LEGISLATIVE COUNCIL

Wednesday 18 October 1995

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

EMPLOYEE OMBUDSMAN'S ANNUAL REPORT

The PRESIDENT laid on the table the Employee Ombudsman's report for 1994-95.

PAPER TABLED

The following paper was laid on the table:

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

Director of Public Prosecutions Report, 1994-95.

LEGISLATIVE REVIEW COMMITTEE

The Hon. R.D. LAWSON: I bring up the fifth report 1994-95 of the committee and move:

That the report be read.

Motion carried.

The Hon. R.D. LAWSON: I bring up the sixth report 1994-95 of the committee and move:

That the report be read.

Motion carried.

The Hon. R.D. LAWSON: I bring up the seventh report 1994-95 of the committee and lay on the table the committee's annual report for the year 1994-95.

QUESTION TIME

WATER, OUTSOURCING

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Attorney-General a question about water management privatisation.

Leave granted.

The Hon. CAROLYN PICKLES: As all members would know, the Government has announced that a multinational consortium will be contracted to manage the State's water supplies. At present, the successful tenderer seems to be what is commonly referred to as a $2 company. My question to the Attorney-General is: how has the Government ensured that the successful tenderer will have sufficient assets secured in South Australia so that there will be an entity in our jurisdiction worth suing if United Water fails to meet the requirements of the contract?

The Hon. K.T. GRIFFIN: That issue was addressed yesterday by the Minister for Infrastructure in his ministerial statement, when he made quite clear that the paid-up capital would be increased progressively over the next 12 months. I do not have all the detail at my fingertips, but it was in the ministerial statement yesterday. This made quite clear that the Government recognises that there had to be some increase in the paid-up capital, and it has made arrangements for that to occur in respect of the preferred tenderer. I do not see any difficulty with the way in which the issue has been—

The Hon. R.I. Lucas interjecting:

The Hon. K.T. GRIFFIN: Yes; the ultimate amount that has been required to be paid up is something like $5 million, or thereabouts. I do not have the exact figures at my fingertips. I will obtain them if they are not already on the parliamentary record, although I believe they are, through the ministerial statement that was made. If they are not, I will bring them back.

GARIBALDI SMALLGOODS

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Hon. Julian Stefani a question about the Garibaldi affair.

Leave granted.

The Hon. R.R. ROBERTS: In another place yesterday, the Premier delivered a ministerial statement, giving some of the story of how Mr Stefani and the Premier became involved in the concerns of the Garibaldi Smallgoods Company in early February 1995. I thank the Premier for attempting to allay some of the fears that exist. However, in this matter the questions of public health and propriety are of such grave importance that the Opposition will not rest until all the details of the Government's actions in response to the Garibaldi company's predicament are known.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: Members should be aware that the Health Commission has persistently refused to supply crucial documentation ever since the State Opposition Leader's freedom of information request was made on 8 February. It is also true that some documents have been provided, but it is equally true that documents continue to be withheld. It has reached the point that the Ombudsman yesterday directed the Health Commission to release all remaining documents to the Opposition.

The Premier has implicated Mr Stefani MLC in the meeting attended by the Premier and Garibaldi directors which took place on 4 February 1995, as well as confirming Mr Stefani's involvement in arranging for Dr Kirk of the Health Commission to meet with Garibaldi's provisional liquidator shortly thereafter. My question to the Hon. Mr Stefani is: did he take any notes whatsoever, or did he send or receive any correspondence, including fax messages, in relation to the meetings he arranged for the benefit of Garibaldi Smallgoods directors? If so, will he lay them on the table in this House for scrutiny in the public interest?

