absurd: the ABS has always applied deflators to State economies, recognising the specialisation in different activities. This is precisely to prevent factors such as a rise in the price of motor vehicles, white goods or wine from distorting the picture of real growth.

The nominal rate of GSP growth was of the order of 5 per cent, but this does not measure real economic growth, merely the rate of price inflation. The ABS's implicit price deflators have always influenced the measurement of our economic performance. When the ABS measured our growth as 3.8 per cent in the last year of a Labor Government no member of that Cabinet had the effrontery to claim that the real level of growth was much higher. Then the Treasurer, the Premier and his various pet Liberal economists turned to other indicators to justify their head in the sand policy on the economy. After all, has not the Premier made some of the most shameful statements of self congratulation in wilful blindness of the facts? Just recall what he said in the House on 8 March this year:

> South Australia is performing ahead of the national average.

An honourable member interjecting:

The Hon. CAROLYN PICKLES: Just listen to the next bit. So, let us look at some of those other indicators the Government would have us believe prove that we have turned the corner economically. Between the December 1993 election and June 1995 the rate of job growth under the Liberals has been one third that of the nation. The Australian employed work force grew by 5.8 per cent over this period, while in South Australia it grew by just 2 per cent. The recent release of ABS figures on jobs showed South Australia with the highest rate of unemployment in the nation. Our State was the only one with unemployment above 10 per cent. Our unemployment rate of 10.3 per cent was a full 2 percentage points above the rate for Australia. The last time there was so disastrous a gap between our performance and that of Australia was during the last Liberal Government of the Hon. David Tonkin, which had a record of failure.

In June there were actually 3 000 fewer South Australians in work compared to a rise of 52 000 nationally. The Liberal Government's claim that the rise in unemployment is due to the increased participation rate is nonsense: the number of people in work actually fell and the work force has actually shrunk. Nationally, the participation rate has consistently risen, and to levels higher than South Australia's, while employment has grown and unemployment has fallen. It was certainly amusing to find that the Government had discovered the concept of the participation rate, even if it was only to contrive more excuses. Will the Liberal Government now acknowledge that so many of the falls in official unemployment about which it crowed earlier in the year were due simply to falls in the participation rate at that time?

Let us look to some of those other indicators the Government would have us believe proved that we have turned the corner economically. Dwelling commencements have crashed 55 per cent since September last year to record the lowest levels since the advent of records on this indicator. I recall the claim of the Minister for Infrastructure lauding the upturn in our retail figures, but those figures were misleadingly inflated by the advent of the poker machines. Recent retail trade figures released by the ABS point out:

> Strong South Australian trend estimates are due mainly to annual growth of 32.5 per cent for the hospitality and services group. Poker machines were introduced in late July 1994.

The rise in retail turnover in any case has a frightening side—bankruptcy. In the year to March South Australia had the second highest rate of bankruptcy in the nation, and this was largely due to a rise in personal bankruptcy. There has been a welcome increase in private sector investment, but still only to under 6 per cent of the national total compared with an 8.3 per cent population share. In national terms this is no better than the position under the previous Government during the early 1990s. However, more concerning is that the ABS considers that our 1995-96 levels of projected investment could fall 12 per cent compared with 1994-95.

Finally, the latest ABS survey of business expectations shows that our businesses expect over the medium term to have growth in sales of only one third of the national figure, that is, 1.1 per cent growth in sales in the year to March 1996 compared to 3 per cent for Australia. There was then the

performance of the Premier on this issue during the Estimates Committees. The Premier invited us to believe that the ABS called his office to disown its estimates of our growth and economic performance in South Australia. Members can draw their own conclusion about the credibility of this claim. I can simply say that when we met with the ABS senior officers on this issue they stood by their estimate and the methodology used to derive their estimates.

The Premier's latest *canard* on the South Australian economy came on 5 July. A Morgan & Bank job survey showed some improvement in projections for the South Australian labour market relative to our present near disastrous position. Apparently, the Premier simply could not help himself. He spoke on Adelaide radio claiming:

> There was a survey out this morning that says over the next three months South Australia is expected to have the fastest increase in jobs and the biggest percentage increase in jobs of any State in Australia. We've got the most positive outlook here.

In all essentials the Premier is completely and utterly wrong. Certainly Morgan & Bank would refute the Premier's claims. What are the facts revealed by the Morgan & Bank survey?

The Hon. R.I. Lucas: Knock, knock, knock, knock.

The Hon. CAROLYN PICKLES: Because you praise yourselves and you have no cause to do so. You are running the State down. The survey showed the number of firms intending to increase staff this quarter will be 9.3 per cent greater than the number of firms intending to shed staff. That is a modest improvement from the awful position that we have been in. It simply shows that we have been missing out on the national jobs explosion under this Liberal Government.

What are the Morgan & Bank figures for Australia and the other States? For Australia the number of firms intending to increase staff is 22.6 per cent greater than the number intending to lay staff off; in New South Wales 28.1 per cent more firms intend increasing staff than the number intending to lay off staff; in Queensland the figure is 17.4 per cent; in Victoria it is 13.8 per cent; while in Western Australia is 31.4 per cent—nearly four times that of South Australia's score.

A smaller proportion of South Australian firms intend to increase staff than is the case across Australia. The Morgan & Bank study states that South Australia will 'see a rise in the number of firms set to shed jobs and a reduction in firms showing staff retention'. If this is success, I would hate to see a failure. It would seem that we have a Premier who is incapable honestly and accurately of interpreting information on our economic performance.

I am sorry that the Minister for the Status of Women has left the Chamber, because her performance during the Estimates Committee was absolutely woeful. I should like to turn to her portfolio area of the status of women. As the Minister spent only 55 minutes on the portfolio area of the status of women and because in her usual fashion she waffled on at great length about nothing at all, the Opposition still has a number of questions to put to the Minister to which we will require answers before the Bill passes the third reading. I understand that has been the procedure in the past few years, and I am confident that the Leader will accede to these requests. I will outline these—

The Hon. R.I. Lucas interjecting:

The Hon. CAROLYN PICKLES: You will just have to get your act together. I have been waiting since November last year to get an answer to my question.

The Hon. R.I. Lucas: You might have to wait even longer.

The Hon. CAROLYN PICKLES: It is absolutely outrageous and disgusting. You used to complain all the time about answers to questions.

The Hon. R.I. Lucas: We waited years.

The Hon. CAROLYN PICKLES: You didn't wait years. I have been waiting months for answers.

The Hon. R.I. Lucas: I am still waiting for answers.

The Hon. CAROLYN PICKLES: Once again, the Minister and the Government have chosen not to include a women's budget—a statement of specific budget allocations across a range of Government programs which would, directly or indirectly, improve women's welfare or status. Instead, we get a propaganda sheet featuring the Minister's photograph and a number of program descriptions, although the Minister had barely any involvement in most of these initiatives—hardly a substitute for the women's budget system set up by the Labor Government. Consequently, the Government has made it difficult for anyone to gauge easily just how much women's programs will suffer from this budget. But we are able to point to an adverse impact upon women in a number of areas.

One of the advantages of a women's budget is that it forces each Minister and departmental staff to consider women's needs specifically—and, believe you me, some of these Ministers need some forcing. From the answers given by various Ministers in the Estimates Committees it has become apparent that the Minister for the Status of Women has had very little influence in promoting consideration of women's needs in each of the departmental budgets. The Minister for the Status of Women has crowed about the Women's Advisory Council that she has set up, but, apart from chatting to women in regional rural areas about business and commerce, and I suppose some other concerns, the Women's Advisory Council appears to have achieved very little in its life so far. This is not a reflection on the women on the council; rather, it is that the brief of the Women's Advisory Council is presently inadequate to be of any substantial benefit to any significant number of women in the community.

Unfortunately, the Women's Advisory Council got off to a very bad start, because its annual funding of $50 000 had been ripped off the Working Women's Centre, which, I venture to suggest, has a proven track record of assistance to women workers. The Working Women's Centre was funded at $265 000 per annum under the Labor Government. This level of funding was committed for three years from 1993—a fact that the Minister repeatedly denied in the Estimates Committee. The most recent review of the Working Women's Centre established that $285 000 per annum recurrent funding was needed for the centre to function optimally. Fortunately, another $50 000 of recurrent funding was found in 1994-95 by the Department for Industrial Affairs budget to bring the Working Women's Centre up to $265 000 per annum. But the allocation for 1995-96 of $215 000 is totally insufficient, as has been outlined by the review, and I would urge the Minister to rethink that decision.

While funding has been cut in real terms for the Working Women's Centre, and notwithstanding massive cuts in the welfare sector, which will particularly hit women in need, whether they be single parent, unemployed women or women of non-English speaking background, at this time of cuts all round the Minister for the Status of Women is spending money at the business end of town on things such as the Women in Business Program.

My first question to the Minister is: how much money is being spent on the Women in Business Program; who decides where that money is spent and the basis for those expenditure decisions; and what input does the Minister have in these decisions?

Of course, I am not against promoting women in business or the public sector or in any other sphere of endeavour, but the theme that seems to dictate Government policy in relation to women is that it will concentrate on helping those who can help themselves rather than those in our society who are disadvantaged in some way.

Then there is the so-called breakthrough Register of Women. That is a fancy name for the Register of Women initiated by the Labor Government, by the former Minister, the Hon. Anne Levy, which comprises a list of women who would be suitable for appointment to boards and Government committees. In respect of the Register of Women, my second question to the Minister is: how much has the Government paid to private consultants and which consultants have been engaged to assist with the Register of Women in the past financial year?

A further question I have regarding the budget of the Office of the Status of Women relates to the project between the Office of the Status of Women and the Department of Treasury and Finance apparently to develop an improved mechanism to analyse and report on the whole of Government performance in the women's policy area.