The Hon. J.F. STEFANI: In the past, I have advised members in this House that, if they have questions relating the conduct of a portfolio, they should refer them to the appropriate Minister. Let me add one other thing: I am getting sick and tired of the honourable member who, by innuendo, connected me, because I am an Italian, with other Italian people. If he clearly wants to take that forum to the public, let him say so outside this coward's castle and see how far he will get not only with the Italian community but also with me, because he will finish up with a law suit. The implication is that I have been involved in some wrongdoing. Well, Mr President, let me assure you, the Chamber and everyone else that I have not been involved in any wrongdoing. The Premier has given a very ample answer to the questions that were raised.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.F. STEFANI: I have no obligation to answer any other question from any of this lot. They have not even

got their dates right: the Leader of the Opposition says the 4th, Ms Lea Stevens in another place says the 5th, and the honourable member opposite says the 6th. How credible are these three members when, between the three of them, they have come up with three different dates? Have a look at the record in *Hansard*.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.F. STEFANI: This is how credible they are: they cannot even get their facts straight. By innuendo, they try to drag me into the forum of some wrongdoing. Let the honourable member say that outside this coward's castle and see how far he gets.

The Hon. R.R. ROBERTS: I did not actually receive an answer to my question. However, I have a further question.

The PRESIDENT: Order! Is this is a supplementary question?

The Hon. R.R. ROBERTS: I wish to ask a supplementary question: has the Hon. Julian Stefani any financial involvement in the Garibaldi company?

The Hon. J.F. STEFANI: This is the very thing that I was saying a moment ago: by innuendo or by implication I am connected financially with all the Italian people in South Australia.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.F. STEFANI: Get this straight: the answer is 'No'!

Members interjecting:

The PRESIDENT: Order!

ASBESTOS

The Hon. T.G. ROBERTS: I seek leave to make an explanation before asking the Minister representing the Minister for Housing, Urban Development and Local Government Relations a question about asbestos storage.

Leave granted.

The Hon. T.G. ROBERTS: I have been given information that container loads of asbestos have been either dumped or placed in plain storage at the site of the Osborne Power Station.

The Hon. Diana Laidlaw: Where from?

The Hon. T.G. ROBERTS: I assume that it is from the power station itself. An asbestos removal program has been going on in power stations all over South Australia during the past 10 or 15 years, so I assume that the asbestos originally stored there is from the Osborne Power Station. However, my question relates to the concerns that residents have not only with the storage of the asbestos in containers at Osborne at the moment but because it may become an unofficial storage site for asbestos from the metropolitan area where asbestos is being removed in small amounts. It is felt that it may become a collecting place for asbestos, particularly in Adelaide. My question is: why is the asbestos being stored in containers at the Osborne Power Station site, and are there any plans to extend that storage to include other asbestos removal programs in the metropolitan area or anywhere else in South Australia?

The Hon. DIANA LAIDLAW: I will make inquiries about the basis of both concerns expressed by the honourable member and bring back a reply.

LASER RADAR GUNS

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Attorney-General, representing the Minister for Emergency Services, a question about laser radar guns.

The Hon. Diana Laidlaw interjecting:

The Hon. SANDRA KANCK: Not today.

The PRESIDENT: Order!

Leave granted.

The Hon. SANDRA KANCK: I recently received a letter from a constituent who has had what he describes as an 'encounter' which a laser radar gun. He experienced a very uncomfortable flash as he was driving along a major suburban road. The effect he described to me was like a flash from an arc welder to the naked eye. He pointed out to me a recent case in the United States where a police officer was charged with assault because he pointed a radar gun at a motorist. It was claimed that the radar's emissions caused actual damage to the cells of his body. In their defence, the police claimed that the emissions fell within the safety standards of less than 10 milliwatts per square centimetre. My questions to the Minister are:

1. Has the Minister or his department carried out any investigation of the possible dangers of the police's new laser radar guns? If so, what information can the Minister supply about their safety?

2. What safety instructions have South Australian police received for the operation of laser radar guns?

3. What are the electromagnetic radiation emission intensities of the laser guns at working distances and at close range? How do these compare with national safety standards, and what is the threshold of damage to human eyesight for lasers of this type?

4. Is the Government confident that no taxpayer funds will be lost in litigation concerning damage from the laser guns?

The Hon. K.T. GRIFFIN: These are obviously questions that need some research. I will refer them to the Minister and bring back a reply.

The Hon. T.G. ROBERTS: As a supplementary question, do the laser guns have any potential dangers for the operators?