The Minister has indicated that processes are in place to improve financial reporting and that pilot projects will be completed prior to the 1996-97 budget. This all sounds rather vague, so my third question to the Minister is: what are these 'processes'; can the Minister explain in general terms the nature of the proposed changes to financial reporting requirements; and how will this differ from the women's budget which used to be required by the Labor Government?

Presumably the Women's Information Switchboard will be able to continue its excellent work as a source of information and a referral service for women across the State. There is some uncertainty about this, however, because the Minister has received a report on the operations of the Switchboard, and the release of that report is anxiously awaited by a number of women. My fourth question to the Minister is: when will this report be made available to the public?

My fifth question to the Minister is: what funding will be made to the International Women's Day Collective for International Women's Day in 1996, since the Minister was so mean that she could not provide any funding for 1995?

I have referred to some specific programs concerning women, particularly those which fall under the influence of the Minister for the Status of Women, but this budget is a disappointment for women right across the board. I have referred already to the cuts to the Family and Community Service's budget. The burden of these cuts will fall heavily on women in the lower socioeconomic groupings.

The drastic cuts in the health budget will also impact severely on women, particularly if a new regime in public hospitals means that women will be virtually forced to leave hospital before they are ready, whether it be after childbirth or surgery. I am sure the casemix system and the way it is being implemented does not take into account the fact that it is often more difficult for women to recuperate in the family home situation, often due to domestic roles that have been traditionally and consistently undertaken by women. Again, since women, children and the elderly make up a vast majority of the population who use public transport, the continuing erosion of the public transport system will have a serious impact on women. In terms of employment, the continuing public sector job cuts and the cuts to teachers and support staff numbers will tend to hit women harder than men.

In summary, it is a rotten budget for women, and the Minister for the Status of Women has clearly demonstrated that either she has no real commitment to generally improving the lot of women in our society or, if she has, she has absolutely no clout with her fellow members of Cabinet.

I would like now to turn specifically to this year's budget for Education and Children's Services and to cover some issues relating to youth unemployment. It would, after all, be most unfair of me not to acknowledge the efforts of Minister Lucas in social reform. It is all the more important to do so as much media comment is all about the Minister's somnolent style in dealing with a large and important portfolio.

An honourable member interjecting:

The Hon. CAROLYN PICKLES: Just wait. It was a sarcastic gesture. The impression is given that nothing is happening or, more precisely, nothing has happened that need worry parents, teachers or schoolchildren. This is the impression that this Minister tries to give. But behind all the casual, insouciant and just plain dull pronouncements of the Minister are changes to the very nature and objectives of the public education system about which every ordinary parent, teacher and schoolchild must be concerned, for this is a Minister who, rather than being the representative of the needs of education and our children's future within the Cabinet, is in fact the representative of the Treasurer in his own portfolio.

How else are we to interpret the nearly $100 million cut to education under the Minister for Education and Children's Services over the past two years? How else are we to interpret what he did when the declining enrolments this year gave him the chance to honour his election promise to maintain rather than increase existing class sizes? What did he do? He chose not to use the money to keep his own promise to hold class sizes constant but instead to return the money to Treasury.

The Minister defends his surrender to the Treasurer and Premier by pointing to the recent declines in youth unemployment. However welcome these declines may be, youth unemployment is still running at around 30 per cent. But of greater significance is the fact that the Minister has used largely fortuitous declines in youth unemployment—declines which owe nothing to the actions of this Government—

The Hon. R.I. Lucas interjecting:

The Hon. CAROLYN PICKLES: The Minister wouldn't know work if he fell over it in the dark.

The Hon. R.I. Lucas: Neither would you.

The Hon. CAROLYN PICKLES: I certainly would. In the attempt to justify his policy of turning the clock back, for many years South Australia has benefited from having the highest rates of secondary school attendance in the country. This policy recognised that students who completed year 12 had a fundamental advantage in developing to their full potential, either through further full-time education or employment-based development. The Minister is fond of saying that the Opposition needs to face economic reality. The reality, Mr President, is that the foundation for a successful economy is a world-class system of public education.

If only this Government could lift its sights beyond its nose to see the premium placed on a strong system of public education by the winners in international competition, the

Asian countries that the Liberals say we should be more like. But, as it is, the Government seems determined to follow the example of countries that are the losers in the game of international competition and the advice of the ideologues that has been found so wanting in the past decade.

As I have said previously, the decline in retention levels should be a cause for concern, not an opportunity for further cuts. Our rates of retention have fallen from 93 per cent in 1993 to 76 per cent in 1994. This year a further 4 000 students have left the system. What has been a temporary improvement in the youth labour market will probably prove to be just that—temporary. Look at the past 20 years: the full-time youth labour market employing—

The Hon. R.I. Lucas interjecting:

The Hon. CAROLYN PICKLES: The Minister is a good one to talk: he should read some of his old *Hansards*. I have never come across such a whinger and moaner in all my years in Parliament. The full-time—

The Hon. R.I. Lucas interjecting:

The Hon. CAROLYN PICKLES: I am just telling the truth. The Minister cannot cop it. The full-time youth labour market, employing 15 to 19 year olds, has fallen from 510 000 in 1975 to 260 000 this year. Full-time jobs for our young school levers have been halved. There has been a revolution in our economy and our labour market. The Minister for Youth Affairs in another place has done very little to help this unfortunate situation other than continuing some of the excellent initiatives introduced by the last Labor Government to counter youth unemployment. The youth strategy project has been abolished and the starting of youth programs delivered by DETAFE has been massively cut. Particularly disgraceful was the abolition of a number of positions for Aboriginal people in DETAFE—project officers who were able to cater for particular needs of young unemployed Aboriginals.

The gap brought about by the halving of full-time jobs for young people over the past 20 years was filled by the conscious expansion of public education by Governments and Ministers who, over a decade ago, showed a better understanding of what the 1990s would be like than this Minister shows today. Like John Howard, he seems to regard the policies and objectives of the 1950s as appropriate today. Indeed, I am prepared to concede that the Minister would have been a terrific Minister for Education for the 1950s.

It is a misfortune for both the Minister and for South Australia that this happens to be the 1990s, and he is a lousy Minister for the 1990s. As I have said, people with a vision over a decade ago determined that an expansion of education opportunity was needed not only to increase opportunity but also to lift our economic performance and provide the skills and flexibility that will be required in the future. In the majority of cases, young people who leave school without subsequent education or training will have limited work options in the future. Many may be confined to an increasingly casualised sector of part-time, low-paid and rather insecure employment.

Labor believes they deserve better. Apparently the Liberals do not. The assault on resources allocated for education in South Australia by the Brown Government has continued this year with further cuts to the number of teachers and school service officers. The Minister's announcement that this budget will require cuts of another 100 teachers and 250 school service officers comes on top of his previous announcements that falling enrolments would mean cuts of up to 200 teachers, and last year's budget cuts of 422 teachers and 37 school service officers—a total of 722 teachers and 287 school service officers.

The Minister justifies these cuts by arguing that South Australia allocates more resources to education than the national average. It is interesting to note that when the Minister was in Opposition he complained bitterly that this education system was the worst in Australia. Clearly, it is his intention to ensure that it becomes so under his Government. He argues there is no justification for having smaller classes and says that our schools have too many support staff. The Minister stands for the lowest common denominator and appears unable or unwilling to maintain South Australia's pre-eminent position in the delivery of education. Cuts to education programs are not supported by the community. The Government did not have a mandate to increase class sizes or to reduce the number of school service officers.

The management of capital works expenditure on education facilities appears to be out of control. In 1994-95 a lack of coordination between programming and construction resulted in the budget's being underspent by $22 million; actual expenditure was down $10 million on the previous year, and at least seven major school projects slipped a year while planning issues were resolved. The Minister has tried to give reasons why these projects were delayed by planning and design considerations. If projects were not clear for construction they should have remained on the forward works program while these matters were resolved and been substituted by projects with construction clearance. Obviously, the commencement dates shown in the 1994-95 budget papers could not be met and, to this extent, were misleading.

The capital works shortfall also included $9 million allocated for minor works and maintenance, and there can be no excuses for not achieving this expenditure. Members will recall how the Minister criticised the previous Government for not spending enough on school maintenance, and this under-expenditure must be a major embarrassment for him.

One matter that needs some clarification is the Minister's statement to the Estimates Committee that capital programs are dependent on revenue from the sale of assets. The Minister says that the capital budget is now conditional on revenue from the sale of assets and that his department is lucky to be able to keep these funds. If that is the new arrangement, the Minister would be better off having the capital budget guaranteed from general revenue and allowing asset sales revenue to return to Treasury. The Minister claimed that this system operated under the previous Government, and I would like to correct him on that point.

The Hon. R.I. Lucas: You wouldn't know.

The Hon. CAROLYN PICKLES: Don't you think we talked to previous Government Ministers?

The Hon. R.I. Lucas: You wouldn't know.

The Hon. CAROLYN PICKLES: I would know. Approval was given—

Members interjecting:

The Hon. CAROLYN PICKLES: Just listen and you'll find out. You'll learn something: you'll learn the truth. Approval was given by the previous Government for revenue from the sale of surplus schools to be retained by the department to fund the Back to Schools Grant Scheme and not the capital budget. That was the genesis of the name of the scheme. I believe that the whole question of how capital works are funded and managed by the Department of Education and Children's Services needs to be reviewed.

Clearly, the department no longer has sufficient resources in the Facilities Management Branch to manage these

programs. In 1994-95 the recurrent budget was overspent by $17 million and the capital budget underspent by $22 million. The only conclusion one can draw from this is that the Minister is using the capital budget as some sort of cash account.

The Estimates Committees were established to allow members, and particularly the Opposition, to examine portfolio budgets in detail. This year the Minister filibustered through the Committee, delivering long replies to dorothy dixer questions asked by the Government backbench members and limited the Opposition to just 53 questions and 19 supplementary points over a long and tedious eight hours. I remind the Council that the education Committee was examining the expenditure of $1.05 billion, and the use of the committee's time by the Minister was largely unproductive and left many questions unanswered.

In accordance with past practice, I therefore propose to place a number of questions that the Opposition was unable to ask at the Estimates Committee hearing on the Notice Paper by reading them into *Hansard* and to request the Minister to provide responses before the Council moves to the third reading of this Bill.

Since we cannot seem to get any questions answered any other way, this is the only way in which we can get the answers from this Minister. My questions are as follows:

1. Will the Minister provide a complete list of all capital works in this year's program budgeted to cost $90.6 million—

The Hon. R.D. Lawson: What's wrong with Question Time?

The Hon. CAROLYN PICKLES: The honourable member didn't sit through any of the Estimates Committees. I didn't see him hanging around to see how they wasted the time of the Opposition and the public servants. It was an absolutely outrageous waste of time and money.

The Hon. R.I. Lucas interjecting:

The Hon. CAROLYN PICKLES: The questions were so good you couldn't answer them. You haven't been able to answer any of the questions.

The Hon. R.I. Lucas interjecting:

The Hon. CAROLYN PICKLES: What rubbish! Let's see what you do with this lot.

The Hon. R.I. Lucas interjecting:

The Hon. CAROLYN PICKLES: I don't think so. That's not what your department says. My questions continue as follows:

2. Will the Minister provide details of the formula calculation used to determine this year's payment of $56.6 million to non-government schools and detail additional funds made available for teacher pay increases?

3. Is the Department of Education and Children's Services still operating under a deposit system known as 'Bronte's bank', under which school councils can invest surplus funds as interest bearing deposits? How many schools are participating in this scheme? What is the total of investments held by the department? What profit was recorded for the two years 1993-94 and 1994-95? Is the account audited by the Auditor-General? Where are annual results published?

The Hon. R.I. Lucas interjecting:

The Hon. CAROLYN PICKLES: I am just asking: under your Government. I want to know what you have been doing with it. What have you been doing with it?

The Hon. R.I. Lucas: Same thing you did.

The Hon. CAROLYN PICKLES: You can answer it next week.

4. What changes have been made since 1994 to specifications and the management of tenders for school cleaning contracts? What savings have been made in this area? Is the Minister satisfied that all schools are being cleaned to an acceptable standard and meet health and safety requirements?

5. How many students are identified as students with disabilities under DECS policies, and how many students are awaiting assessment for students with disabilities support?

6. When will EDSAS be commissioned? Who will have access to the system, and what security will there be on confidential parent and student records?

7. What provision has been made in this year's primary and secondary education budgets to meet the costs of the Government's offer of a $35 per week increase for teachers' salaries to be supplemented by $15 from Treasury?

8. Has DECS provided funding to maintain 500 tier 2 positions, including funding from the Commonwealth?

9. Where will the cuts of up to 100 teachers' salaries announced by the Minister be made? Specifically, how many positions will be cut from the Open Access College and Aboriginal education?

10. Has the Minister received any advice on the impact of cutting 250 school service officer positions? Was his cut recommended by DECS, and what advice is available to schools on how to absorb these cuts?

11. Has the Minister implemented his election promise to expand vocational education programs in schools to concentrate on vocational skills and technology? What are the details, and what is this year's budget provision?

12. As the future of the Gilles Street, Sturt Street and Parkside Primary Schools has now been under review for over a year, will the Minister now secure the future of these schools by announcing that they will remain open?

The Hon. R.I. Lucas: No.

The Hon. CAROLYN PICKLES: We know the answer is 'No': just put it on the *Hansard* so they all know; so that the parents know you will do nothing until September.

The Hon. R.I. Lucas interjecting:

The Hon. CAROLYN PICKLES: My next question is:

13. Will the Minister provide special assistance to the Gilles Street and Sturt Street Primary Schools to enable them to increase enrolments next year and to ameliorate the uncertainty created by the Minister's review?

14. Will the Minister table a copy of the position paper prepared on shared responsibility which he offered to the Opposition in response to a question asked on 22 March 1995?

15. Will the Minister table a copy of the country action plan prepared to address the issues of improving learning outcomes for country students and referred to by the Minister in response to a question in this Chamber on 5 April 1995?

16. Will the Minister table a copy of the quality assurance framework document previously requested by the Opposition on 22 February 1995 and, if not, why not?

17. What matters are to be addressed in statements of purpose to be developed and published by schools under a program implemented by the Quality Assurance Unit? Who will prepare these statements? What will be the cost to schools and what will these statements achieve?

18. Which schools received grants from the computer assistance scheme during 1994-95 and what amounts did they receive?

The Opposition expects to have the answers to those questions and, although the Minister has indicated that there is less time available, one can only hope that he will manage

to answer these questions in a more expeditious manner than he has seen fit to answer the questions that I have placed on notice. Failure to answer a question from last year is absolutely outrageous. Failure to answer questions that were put on the Notice Paper in February—it is now July and we are approaching the end of the session—is also outrageous. Yet again we are forced to place questions on notice.

The Hon. R.D. Lawson: You don't ask the right questions.

The Hon. CAROLYN PICKLES: It is not up to you to suggest what are the right or wrong questions; it is up to the Government to answer the Opposition's questions. If the answers are unsatisfactory, we will ask more questions, and we will go on asking them until the Government answers with the truth. It has been an outrageous budget of which the Government should be ashamed. I hope that the people of this State will rue the day that they ever elected it.

The Hon. J.C. IRWIN: I support the second reading of the Appropriation Bill. It is pleasing to note the great rainfall that has occurred around the State so far this winter.

An honourable member interjecting:

The Hon. J.C. IRWIN: If you listen to me, you will find out how relevant it is to this budget, Mr Keating's budget and all future budgets. If we have no rain, we have no prosperity.

The Hon. Carolyn Pickles: You can't claim credit for that.

The Hon. J.C. IRWIN: I am not claiming credit for that, just as Mr Hawke could not claim credit for it in 1982, or whenever he came in, on the breaking of a drought, which gave him money which he squandered and which has been squandered ever since. It is pleasing to note the great rainfall around the State and, with it, the lifting or maintenance of commodity prices that I hope will go with it.

My early economics lessons taught me that if one economic unit was doing badly, the whole economy was affected. That is a well-known economic reality and it has been very obvious over the past 12 or 13 years. In the context of rainfall, I predict that, even at this early stage, the rural economy will receive a huge lift after this year's harvest. Because of the potential of the season the lift will flow on to other basic commodities of wool, sheep and cattle. Without doubt, that economic lift will flow on to the city. We look forward to the benefit of the bush revival flowing on to the benefit of the State, and indeed Mr Keating, through taxation.

Having listened to the Leader of the Opposition, I am bewildered how a Leader can manage to turn so many facts into fiction. I am sure that other members will address the Leader of the Opposition's comments about selling South Australia's water. Such comments are fiction. I will not spend any time on that matter, but I am sure that others will pick up that and other examples. In fact, I will refer to the economic reality and try to pass it on to the Opposition.

The simple analogies that I can give the Opposition and the people of South Australia concerned with the current economic and unemployment performance indicators after 19 months in office and after 12 years of bad non-management (and, according to Prime Minister Keating, the best years that Australia has ever known were the 1980s, all of which, except for the first couple of years, belonged to the Bannon Government and then the Arnold Government—what they managed to do is well known) is the *Titanic* sinking to the bottom of the sea or a raft heading towards the Victoria Falls.

We must stop that sinking or going over the falls and turn the situation around. The Government is stopping the rot and turning the ship around. In weather terms, it may be still or calm, but the wind of improvement is blowing in the right direction. It takes time. We cannot turn around the disasters of the Bannon and Arnold years. In 18 months we cannot turn around what happened in those years. That stopping of the rot and that turnaround are happening, and better economic indicators will come later. That certainly needs help from Mr Keating's Government, but the indicators are that that is unlikely to be forthcoming.

Let me give one indicator relevant to the tirade of statements from the Leader of the Opposition about slashing various budgets. Under Mr Keating's Government, the real increase in Government tax receipts since 1982 has been 45 per cent in dollar terms. His Government's return to this State in certain specific and important sectors such as health is declining in real dollar terms. Again, others will expound on that matter, and it should be put in someone's pipe and smoked so that they might understand what is happening.

I congratulate the South Australian Government on the new leadership and direction that it is giving the State. There is no need for me to reiterate the awful mess which the Government took over in every department in December 1993. There is pain and there are hard decisions to be made.

The Hon. T.G. Roberts interjecting:

The Hon. J.C. IRWIN: We are going to miss that. The rocks can stay there, but they will not be touched. I commend the Government on taking its share of pain and on having the fundamental fortitude to make and to stick with hard decisions. The people of South Australia are responding, at least as far as the latest poll indicators are concerned. Support for the Government has not waned, despite the attempts of many people in the Opposition to portray bad news constantly. I call those people the new conservatives. I am quite comfortable to sit with my label of old conservative. I am positively progressive compared with those opposite. The new conservatives defend their patch with all the tricks of the trade. They bring a smile to my face. They are against everything: health and hospital reform, prison reform, water reform, electricity reform, working conditions reform, development reform, and transport reform. The list could go on and on.

Every department of every portfolio is going through a reform process in order to do things better and in order to make the hard-earned dollars of other people—that should be underlined; we are talking about taxpayers' money—do better and go further, because, in the end, the Government is accountable for what is done. Money should not be hidden, squandered or wasted, which was an art form under the former Government. The wolf tried to put on the capitalist cloak, and it could not even do that properly.