The Hon. K.T. GRIFFIN: I will refer that question also to the Minister for Emergency Services and bring back a reply.

BOWKER STREET LAND

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about land at North Brighton.

Leave granted.

The Hon. P. HOLLOWAY: In 1973 the then Minister for Education, Hugh Hudson, agreed to make departmental land at Bowker Street, North Brighton, available to the local community for playing fields. I quote a letter that Hugh Hudson sent at the time which provided that the land would be subject to the following conditions:

1. That the Minister of Education would make all of the land available to the [Brighton] council for the development of playing fields provided that:

(a) the Education Department pays two-thirds of the cost of development;

(b) the council pays one-third of the development costs and is responsible for all of the maintenance.

2. That Paringa Park Primary School has unrestricted use of the grounds until 5 p.m. daily and on Saturday mornings.

3. That the Minister of Education would agree to the erection of toilet and change facilities and to plans approved by Public Buildings Department provided that:

(a) Education Department pays half cost;

(b) Council pays half cost and is responsible for maintenance.

Those fields are well used by sporting organisations such as Little Athletics, soccer and other school sports. There is now concern in the local community following rumours that this land may be sold by the Government. What is the Government's intention for the future of this land?

The Hon. R.I. LUCAS: In the 1970s the land was provided to the Brighton community whilst the Government made its mind up whether or not it would move Paringa Park Primary School from its current location to that new location. The site was obtained with a view to the relocation of the Paringa Park Primary School to Bowker Street at some stage. In the interim, an arrangement was entered into with the Brighton community to allow use by the community of the oval subject, of course, to the Government's and the department's position that when it was required for the school relocation the school would be relocated to that oval. The demographics of the Brighton community and the area have meant that Paringa Park never really ever reached the stage where it outgrew its existing site, and for the past few years I am advised that the Government's and the department's position is that there is no further need for the site to be held by the department for relocation of Paringa Park Primary School; that is, Paringa Park is unlikely to grow significantly beyond its current numbers and, therefore, will be able to be satisfactorily accommodated on its existing school site.

Therefore, whilst it has not been formally declared surplus at this stage, I have indicated to the local *Messenger* and others who have rung my office that it is likely in the near future that the department will declare it surplus to its requirements. It will then be transferred, as with all surplus Government property, to the Department for Environment and Natural Resources, which will then provide oversight of a disposal process. I have indicated this week to the local newspaper that if the Brighton community through its council wants to see retention of greenspace in its area—and I can understand that particular view—I would be happy to accommodate or organise representatives of the council to meet with the Department for Environment and Natural Resources to see whether the Brighton community wants to purchase all or part of that site and retain it for its own purposes in that area. That will remain an option for the Brighton community.

In relation to sport club access to the site, that will depend of course on who purchases the site. If the Brighton community, for example, purchases all or part of it, I would imagine that sporting club access to the site could be accommodated so that they can continue to operate. If the site was to be purchased by some other third party, then I understand from discussions with the Minister for Recreation, Sport and Racing and others that there would have to be discussions about the future accommodation for Little Athletics and the other sporting groups that use that location. It may be possible that some of the smaller clubs might be able to use the existing Paringa Park school site. I understand that some of the bigger sporting clubs that use the site have outgrown the size of the Paringa Park school oval and community facilities and, therefore, alternative arrangements might have to be entered into by the Minister for Recreation, Sport and Racing who, I think, will have a particular interest in this because he will be the local member for this area after the next election.

That is a fulsome description of the Government's position and that description or answer has been provided this week to a number of people who have contacted my office, and it was also given to the local *Messenger* newspaper.

The Hon. P. HOLLOWAY: Mr President, I desire to ask a supplementary question. Given that Brighton council has contributed significantly to the cost of developing that land, will that cost be taken into consideration when the purchase price of that land by the community is considered?

The Hon. R.I. LUCAS: That matter will have to be taken up by the Minister for the Environment and Natural Resources. As Minister for Education and Children's Services I do not handle the sale of Government property. That issue would have to be taken up with the appropriate officer in the Department of Environment and Natural Resources. The other point to make from the principles that the honourable member read out was that the Department for Education and Children's Services—taxpayers through the department—has contributed significantly to the upkeep of those grounds over the past 20 years as well.