I must commend the Leader of the Government and the Minister for Education and Children's Services, the Hon. Robert Lucas, on his single-mindedness, backed of course by policy directions set down by his Party room prior to the 1993 election. I commend him on tackling the education problems in this State. There is only one aim—there can only be one aim—and that is to prepare all young people in this State to cope with the post-school years as they find their way into employment and further education and become productive, useful people for their families, communities, State and country. They have eventually to face what can be a cruel, hard world. The more shielding that is done in the early years, the more safety nets that have to be prepared and spread out for them in later years.

Critical to the success of young people and absolutely fundamental is the ability to read, write and comprehend. Critical to that for individual students is literacy and numeracy. When I was a member of the penal select committee we heard evidence that literacy and numeracy had not improved since I was a struggling schoolboy 40 years ago. That estimation was confirmed only recently. I have received considerable verbal evidence—I am sure that my colleagues have also—from people to whom I talk that many young people going into positions in business, factories, etc., cannot read, write or communicate properly.

The literacy-numeracy problem in our prison population affects about 40 to 45 per cent of inmates. Anyone with half a brain would be able to link defects in numeracy and literacy to crime. What were we doing about this problem in South Australia's prisons in the 1980s and early 1990s? Nothing. I want to say more about our prisons later. Consider this quote from a recent publication:

> A recent report published by the Smith Family, 'Australia's Literacy Challenge', presents very disquieting reading for those who can, and shows clearly a link between poverty and low literacy levels. Author of the report and General Manager of the Smith Family Research and Training Department, Elizabeth Orr, said that the report highlights the need to reverse the trend in poverty in Australia by boosting education resources to strengthen the literacy level of the nation and its future wealth.
>
> The report is based on interviews with 500 students and their families who are clients of the Smith Family. The report states that their severe financial needs 'forced them to seek assistance for emergency cash relief'.

We hear that in Adelaide all the time and increasingly. The quote continues:

> They were also eligible for the Smith Family education bursary under the Educate Program which currently helps over 3 000 students around the country. Only 5 per cent of families were employed at the time of the interview, 51 per cent were receiving the sole parent pension, 22 per cent were receiving unemployment benefits, and 13 per cent were receiving disability support pensions.

Those 500 students and families interviewed represent quite appalling figures, but those people are all in receipt of taxpayer-funded money coming from the productive in the society. Further, it states:

> The families and students answered a questionnaire on educational lifestyle issues, and students ranging from 13 to 16 years were assessed on a standardised reading test which measured word accuracy, comprehension ability and rate or speed or reading ability. According to a 1992 Department of Employment, Education and Training report, 'The Literacy Challenge, Strategies for Early Intervention for Literacy and Learning for Australian Children,' State education departments generally accept that about 10 to 20 per cent of children may need special help. The Smith Family report found that 605 of socially disadvantaged high school students are functionally illiterate. They would not be able to read the required text for their high school curriculum. A reading age of 12 is considered functionally literate. The report found that the mean reading age of students surveyed was 9.3 years. Other findings included 45 per cent of girls tested were functionally illiterate, 37 per cent of boys tested were functionally illiterate, 50 per cent of parents of students in migrant families could neither read, write nor speak English, a further 205 could only speak English, 9 125 families came from 49 different countries and a variety of 53 languages. Sixty per cent of families had experienced more than three years of unemployment.

Detecting deficiencies in individual students and doing something about it is the cornerstone of our education system. How dare the individual teachers—in most instances educated and paid from public money—and the South Australian Institute of Teachers, the union representing some but not all of the teachers, refuse a directive of the Government of the day! I am disgusted by the attitude of SAIT, another example of the new conservatives, defending the patch they built up over the Bannon and Arnold years—a comfortable patch at that. Again I commend the Minister for Education on the way in which he has skilfully handled the education portfolio. He has my 100 per cent support. I must say I also commend his other Ministerial colleagues in this place, the Attorney-General and the Minister for Transport.

I am delighted at the way in which the Government is going about revitalising this State. I remind members that it is only in its early stages of doing that. The climate is changing from negative to positive. It is attacking the fundamental issues, none more fundamental than the State debt, and changing the Public Service culture to one that goes out, deals with the public whom it serves, and gets things done. Those who want to block and tackle should be removed, and survive if they can, with their negative attitudes, in the private sector.

Asset sales of more than $1 billion recently are being used to cut the debt, thus in the near future releasing what would have been the interest payment dollars for positive State building initiatives and, if you like, keeping State taxes down, so that people can afford to pay those that are really necessary, unlike Prime Minister Keating who is using asset sales to bring down his out of control, disgraceful annual budget. No single factor is holding back Australia more now—and it has been for a number of years—than the policies of the Keating Government. Just look around Australia and observe what the States are doing. If this transformation was to take place at a national level, it would transform a disgraceful level of unemployment and poverty, the unfortunate hallmarks of Australia today. Areas once dear to what I style as the old Labor Party are now abandoned by it. That is what is happening in Canberra and dramatically hampering the national progress.

The Hon. T.G. Roberts: You haven't mentioned Gough Whitlam yet!

The Hon. J.C. IRWIN: I think he is far enough removed now to be forgotten, although he is still angry, I will give you that. The latest wages accord just exacerbates the position year by year, and those lucky enough to have jobs hang on like grim death. The record $2.9 billion current account deficit from May is a disastrous reminder of the debt build-up that has occurred under Labor in the Federal arena. The current account deficit for 1995-96 is expected to be $27 billion, an increase of almost 62 per cent on the previous year. The Labor Government is forecasting another $27 billion deficit in the year 1995-96. The deficit for 1994-95 of $27 billion is greater than—and I think members should listen to this—the total net foreign debt of $23 billion when Labor took office in 1993. It took Australia nearly 200 years to build up a total net foreign debt of $23 billion. Now, after 12 years of Labor in Canberra, we are adding to our debt at almost greater than that every year.

Our total net foreign debt in March 1995 stood at $167 billion. The annual current account deficits under Labor are dramatic evidence of the Government's appalling economic management. Mr Keating's banana republic statement in 1986 was acknowledgment that even he understands the seriousness of our foreign debt problem, but nine years later it has simply got worse. Australia's world-high real interest rates are directly attributable to this disastrous Labor debt legacy. As Ross Giddings, the *Sydney Morning Herald* economic writer, wrote on 5 July this year:

> That in fact is the main way that the current account deficit and high foreign debt affect our daily lives. They cause the interest rates

we pay on home loans and everything else to be higher than they would otherwise be.

The Labor Government in Canberra has exacerbated our foreign debt crisis by the hopeless management of its own finances. Labor has built up Commonwealth Government debt to a record $100 billion. Many times we are asked by people to say how much of the actual public debt (published monthly) and the total debt (published every now and again) is attributable to Government and how much to private enterprise? From the figures that I last saw, $100 billion of that $167 billion is attributed to Commonwealth debt. Labor's 1995-96 budget provides $10 billion in interest payments on the debt which has built up by spending more than it raises in taxes. Labor is now spending as much on interest as it does on defence. Labor has run up budget deficits in eight of its 12 budgets, even after fiddling the books, by counting asset sales as reductions in outlays. With foreign debt at $167 million and the Commonwealth Government debt at $100 million, Labor's disastrous legacy is a nation drowning in debt, much like we found in South Australia in December 1993 when we took over from a Government that was also drowning in State debt.

Labor does not deserve another term in Canberra. The sooner the Coalition can gain office and implement a debt reducing strategy the better. This is what the Hawke and Keating Governments have done for Australia; only a fool could be proud of it. One of the key findings of the 1990 economic distribution survey from the ABS is the increasing inequity in earned income received by male and female full-time workers over the period 1981-82 to 1989-90. During that period the higher 10 per cent of income earners enjoyed a dramatic increase in their real income, but all other income earners experienced a dramatic fall. In a recent study, Professor Ann Harding of the National Centre for Social and Economic Modelling at the University of Canberra estimated that in excess of 1.8 million Australians were living in poverty in September 1994; that means one in 10 Australians. There are 933 000 people in couple families with children and 232 000 in sole parent families living in poverty.

As we all remember, in 1987 Bob Hawke promised that by 1990 no Australian child would be living in poverty. How hollow that promise was. The sad reality is that in 1995 half those living in poverty—the poorest in Australia—are families made up of couples with children. This is not Brazil; this is the reality of Australia now: 10 per cent of our fellow Australians now live in poverty. The relevance of this to the State budget is simply that governments here and in all the other States have to pick up that problem, which is created not by them but by the Commonwealth Government and its actions. Maybe some of the factors are attributable to State Governments but, in the general run of things, what I am saying now is relevant to the State budget. In our State various services and people are crying out for attention because they are living in poverty—there are almost double the number in poverty than there were in 1982. This is the shameful legacy of a decade of Government.

Of course, it should be recognised that income is not the only indicator of the standard and quality of life. In order to get a better picture it is important to examine social indicators, which also paint a bleak picture of the state of the nation after more than a decade of Government. More Australians than ever before are dependent upon government benefits for their income and survival. Between 1983 and 1993, an additional 666 000 people collected unemployment benefits and age, disability and sole parent pensions from the Department of Social Security, taking the figure to more than 3 million Australians as a percentage of the population aged 16 and over. This number rose from 21 per cent in 1983 to 23 per cent in 1993.

The Focus on Family study released by the ABS in October last year found that, in 1992, 17 per cent of Australian children had no parent in the work force. Since then, the situation has deteriorated further. In June 1994 the ABS estimated that 24 per cent of all families had no family member employed and that in excess of 700 000 children were growing up in Australian families where no parent worked. What are these children who live in families where no-one works learning about mainstream Australian life? How will they learn about self-esteem and self sufficiency if they never see a member of their family employed? This is a major social problem; we have a whole generation growing up with no role model of what it means to hold down a job.