WATER SUPPLY

The Hon. T. CROTHERS: I seek leave to make a precied statement before asking the Minister for Education and Children's Services, representing the Minister for Infrastructure, a question about South Australia's future water supplies.

Leave granted.

The Hon. T. CROTHERS: My lead-up statement may possibly contain some material that may fall within the portfolio parameters of the Hon. D.C. Wotton's ministry in another place but my suspicion is that the questions arising are in the correct ministerial area. Recently, announcements have been made that a new major irrigation project will be started in Queensland. This project is designed to irrigate 2 500 hectares of cotton growing land in Queensland and, in order to do this, it will necessitate pumping 42 000 megalitres of water from Cooper Creek during each and every cotton growing season.

As was pointed out in the debate yesterday, it is already clearly established that cotton and rice growing have almost destroyed the Murray-Darling system by so increasing the nutrient levels of that waterway as to make the emergence of blue-green algae problems almost impossible to handle in that system. Indeed, we have recently seen towns, which draw their water from that system, having to close down completely their drawing of drinking water from that system. In addition, we have seen our export cattle markets to the United States stop completely for several weeks because United States meat examiners found contamination of that beef, due to one Australian beef exporter feeding his cattle with cotton trash, because of drought conditions. Given what we currently know about the spin-off effects of cotton growing in Australia, I ask the Minister the following questions:

1. What is the potential for damage with respect both to the quality and quantity of water entering South Australia's system and to our people's health and our pastoralist livestock if this latest Queensland scheme goes ahead?

2. What efforts has the Minister made thus far to endeavour to protect South Australians from the latest

predations on the quality of the water reaching us by the actions being taken by others who would appear to be outside the control of this Government in respect of water supply?

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

TOTALIZATOR AGENCY BOARD

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Recreation, Sport and Racing, a question about the TABForm.

Leave granted.

The Hon. L.H. Davis: The Centre Left is drifting badly.

The Hon. T.G. CAMERON: Thank you for that, Mr Davis.

The Hon. Anne Levy interjecting:

The Hon. T.G. CAMERON: The honourable member knows all about factions, I have discovered in the past few days.

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. CAMERON: I was unaware of that until you told me yesterday. Last Sunday's edition of the *Sunday Mail* featured a number of articles on the TAB and TABForm by Mike Duffy. The article mentioned that, in the three months since early July when the TAB started publishing TABForm—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. CAMERON: I am not sure everyone heard me, so I will repeat what I said. In the three months since early July when the TAB started publishing TABForm—

Members interjecting:

The PRESIDENT: Order! There are far too many interjections. The honourable member has the right to be heard in silence. I ask that members please do not interject while the honourable member is asking his question. The Hon. Terry Cameron.

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. CAMERON: Some points made in the article were: (1) in the three months since early July, when the TAB started publishing TABForm, turnover has slumped by $15 million; (2) that the three racing codes are poised to slash prize money on all metropolitan races if TAB turnover continues its multimillion dollar free-fall; (3) that TABForm contains insufficient information and is disliked by punters. Complaints made to me by constituents confirm this view. In view of the fact that the racing industry is one of the State's largest employers, my questions to the Minister are:

1. Will the Minister provide an updated report to this Council on the reasons for the decline in TAB turnover and say whether the decline is stabilising or still trending downwards?

2. Does the Government intend to take any action to compensate the racing industry for the downturn in order to avoid prize money being slashed?

3. Will the Minister conduct an investigation into the complaints surrounding TABForm and, as a matter of urgency, provide a report to this Council on what steps are being taken to remedy the complaints?

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

GOVERNMENT MARKETING

The Hon. M.J. ELLIOTT: I seek leave to make an explanation before asking the Minister for Education and Children's Services, as Leader of the Government in this place, a question about Government marketing.

Leave granted.

The Hon. M.J. ELLIOTT: The Government appears to be spending significant sums of money on public promotion and marketing of its political decisions. As part of this marketing thrust, I understand that there has been significant telephone polling.