The Prime Minister is now telling Australians that they have never had it so good. Only a couple of days ago, after the Queensland elections last Saturday, the Treasurer, Mr Willis, was on television again saying that Australians had never had it so good. But there are still 800 000 Australians who are unemployed and cannot find work and nearly 300 000 who are long term unemployed. As a nation and a community we cannot afford to be complacent in regard to unemployment. Australia cannot afford to let the talents, attributes and abilities of so many people within our economy and our community go to waste. This rate of unemployment is unacceptable. So too is it unacceptable in South Australia. The Government's response in the employment white paper was to spend an additional $4.8 billion on labour market programs. The Government knows that labour market programs do not create jobs.

In November 1991 Hawke released an employment statement promising a further expansion of labour market programs and a 94 per cent increase in assistance to those programs. Keating's solution is more of the same. But, as Professor Judith Sloane, Director of the National Institute of Labour Studies at Flinders said in her 1993 Bert Kelly lecture, given the large sums of taxpayer money spent on employment policies, they do not work in the sense that they do not reduce the unemployment overall. One of Mr Keating's own advisers, Dr Bruce Chapman, defended those programs in Australia last year, arguing that 'Shuffling the queue can be a really useful thing.' He let the cat out of the bag. These programs are not about job creating: they are about shuffling the queues of the unemployed.

Despite the evidence of deterioration in the quality of the Australian way of life, all Mr Keating seems to be able to do is repeat the mantra of broken promises which have turned to dust over and over again: 'You have never had it so good; this is the best conjunction of economic fundamentals in 30 years; this is a golden age.' The denial of reality only compounds the problem. The Government cannot turn those problems around if it cannot bring itself to face up to the fact that the problem exists. We need a sober assessment of the state of our nation, an honest admission by the Government of its failure and sustained effort with much better decision making in Canberra to address the problems.

Let me give one simple example of how the South Australian Government is tackling the State debt. I will use the example of the Pipelines Authority, PASA. I was appalled to read of the Opposition's comments on this sale. I am sorry to recall that it was the Hon. Terry Roberts who made the

statement when the Pipelines Authority sale was announced—typical, I suppose, of the gross ignorance of matters which members opposite do not understand and have not understood for years. Given what I have already heard from the Leader of the Opposition and other speakers on the Appropriation Bill, I am sure that over and over again we will hear gross ignorance in matters they do not understand, but I wish they would try to understand them.

These are the simple facts. The sale of PASA resulted in $300 million being taken off the State debt of June 1995, reducing it from $8.548 million to $8.248 million. Interest on the State debt in 1994 at 7.6 per cent was $651 million, using 1994 figures. Applying the 7.6 per cent interest rate to the reduced State debt gives a figure of $626.8 million, which, just on that level, gives a saving of $24.2 million. PASA paid the Government an annual dividend of $14 million in 1994. PASA had an equity to debt ratio of 28 per cent; in other words, to spell it out reasonably simply, it had sufficient assets to cover only 28 per cent of its liabilities. In addition, it had its annual cash flow net income, which factor is covered in the annual dividend paid to the Government. In this case the saving to the Government in selling PASA and the saving to the people of South Australia in interest alone was $11 million. The Hon. Mr Lucas tried to explain that using exactly the same principle in another example in answer to a question today. The Opposition will be much better at its job when it understands from experience what the real world is like.

I turn now to Correctional Services and the South Australian prisons. It is better that I apply my comments to Appropriation Bill than to (dare I say it) the silly motion of the Opposition spokesman on correctional services, the Hon. Terry Roberts, to set up a select committee to look at the management of the Mount Gambier prison. If that motion succeeds, the only advantage will be to educate the Opposition and the Democrats in areas where they are demonstrably and sadly out of touch.

The Democrats, especially the Hon. Sandra Kanck, who is the spokesperson on this matter for the Democrats, sadly has never been in touch and the more she speaks on these issues the more evident it is that she has no idea of the position in the prisons. If she does, then it is damning on her that she accepts the situation. That is not so in a sense for the Opposition. As to management of prisons, they controlled the prisons in South Australia for the last 12 or 13 years with, I believe, disastrous consequences. What we are already seeing in South Australian prisons is a dramatic reduction in cost and an increase in efficiency in running prisons.

In no small measure this is due to a number of factors, not the least of which include the Minister, the departmental head, Ms Sue Vardon, who has received national and State accolades for her management efforts, senior prison managers and their staff and the threat of one or more private prisons in South Australia. The reality of private prisons is that one is already operating in Mount Gambier and it will bring down the unit cost per prisoner, even more without any threat to security or indeed the wellbeing of the prisoners. The drug situation in our prisons inherited from the former Government is a scandal. Rather than tabling figures, I will read the percentages of drug users estimated by individual managers in October 1994. These figures were given to the House by the Minister some months ago and they were certainly published in our select committee report. At Adelaide Remand Centre the estimate is 15 per cent; Northfield Prison Complex, fine default centre, 70 per cent; colleges, 50 per cent; women's prison 66 per cent; Port Augusta Prison 30-40 per cent; Cadell Training Centre 45 per cent; Mobilong 30-40 per cent; Port Lincoln 50-55 per cent; and Mount Gambier 65 per cent. These are the estimates by individual managers of drug users in our prisons. Yatala Labour Prison has an estimate of 60-75 per cent. How can anyone support more of the same old culture? It did not work, it does not work. There should be no drugs in prisons in South Australia. No drugs—nil!

The Hon. T.G. Roberts interjecting:

The Hon. J.C. IRWIN: Well, they will be better at it; we will let time prove it.

The Hon. T.G. Roberts: Where are the figures?

The Hon. J.C. IRWIN: I have seen figures in America at the prisons I inspected. Based on statements from leading prison officials, if I saw one drug in a prison, that prison was badly managed and that manager got the flick.

The Hon. T.G. Roberts interjecting:

The Hon. J.C. IRWIN: It is a well known tool—you know that—to suppress prisoners, to let them drug themselves out so that they will not run around causing trouble. That is not the way to manage and rehabilitate people. It is an absolute scandal. We have to try to achieve that now. It might be very difficult, but it is like the Titanic or something heading over a cliff. We have to stop it and turn it around like the economy and try to do something about it. South Australian taxpayers cannot afford $50 000 or $60 000 for people going into prison on drugs, getting on drugs, coming out on drugs and going back in again with 60 per cent or 70 per cent recidivism. It is not acceptable and it is too costly. Simply, it is not even humane.

I am satisfied that the Minister is moving to wipe out that problem with prisoners, their families and, sadly, officers. Moreover, the South Australian prison system has to rehabilitate its clients. Drug rehabilitation will have a cost associated with it, as it will in the prisons in relation to programs for education, skill training and the like. Any form of rehabilitation has to have a cost to it. Any person who is locked up for a number of years as a guest of the Crown must not be allowed to waste that opportunity to kick the drug habit or any other bad habit they might have and, hopefully, the reason for having that drug habit or bad habit in the first place. If it is not a drug habit and is a learning or skill deficiency, the very same thing should apply.

I have already mentioned literacy and numeracy, very basic skills which should be learned without embarrassment while people are confined. No where near enough is being done in the area of education to reverse the trends developed between 1982 and 1994 in prisons but a start has to be made and is being made. I am pleased to note the increasing use of the private sector in prison industries, teaching skills which will be useful outside as well as therapeutic and occupational whilst inside. It is appalling to know that the rate of recidivism in South Australia is around 60 per cent. For every prisoner let out of the system, 60 per cent return to it in a short time and, with the cost per prisoner per year so high, it is an indictment on us if we cannot reduce that figure dramatically. When I refer to 'us', I refer to all members here who make decisions on this sort of thing. The community cannot afford the cost of that revolving door.

So, if the Opposition and the Democrats are so comfortable with the prison system as it was in late 1993, then I can only condemn them for what they seek to do, that is, to go on inflicting this system upon the people of this State and the prisoners themselves. It is time that the 'new conservatives'

had a good, long, hard look at how to achieve prison reform and how to dramatically change the prison culture. If they do not, who cares, because they will inevitably be left further and further behind as time goes on. It would be nice to come up with something constructive for all of the system. I support the second reading of the Appropriation Bill and the budget which will take another giant step in rehabilitating South Australia.

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

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

A quorum having been formed:

SELECT COMMITTEE ON THE CONTROL AND ILLEGAL USE OF DRUGS OF DEPENDENCE

Adjourned debate on motion of Hon. Bernice Pfitzner:

That the report of the committee be noted.

(Continued from 5 July. Page 2222.)

The Hon. J.C. IRWIN: I support the motion. I recognise that the select committee was set up in April 1991, that I was not a member of the committee at that time and that the committee lapsed when the Parliament was dissolved prior to the December 1993 election. A new select committee was set up in April 1994 with the same terms of reference and with the earlier evidence given to the first select committee available to it. Four members of the first select committee were members of the select committee whose report we are now discussing. I am the only new member of the five-person select committee. The previous committee had six members. Therefore, I am somewhat at a disadvantage in not having taken part in the earlier taking of direct evidence. Although the present committee took some new evidence, it was nowhere near as extensive as was the direct evidence given to the previous committee. Nevertheless, I acknowledge the great mountain of evidence which is available to me and to anyone else in considering my stance on the recommendations in the select committee's report.

My experience on the select committee is somewhat similar to that of Mr Richard Llewellyn, the research assistant to the committee, who wrote the final report. He had the unenviable task of taking earlier drafts of sections of the report, researching, checking, understanding the evidence and rewriting reports for the consideration of the committee and then putting them together as the final report as tabled and signed. My congratulations, therefore, go to Richard on the work that he performed. The same goes for Paul Tierney, the Secretary to the select committee, who organised, guided and advised the committee from at least April last year. The backup of officers for select committees is very important and much appreciated by the members.