I have been contacted by a number of constituents on several occasions concerning telephone surveys in which they have been invited to participate. These have occurred only days before major Government announcements and have related to them. The first of which I am aware dealt with local government reform, and the latest was only a few days ago in the lead-up to yesterday's water outsourcing announcement. When one of the participants asked for whom the poll was being conducted, they were told that it was for the Government.

Concern has been raised that these polls have been conducted not to find out the community's views on an issue in order to make a decision but to determine how the decisions would be received publicly. According to the information passed on to me, the polling questions appeared to have the express purpose of working out the best way of 'selling' decisions to the community, especially as they involved decisions which had attracted a great deal of community concern. In both cases about which I have been told, the polls came far too late to change policy decisions. This polling revelation comes in the wake of the Government's operation of an FM radio station expressly designated to market the perceived advantages of the Southern Expressway.

The Hon. Anne Levy: Not a radio station—a radio signal.

The Hon. M.J. ELLIOTT: A radio signal! Constituents have expressed concern that this Government is spending inordinate sums on its own political self-interest rather than for the public benefit through major public relations programs. My questions to the Minister are:

1. How much money has the Government spent on marketing and promotion since it came to office?

2. Will the Government provide a breakdown of this promotional expenditure of public money in various projects, including polling, the water contract, local government reform and the Southern Expressway?

3. The telephone polling appears to achieve nothing more than to further the political interests of the Government, not the people. The Liberal Government has grossly misused public money to sell its political decisions to the community, so how can it justify this?

4. What is the Government's stated purpose for this polling?

Members interjecting:

The Hon. R.I. LUCAS: John Cornwall? There's a blast from the past: he of the ping-pong ball survey in the Noarlunga shopping centre, as the Hon. Legh Davis will remember. I can assure members that if the Government is doing any market research it is doing it in a more sophisticat-

ed fashion than asking people to go to the Noarlunga shopping centre and put a ping-pong ball in a particular receptacle to indicate their preference for some sort of health policy. That was the level of sophistication of the Hon. John Cornwall in the mid-1970s. I assure members that, if the Government is undertaking market research, it is certainly a degree more sophisticated and useful than ping-pong ball surveys in the Noarlunga shopping centre. I understand that a few constituents wanted to put a ping-pong ball in the Minister's mouth, but they did not get the opportunity. The honourable member will have to be a little more specific in terms of his request for information. When he asks—

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: No; we are very happy to assist. He will have to be a little more specific and may like to ask a supplementary question or put a question on notice, because when he asks what the total marketing effort of the Government is that is an enormous task. Every Government department and agency has marketing officers or public relations people or staff who are active in marketing, and they have existed for decades. I do not think that even the Hon. Mr Elliott, with his desire for publicity and self-promotion with the media, would deny that the Government, which makes decisions and does things, has a responsibility to sell its message to the people of South Australia.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: The first question related to the whole marketing effort of Government, which is an incredible trawling exercise. We could spend thousands of taxpayers' dollars trying to gather this information to justify a press statement for the Hon. Mr Elliott.

The Hon. Diana Laidlaw interjecting:

The Hon. R.I. LUCAS: My colleague the Hon. Diana Laidlaw says that the answer to the third question, in relation to the Southern Expressway, is already on the public record. I will, together with my colleague, retrieve that information and provide further assistance to the Hon. Mr Elliott so that he does not have to get his researchers to go through *Hansard* to get it. We will provide that degree of service to the honourable member.

Regarding local government and water, I will refer the honourable member's questions to the two respective Ministers, the Hon. Mr. Oswald and the Hon. Mr. Olsen, and seek their considered responses. I should issue one note of caution in relation to the assumptions made by the honourable member and his constituents. Just because constituents have been polled, for example, on water, they should not necessarily assume that the market research was being done by the Government. I do not know.

The Hon. M.J. Elliott: That is what they were told.

The Hon. R.I. LUCAS: Well, they might have been, but they should not assume that. Market research companies do not divulge to their interviewees those for whom they are conducting the research. They will say, 'I am from McNair' or, say, 'I am from Morgans.' All interviewers are told not to divulge the name of the client, because in the end that is a decision for the client.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: No. The Hon. Mr Elliott said that they were told by the interviewer that the Government was doing it. That would be completely contrary to all instructions issued to the interviewers. Even the Hon. Mr Cameron, when his people used to poll for the Labor Party, never indicated that the Labor Party was polling, because—

The Hon. T.G. Cameron: That's not true.

The Hon. R.I. LUCAS: It is true. The Hon. Mr Cameron knows that if you indicate—

Members interjecting:

The Hon. R.I. LUCAS: If you told people prior to the last election—

Members interjecting:

The PRESIDENT: Order! I warn the Hon. Ron Roberts.

The Hon. R.I. LUCAS: The Hon. Mr Cameron knows that if people were told, prior to the last election, that John Bannon and the Labor Party were polling and asking questions, there would have been a different result than if they did not know.

The Hon. T.G. Cameron: I don't think so.

The Hon. R.I. LUCAS: The Hon. Mr Cameron says that he does not think so. It would have been even worse, because the Hon. Mr Cameron should know (if he does not, he should) that the name of a particular political Party or client group can influence individuals in terms of their response. It is completely contrary to any market research or polling technique, in effect, to say for whom the poll is being conducted if an accurate result is required. If a biased result is required, they can be told. However, if a genuine result is required, people are not told that it is the Labor Party, the Liberal Party or, indeed, the Democrats who, on occasions, have carried out polls of their membership and the community. I think they indicated at the last sitting that they had conducted a poll on a specific issue and come up with a particular result.

The note of caution I am issuing is that, because of the size of the water contract, a number of the major companies involved as tenderers were doing their own polling. I see that the Hon. Mr Cameron is now providing advice to the Hon. Mr Elliott on how to ask his next question. This is an unusual alliance.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The Leader of the Democrats is taking advice from the former convenor of the Centre Left of the Labor Party on how to ask the next question.

Members interjecting:

The Hon. R.I. LUCAS: Perhaps he is joining the Democrats; that is right. No-one else will have him in the Labor Party, so perhaps he is joining the Democrats. Now he is advising the Hon. Mr Elliott how to ask his next question. We will wait with bated breath for the Terry Cameron inspired supplementary or next question from the Hon. Mr Elliott. Let us just see what comes out.

The PRESIDENT: Order! I suggest that the Minister keep to the point.

The Hon. R.I. LUCAS: Thank you, Mr President. Maybe the Hon. Mr Cameron could ask the question himself. The point I am making is that a number of tenderers—and, as it turns out, unsuccessful tenderers—in the past 48 hours had circulated to all news stations full-colour videos highlighting their importance and the worth of the water contract. So a number of the media outlets believe that one of the unsuccessful tenderers had won. Also, a number of unsuccessful tenderers were releasing press statements in that period leading up to the final—

An honourable member interjecting:

The Hon. R.I. LUCAS: No, I'm saying that I don't know. I will seek the information. I am cautioning the honourable member not to assume that it was necessarily the Government just because questions were asked three days before the water contract. It might have been; I do not know. I will check that

for the honourable member. But it equally might have been one of the tenderers.

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. CAMERON: Is the Government conducting a survey on this matter and, if not, will the Attorney-General conduct an investigation of the major research companies to see whether they are falsely conducting a survey using the Government's name?

The Hon. R.I. LUCAS: I presume that the question was directed to me, as it was a supplementary. I have indicated to the Hon. Mr Elliott that I am not aware whether the South Australian Government or SA Water Corporation is conducting research or, indeed, has conducted research in the days leading up to—

The Hon. T.G. Cameron: They might be doing political research and spending Government money on it. That's what you might be doing.

The Hon. R.I. LUCAS: I am sure the Government would not be conducting Party-political market research.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I am too much of a shrinking violet to reveal all I know of the Hon. Mr Cameron's involvement in a past life with the previous Government and market research at this stage. I would caution the Hon. Mr Cameron, who does not have a good record in this area, as recent court decisions would indicate—and, again, I am too much of a shrinking violet to remind the honourable member of recent court decisions in relation to some of his past behaviour. I caution the Hon. Mr Cameron, given his record with the previous Government in this whole area of market research.