It is not my intention to go into great detail on the recommendations of the select committee. Although I shall be reasonably lengthy, they were well covered by my colleague, the Chair of the committee, the Hon. Bernice Pfitzner. There were 10 recommendations. Three major recommendations were not unanimous decisions of the committee; six were totally supported by the committee; and there was one where I was the only dissenter.

I pay a tribute to the Chair of the select committee, the Hon. Bernice Pfitzner. She took over as Chair from the Hon. Carolyn Pickles when the select committee was set up again in 1994. As a medical doctor she was and is well qualified to understand and oversee the evidence and to test it against her own proven experience from medical sources. I commend the Hon. Bernice Pfitzner for the diligent way in which she pursued relevant information and evidence which helped the committee in its deliberations and ensured that the report, at least in its limited written form, was accurate and had integrity. In other words, she was concerned, as I was and as most members are from time to time, when a select committee deliberates over many months and gets a lot of evidence, that the short precis preceding a recommendation should be accurate. It is not always easy to tie up a serious recommendation to a couple of pages of lead-in material. In this instance the Hon. Bernice Pfitzner was diligent in making sure that, whether she or we or a majority or a minority agreed with the recommendation, at least the preamble to the recommendation had some integrity.

I have already picked up some criticisms from the report regarding recommendations following a brief explanation of the subject and evidence. I make that criticism in relation to a couple of recommendations, even though we have tried hard to get it right. I did not have any trouble in supporting recommendation No. 1: that the select committee recommends that scientifically designed and controlled clinical trials in the use of cannabis for therapeutic purposes be undertaken for specified medical conditions. It makes logical sense to me that scientifically designed and controlled clinical trials should be allowed for therapeutic and specified medical conditions.

The committee heard evidence which suggested that the use of cannabis could help in certain cases to relieve pain. I certainly would not support further steps until any trial had been completed and assessed. I would, for instance, be very wary of any notion put to me that some socially engineered condition would be a back-door way of opening up the floodgates to the every-day use of cannabis, even though that was part of a recommendation from the majority of committee members. If it is trendy at the time to say, 'Gee, I am getting some help for my condition because I am smoking cannabis,' as a way of getting around the reasonable controls on the use of cannabis, then I would not support that.

However,I am part of the unanimous support for the recommendation that if there is some evidence that the use of cannabis can help people in a therapeutic way under special conditions then let us trial it to see whether it can and does help. After all, major drugs such as heroin, morphine and others are a tremendous help with palliative care and pain relief, yet when they are not taken properly they are very dangerous. Recommendation 5 states:

> Although the select committee notes that some issues still need to be resolved, it urges the State and Federal Governments to support the proposed heroin trial in the ACT.

The Hon. Dr Pfitzner has covered the select committee's position on the latest material to hand, stage 2 of the report and recommendations from NCEPH published after our report. I expect the obvious question is: why do we support a heroin trial in the ACT and not specifically in our own backyard in South Australia? As members who follow this sort of thing would know, the ACT Government, then under the ALP and now under Liberal leadership, has for some time supported a trial in its Territory which would be greatly helped, I would expect, by the presence of the National Centre of Epidemiology and Population Health.

I also note the recent comments in the *Advertiser* of Monday 10 July by the Minister for Health with regard to

methadone. At a cost to taxpayers of $1.3 million annually, the Minister for Health is claiming a saving to the State in respect of user and enforcement costs of $100 million in the past year. Recommendation 7 states:

> The select committee recommends that culturally appropriate drug and alcohol treatment centres, staffed by Aboriginal health workers be established in locations frequented by Aboriginal populations.

If the Minister for Health takes on board that recommendation he would be able to advise the Parliament whether the Aboriginal population is already well serviced by the methadone program or, if it is not, whether he proposes to extend the recent reform to include our recommendations.

Members of the select committee were alarmed by the evidence given to that committee by the Project Director of the Aboriginal Sobriety Group with respect to the easy availability of prescription drugs. I hope the Commonwealth and State Governments take action on Mr Sumner's evidence. The irresponsible action of certain doctors must be stopped for the benefit of the whole population. Recommendation 9 states:

> The select committee, in acknowledging the reality that prisons are not drug-free environments, recommends that the South Australian Government:
> - introduces harm minimisation strategies for the South Australian prison system;
> - provide sterilising and exchange needle programs; and
> - introduces a methadone program for prisoners suffering from drug dependence.

My advice is that harm minimisation strategies for the South Australian prison system are already being or have been implemented. In a moment I will read into the record some of the advice I have received from the Department of Correctional Services.

I am not able at this stage to put anything on the record so far as the South Australian police are concerned, but I understand that my colleague, the Hon. Bernice Pfitzner, may do that when she wraps up this motion before it is put to the vote. Methadone programs are already in place. I indicated to the select committee, and make public now, my intention to disagree with a third section of recommendation 9, that is, providing a sterilising and exchange needle program in our prisons. The most obvious issue about needles in prisons is that they are a weapon, they are sharp and they are easy to hide. Also, if they are filled with infected blood they become an even more lethal weapon.

Without extending my thinking too much, for that reason alone I will not support that part of recommendation 9. I am the only member who took that view, so I am very much a minority. I will not support the select committee recommendation on the ground that needles can become weapons around the prison system. That is not acceptable.

Together with the Hon. George Weatherill, a member of the committee, I spent about four years on a select committee looking at the penal system in South Australia. That select committee, unlike ours, was not reconstituted after the 1993 election. So, despite the committee's work over four years it did not table the full report and, sadly, its mountain of evidence, including that relating to drugs in prisons and the question of exchange needles, remains buried in the basement of Parliament House. The drug select committee did not use the evidence given to the penal select committee regarding drugs in prison. I seem to remember some discussion earlier about whether it would be able to use that evidence, and under certain circumstances I believe it could have been because the penal select committee did not actually report in a report form: it merely concluded its work and the election was held.

It is a great pity that the drugs select committee did not have the chance to go over a lot of the work that had already been done on drugs in prisons. Our select committee was given evidence of the percentage of drug users in each prison as estimated by individual managers in October 1994. It sounds awfully repetitious because I have just read this into the Appropriation Bill debate, but because we are now dealing with another matter I will do that again. This estimation was given by the Minister for Correctional Services in the House of Assembly in January 1995, and this evidence has also been given to the select committee.

The percentage of drug use in each prison, as estimated by individual managers as at October 1994, is: Adelaide Remand Centre, 15 per cent; the Northfield Prison Complex's Fine Default Centre, 70 per cent, the cottages, 50 per cent and the women's prison, 66 per cent; the Port Augusta Prison, 30-40 per cent; Cadell Training Centre, 45 per cent; Mobilong 30-40 per cent; Port Lincoln Prison, 50-55 per cent; Mount Gambier Prison, 65 per cent; and Yatala Labour Prison, 60-76 per cent. I am appalled by these figures and have commented on this level of drug use in prisons by inmates who are not in prison for drug-related crimes on previous occasions.

It is an indictment on our society. Worse than that, it is an indictment on our prison system as to be so lax as to allow these figures to occur; it is an indictment on the previous Administration, which by doing nothing condoned the situation in the prisons; and it is an indictment on the Democrats who by their ignorant utterings regarding the private prison legislation obviously condone a damnable situation.

There are very positive signs that this Government is addressing the problem and making the hard decisions. It is changing the culture of our prisons, prison management and those who have to reside in the prisons. The very first thing that must be achieved in our prisons to stop the transmission or possible transmission of HIV is to stop dead the drug culture in prisons: it must not be encouraged. We must turn around this cosy arrangement of the provision—at taxpayers' expense—of sterilised needle exchange.

I have not heard one word from the Opposition or the Democrats in relation to the demand that drugs be kept out of prisons so that the risk of the spread of HIV infection is reduced to a minimal level or, better still, none at all. Sadly, it is the same old story: put a bandaid on it, rather than stamping out and stopping the problem. One cannot help but wonder how many there are in our midst who condone the use of drugs in prisons and, therefore, condone the spread of HIV and other infectious diseases in the prison system. If you have people locked up literally or confined to an area where they cannot get out, it is a wonderful opportunity to do something about the problems associated with the individual prisoners or about their collective problems.

I have said it before and must say again: the Parliament did away with the death sentence years ago. No person should go to prison and be condemned to death by one or more irresponsible twits threatening people by their unnatural behaviour or brandishing a weapon in the form of a needle—clean or otherwise. So, I cannot support all the points in recommendation 9. I acknowledge that this Government is ahead of the select committee in already having implemented the balance of the recommendations. I now turn to the advice from the Department of Correctional Services and some background information as follows:

It is nationally recognised that Australia, as a community, simply does not know the extent to which criminal acts are associated with drugs of dependence. Offenders, both in prisons and under community supervision, are acknowledged as having disproportionately higher rates of drug and alcohol abuse prior to contact with the department, compared to the general community. Although staff training has commenced, there is limited knowledge amongst correctional staff in relation to drug and alcohol problems and best practice models for offender treatment and supervision.

That is from the department itself, hopefully unbiased, straight down the line and not playing political games. I reiterate:

Although staff training has commenced—

this is late July 1995 and staff training has only just commenced—

there is limited knowledge amongst correctional staff in relation to drug and alcohol problems.

That is terrible, and I hope that members agree with me on that and say so, encourage this Government to do something about it and, if you like, pat it on the back for doing something about it, because it is in everyone's interest, not just for political gain. The document continues:

- The Department for Correctional Services in striving for best practice in relation to the management of drugs in prisons has developed the strategy for minimising the harm caused by drugs and has examined all major aspects of the drug problem rather than focusing exclusively on deterrence or detection. There is a recognition that measures that are designed for deterrence for example can reinforce treatment programs that operate in the prison environment. Underpinning this strategy is the philosophy behind the Victorian strategy and the frameworks developed on a national basis by the National Campaign Against Drug Abuse.
- The National Drug Strategy advocates harm minimisation as its overall goal and it is this overall goal that has been used to guide the development of directions for an integrated approach in South Australia.
- The South Australian Prison Drug Strategy is consistent with National Drug Strategy aims. . .Components of this strategy include:
  The need for consultation with DASC to ensure that treatment strategies (demand reduction) are balanced with supply control measures;
  The importance of harm minimisation given the high risk of HIV sero-conversion in prisons;
  Department for Correctional Services representation on any State body developing a State strategic plan, to ensure that correctional aspects are integrated into any such plan, given that drug users are such a high proportion of the correctional population.
- It is generally concluded that the prevalence of HIV infection in Australian prisons remains low (at less than 0.5 per cent) and even though transmissions within prisons currently seems low, research into 'risk practices' inside prisons indicates that the rate of transmission could increase considerably unless prevention measures are taken.
- The practices which place prisoners at risk are well known. The Australian research, along with international research, suggests that the major risk practice in prisons is injecting drug use. Among the prisoners who do inject, a high proportion share injecting equipment and because needles and syringes are in very short supply, one needle/syringe is likely to be shared among a large number of prisoners.
- The department agrees with the first and third components of the recommendation but does not agree with the second of the three components referring to the provisions of needles and sterilised equipment.
- Rather, the department has a number of other strategies which it utilises, other than the supply of needles or needle cleaning equipment. These include:
  all prisoners should participate in a mandatory AIDS information and education session upon entry into the system;
  all correctional and prison health staff should be required to participate in AIDS education programs;
  all prisoners should have the opportunity to request confidential HIV counselling and testing;
  prisoners should have the opportunity to participate in ongoing groups that provide information and support about risk reduction;
  peer educators can play an important role in prison AIDS prevention programs;
  prison officials need to create a social environment that supports risk reduction and humane treatment towards those with HIV/AIDS;
  prisoners need to learn skills that will protect them against HIV infection both inside and outside the correctional system;
  prevention programs need to be closely linked to health and social services for prisoners with HIV/AIDS;
  programs need to address the special needs of female prisoners;
  prisoners should be included in planning and implementing AIDS prevention programs;
  AIDS programs should be developed in all prisons;
  correctional systems, prison health services, AIDS organisations, prisoners and public health professionals need to work together to create effective AIDS prevention programs in correctional settings.

I very strongly support our recommendation 10, that is, that the select committee recommends that the South Australian Police Statistical Services Unit collect and present data in an accessible form, including: accurate costing of South Australian police detection and prevention activities and other costs associated with illicit drugs in South Australia; and statistics which identify the level of crime related to illicit drugs.

The departmental briefing paper mentioned that the department itself supports this and says that the data collection is not adequate outside the prison system, let alone inside. I support the second point more strongly than the first. I must say that I am somewhat wary of demanding too many statistics if it is not demonstrated as a cost effective exercise. Obviously, with the modern collating of statistical information it probably does not take too much to put in a certain statistic in a consistent fashion over the whole crime scene in South Australia. That has to be analysed, so I am not talking about pure cost effectiveness. We must know that it is has a relevant use somewhere down the track.

I turn now to recommendations 2, 3 and 4, being those where the Chair of the select committee (Hon. Dr Pfitzner) and I have indicated a dissenting view. I commend Dr Pfitzner on being the architect, as it were, of the views expressed in the dissenting statement to recommendations 2, 3 and 4. Again, I commend Dr Pfitzner on her views when speaking to the motion. I seek now only briefly to add to and support remarks that have already been made.

In respect of CEN notices, there is a problem with people who, for one reason or another, choose not to pay the expiation fee. We can note from the evidence that the number not choosing to pay the expiation fee in 1993-94 was 7 652 or 44 per cent of the 17 389 notices issued. That means that 9 737 have sent themselves further down the legal system, and most have finished up in the courts. We are not told by the statistics how many of the 9 737 alleged offenders who finished up in the courts were acquitted. I hazard a guess that it is not very many, which still leaves a large number of offenders receiving some sort of punishment.

I have to make the simple point that motor car drivers who offend against the laws of the road and receive an expiation notice have to go through the gauntlet if they fail to pay the expiation fee. They can finish up in court, in the penal system and/or on community work programs, with convictions recorded against them. The expiation notice system for traffic offences pays no regard to socio-economic difficulties, and nor should the CEN. As with speeding motorists caught by cameras, there is an easy, simple choice: 'Don't speed, and

you won't get a fine; don't smoke cannabis, and you won't get a fine or a CEN notice.'

Obviously, I agree with the Hon. Dr Pfitzner that we should find alternative ways for CEN recipients to pay or to work off their fines. I agree with the Hon. Dr Pfitzner that we should urge the State Government to look at the CEN notice system in place and strengthen it in respect of the dot points that we have suggested. Multiple CEN recipients should be identified and treated; so indeed should those who pay the fine over and again. Driving under the influence of a drug other than alcohol should be identified. We urge the research work needed to perfect a breathalyser equivalent. It must be in the pipeline somewhere, but I urge research work on that subject to be speeded up.

Members may be aware that the former Government set up a working group in September 1993, in the dying days of that Government, systematically to review the expiation of offences. We hope that the Government will consider our position regarding CENs as outlined in our minority recommendation to the select committee's recommendation 2 when amending legislation is put before Parliament in the not too distant future. It was recently stated that the Attorney-General's Department is looking at the CEN system and ways in which people can pay or work off their fines. That work is progressing. I hope that it will come before Parliament fairly soon.

Dissenting statement (b) to recommendation 3 sets out clearly our position in relation to cannabis paraphernalia. In particular, I reiterate dot points 1 and 2:

1. There is as yet no scientific research to confirm that such apparatus as 'the bong' reduces the tar content and other harmful contents. Neither is there any comment by NDS that harm reduction can be achieved through better availability of drug paraphernalia. Indeed there is also the other suggestion that 'the bong' is used mainly to cook the smoke so that less inhalant is lost. It will therefore increase the likelihood of respiratory damage.

2. The possession of cannabis equipment for personal use is classified under 'simple cannabis offence' and therefore will only attract a 'CEN', whilst such equipment used for commercial purposes is at times the only evidence that the police could use for criminal prosecution (personal communication).

Our substitute Recommendation, viz:

That further research be done to identify whether the filtration of cannabis smoke will reduce the amount of harmful constituents.

That further research be aimed at developing an instrument or procedure to measure impairment of motor coordination and cognitive function, which can be used to identify people who are intoxicated by cannabis, particularly as it relates to driving motor vehicles or operating machinery.

That further research be done to ascertain the community's level of knowledge and opinion about the health effects of and the risks associated with cannabis use; so as to use this information to develop a consistent and nationally focused public education campaign on the health risks of cannabis.

That other targeted education activities be directed at current users of cannabis with the aim of minimising the possible long term harm, such as chronic respiratory damage and cannabis dependence.

The most startling and sensational recommendation of the majority of the select committee is undoubtedly recommendation 4. I commend to the House and to the South Australian public the dissenting statement to recommendation 4. I am amazed and puzzled how and why some well-known and vocal anti-smoking zealots can formulate a recommendation such as recommendation 4 and receive some public support for it from a number of other zealots in the public. I can understand the purely mathematical, statistical argument of the cost of the use and the policing of drugs. That argument has some validity, and some ball park figures are set out in the report to highlight that cost. But if we were to go along the path of that argument, we might as well give away altogether the fight against crime, and we might as well give away altogether our positions in this Parliament and let the jungle rule.

If the health and cost argument against smoking ordinary cigarettes is valid, it is logical that another smoking drug with increasing evidence of worse health effects should not be allowed in our society. As we said in part in the dissenting statement in part I:

The health aspects are an even greater concern. Apart from the well known harm that cannabis causes, especially the risk of respiratory cancer, risks to the foetus, risk of acute psychosis, there is also increasingly well documented evidence that cannabis smoking causes impairment of learning and short term memory, effects which may persist for several weeks after abstention.

There is also the concern about the possibility that cannabis may be a 'gateway drug', that it will encourage graduation from cannabis to the more dangerous illicit drugs such as cocaine and heroin. Others argue that progression to other illicit drugs is due to other social factors. More longitudinal research of cannabis use needs to be done to resolve this concern.

Our dissenting statement recommends that activities relating to the possession, unsanctioned cultivation, sale and non-therapeutic use of cannabis in any quantity should remain illegal; that the law enforcement focus on the detection and prevention of the importation, sale and unsanctioned cultivation of cannabis should be maintained; and that the current State legislation on cannabis be supported, but with the added reform that the CEN scheme be reviewed along the lines of recommendation 2.

I argue that cannabis is a 'gateway' drug. I understand that it is still an open argument, with people on both sides, but my gut feeling is that it is a 'gateway' drug. If recommendation 4 is strongly supported by the public, which drug will be next? Where is the line drawn? I have been very pleased by the public's strong reaction against majority recommendation 4. The Hon. Mr Elliott's private member's Bill should get short shrift in this place. I understand that he has given notice today to introduce it.

In conclusion, I quote the *Advertiser* editorial of Friday 7 July, which states:

It is now accepted that smoking is a health hazard. Millions have already quit or never smoked. Many smokers wish they could or are actively trying to break the addiction. The debate has shifted from the perils of smoking to whether there are risks from passive smoking. Those remarks, of course, are about tobacco.

But surely they also put into context the report of the SA parliamentary select committee about illegal drugs from cannabis to heroin. The drug problem is easily defined. Individuals, frequently the young and vulnerable, are destroyed. The effect on their families and others who care for them is harrowing. The nexus between illegal drug use and crime is direct, and the cost to the community is appalling.

It makes every kind of sense to do everything possible to break that nexus. In South Australia, a considerable step forward has been taken with marijuana decriminalisation. The law as it stands is far from ideal but it is a pragmatic approach and it seems to have had positive results.

But the *Advertiser* believes it would be dangerous to go farther. Confining the debate to marijuana, the health risks appear no less hazardous than those associated with tobacco.

Obviously they have not read what we have had to say in the report and what many others have said. The report continues:

It would be absurd to make another carcinogenic drug more readily available. For South Australia to act unilaterally and so become the headquarters of the pot industry, with all that that entails, would be madness.

In the case of stronger drugs, the arguments against further relaxation of the law are no less strong. Genuine addicts who want to break their habit deserve compassion and should be able to get

continuing support. The suppliers who prey on them are scum and usually violent scum. The law should never be their friend.

The select committee has done a useful job of collating information about general drug abuse in South Australia. It has gone a long way to clarifying and, so far as possible, quantifying the nature and extent of the problem. We now know what we had sadly assumed, that this State is very much part of the main picture where the drug scourge is concerned.

But the report has not produced any persuasive evidence that the present law requires substantial relaxation. After all the witnesses have been heard and all the evidence has been weighed, the situation is best summed up by the Hon. Dr Bernice Pfitzner, who chaired it, with that old saying, 'Two wrongs don't make a right.'

If tobacco is such a colossal problem and cost, if alcohol abuse brings so much misery, why on earth should we add to the legal substances susceptible to abuse?

I support the motion as moved by the Chair of the select committee, the Hon. Dr Pfitzner, to note the select committee's report on the control of illegal use of drugs of dependence. In doing so, I once again reject recommendations 2, 3 and 4, have some reservations which I have expressed about 1, and believe that this Council should accept the other recommendations.

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

WORKERS REHABILITATION AND COMPENSATION (AGE LIMIT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 July. Page 2215.)

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

A quorum having been formed:

The Hon. ANNE LEVY: I rise to support the second reading of this Bill and to urge the Government and the Democrats to support this legislation also. As was explained by the Hon. Ron Roberts when introducing this Bill, the recent amendments to the WorkCover Act have resulted in a blatant example of discrimination on the basis of sex. I cannot believe that the Attorney-General or the Minister for the Status of Women would willingly perpetrate a blatant example of discrimination on the basis of sex and can only assume that this occurred by accident as the amendment to the previous Act, which resulted in the current one, was not debated with that consequence in mind but was designed to prevent income maintenance payments continuing virtually for ever for older people who were injured at work.

The Act now provides that people on income maintenance under WorkCover cease to be eligible for income maintenance when they reach the age at which they are eligible for a Social Security pension. As we all know, that differs between men and women at the moment. Men are eligible for an age pension at the age of 65, whilst women are eligible at the age of 60, providing they meet asset and income tests, of course. The Hon. Mr Roberts is suggesting that income maintenance ceases at the age of 65. We all know that the Federal Government is moving towards raising the pensionable age for women to the age of 65. When this is achieved, there will be no discrimination between men and women, but that is not due to happen until 20 years has elapsed, with the raise in the pensionable age of women being progressively implemented over those 20 years. At this stage I do not wish to argue the rights and wrongs of that 20 year gap or the method by which the pensionable age for men and women will become the same; that is beside the point in this debate.

We do have here a situation where one can have two people, a man and a woman, both aged say 62, doing exactly the same work, receiving exactly the same pay and, if they should suffer injury at work and in consequence are not able to continue their work, the man will be eligible for income maintenance from WorkCover for however long is necessary before he recovers and is able to resume his employment. The woman, however, will not. Her income from WorkCover will be zero, because she is past the age of 60, the age at which age pensions are available to women on an income and asset test basis. It is grossly unfair that with respect to these two people, in exactly the same situation, doing the same work, receiving the same pay, both unfortunate enough to be injured at work and consequently not able to work, be it for three weeks or three months, one will receive income maintenance and the other will not. The difference is determined on no other ground than the basis of their sex.

The Hon. Mr Roberts has introduced this legislation, which merely states that the income maintenance will continue until the age of 65. This is not asking for a return to the previous legislation, which had quite different provisions in it. It is accepting that at the age of 65 everyone in the community is eligible for an age pension, depending on the asset and income test, and that income maintenance provided by WorkCover should not therefore be provided to anyone who reaches the age of 65. This will eliminate the sex discrimination which is currently within the Act. Certainly, a number of cases have been brought to our attention since this Act was proclaimed. A woman contacted me who is aged 62. She was injured at work and was on income maintenance payments under the old Act, but on 25 May her income maintenance ceased and she is receiving not a cent from WorkCover. She says that her income maintenance was considerably above the pension but that she is not eligible for a pension, because her husband is in employment. In consequence, while she is of the age for an age pension, she is not eligible to receive one. Her husband's wage prevents her from doing so.

This is causing considerable difficulties in that family. They have planned their financial arrangements for both to remain in employment until the age of 65, at which time they expect to be free of most of the debt which they currently have and be able to retire on the age pension. But, to suddenly lose her entire income is causing enormous difficulties to that woman's family. As she indicates, had it been the other way around and her husband had been the one who had been injured at work and she was the one who was not, her husband would be receiving income maintenance at the age of 62 and they would not be facing the enormous financial difficulties in which they have now been placed—a clear case of discrimination on the basis of sex. Other cases have been brought to our attention and there is no doubt that this is causing a great deal of difficulty and unfairness. The people concerned feel a gross sense of injustice and unfairness; they feel it is un-Australian to have different circumstances for men and women in this situation. It is striking at their basic notion of fair play and justice in the community.

I cannot imagine that a very large number of people would be affected. When the Government responds to this legislation, with the assistance of WorkCover it may be able to indicate the numbers of people who may be affected. My guess is that it is not a large number. At the moment, women in the age group of 60 to 65 are mostly not in the work force. There are certainly some who are, and I am sure the Government would have the resources readily to determine the actual

numbers of women in that age group who are in the work force. They would also have the statistical data to indicate the likelihood of women in that age group suffering an occupational injury in the workplace and hence being unable to continue in their employment for varying lengths of time.

My guess is that the injury rate for women in this age group is not high and that only a small percentage of the small number of women of that age group in the work force would be considered likely candidates. So, to reinstate the law as proposed by the Hon. Mr Roberts that income maintenance continue for everyone until the age of 65 would not be a large drain on WorkCover, as it is likely to be only a very small proportion of a very small number of workers. But, for the individuals concerned, of course, it is absolutely catastrophic and I stress that they feel that their whole sense of fair play and justice has been insulted to find that as women they are being treated differently from the way a man would be treated in exactly the same situation.

I was very disappointed with the answer to the question without notice which I received today from the Minister for Industrial Affairs through the Attorney-General, which answer restated the problem but which indicated that it was all the fault of the Federal Government, because it has a different pensionable age for men and women. To me this is quite beside the point. This State Government should not be passing legislation which provides different benefits for men and women. We have often stated that we do not believe in discrimination on the basis of sex and that there should be equal opportunity in all regards in the workplace for men and women, and as it now stands the WorkCover law does not fit with this principle, which has been enunciated so clearly and so often by many members of all Parties in this Parliament.

That is why I am convinced that the law as it now stands, causing this discrimination on the basis of sex, was not intended and that it is an inadvertent result of the amendments passed by Parliament only a few months ago. The very simple correction to the law which the Hon. Ron Roberts proposes will remove that sex discrimination and right a sense of great wrong felt by a very small number of people at no noticeable cost to the community at all—although it will be of considerable importance to the individuals concerned. There is the possibility that our legislation as it stands could be found to be incompatible with the Federal sex discrimination law. If it were, this discriminatory passage would be struck out as Commonwealth law must prevail over State law where the two are in conflict. But to determine whether the existing WorkCover law contravenes the Sex Discrimination Act will mean lengthy court cases and considerable expense. It may be that the matter will be litigated right up to the High Court, which would cost the Government, if it opposed the legislation, as I presume it will, well in excess of the relatively small amount of money needed to be paid to injured women between the ages of 60 and 65 if the current Bill became law.

The Government could spend more money than would be required to be found if the Hon. Mr Roberts' legislation were accepted. Such court cases will be lengthy and will considerably add to the frustrations and innate injury to feelings of justice for the individuals concerned; and, moreover, as we all know, they can take a long time. Court cases, particularly if appealed to higher courts, take an inordinate length of time. The individuals concerned may well achieve justice in the end, but first they will have to suffer years of financial hardship and a feeling that they have been treated unfairly—and it could be all for nothing if it were eventually found that our legislation contravened the Commonwealth Sex Discrimination Act.

In light of this I hope that the Government will not only provide the information I have requested but indicate what the potential liability would be if the Bill became law. I would also like an estimate of what the court cases could cost both the Government and the plaintiffs if this matter were litigated right up to the High Court, as I presume it would be. I hope all members of Parliament abide by our oft stated principle of not discriminating in terms and conditions of employment on the basis of sex. Years ago we decided that discrimination on the basis of sex was abhorrent and offended our natural sense of justice. The Bill will remedy this anomaly which has arisen and which has reinstated discrimination on the basis of sex. I hope that the Government will be big enough to accept that the discrimination arose unintentionally and that acceptance of the Bill introduced by the Hon. Ron Roberts will remedy this in the cheapest and easiest way possible. I hope that all members of this Council will support this simple piece of legislation, the basis of which is to remove unnecessary and unfair discrimination on the basis of sex.

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

RACING (TAB BOARD) AMENDMENT BILL

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

ADJOURNMENT

At 10.32 p.m. the Council adjourned until Wednesday 19 July at 2.15 p.m.