I indicated to the Hon. Mr Elliott and to the Hon. Mr Cameron that I am not aware of the market research, if any, conducted by SA Water or the Government. I have indicated that I will refer the members' questions to the appropriate Minister and bring back a reply as soon as I can.

TUNA FARM NETS

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Primary Industries, a question about tuna farm nets.

Leave granted.

The Hon. ANNE LEVY: On 7 March this year I first raised in this Chamber the question of the nets being used in commercial tuna farms. There are reports of many dolphins and other sea mammals being caught in these nets and drowning as a result. On 29 March I received from the Minister for Primary Industries a reply which said that the matter I had raised would be pursued through the Aquaculture Management Committee, which is the body responsible for the overall management of fish farming activities. That was 29 March.

I asked another question on 6 July as to what was happening, what the Aquaculture Management Committee had decided, and whether it would take any action regulating the mesh size of the nets used in tuna farms, or the tension applied to stretching them, so that sea mammals would not be drowned by them. That was on 6 July. On 7 August, I received a response from the Attorney-General, reporting for the Minister for Primary Industries, in which he said that the Aquaculture Management Committee had requested a full and detailed report of marine mammal entanglements from the South Australian Museum. Once the report is prepared, it would be presented to the Aquaculture Management Committee. Until the formal report is tabled and options are considered, any changes to the netting system or a commitment to a particular type of netting are premature. That was 7 August—two and a half months ago.

I now ask the Minister for Primary Industries: has the Aquaculture Management Committee yet received a report from the South Australian Museum and, if not, when does it expect to receive it? If it has received it, is it proposing any changes to the mesh size or tension of the nets? Is it proposing any such changes to prevent marine mammals being drowned by the nets that are currently being used?

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

LANGUAGES, LEARNING

The Hon. P. NOCELLA: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about the teaching of languages in South Australia.

Leave granted.

The Hon. P. NOCELLA: A recent article in the *City Messenger* indicates that 91 per cent of schoolchildren abandon the study of languages before reaching matriculation. These sorts of figures have been around for a while, and we have known that this is a problem. I understand that the Minister has commissioned a report, by Joseph Lubianko, who is the Director of the National Languages and Literacy Institute of Australia. Mr Lubianko had completed his report some time ago and delivered it to the Minister. Many people in this State are genuinely and seriously interested in the teaching of languages in South Australia and who would very much like to know the result of this report and the recommendations contained therein. I understand that, to some extent, we in this State may be missing out in terms of Federal money that could come into South Australia and assist in the process of teaching languages. My information is that there is a Federal contribution of $327 per student for the purpose of assisting in the cost of teaching languages, on a formula that allows for up to 25 per cent of the total cost to be met from Federal funds. My information also indicates that about 8 per cent of the cost of teaching languages is being met from Federal sources, compared with something like twice as much, 16 per cent, in Victoria. My questions are:

1. Will the Minister tell the Council when he proposes to release the report? I understand that he has had it for about a month and, because of the interest in this subject held by many people in education, business and the community, I think it important that the report be released.

2. Will the Minister inform the Council whether he is inclined to adopt the recommendations of the report and implement them in time for the next school year so that more Federal funds can perhaps be attracted to the State to assist in the teaching of languages in our schools?

The Hon. R.I. LUCAS: It is important to note, first, that the article in the *City Messenger* this week is wrong. It indicates that 91 per cent of students drop a language as they move from primary into high school, intimating that virtually all students in primary schools have the option of studying a language other than English. As the honourable member states, our concern is with the percentage of students who

continue to study a language right through to year 12. I do not have the percentages with me, but we have pretty good percentages of students studying a language in year 8, but they start to drop off in years 9 and 10, in particular, and certainly in years 11 and 12. Part of the dilemma with year 11 and 12 students involves their perception of the degree of difficulty of a language as a subject when they are looking towards trying to maximise their point score to get into various university courses.

Language educators will argue whether the reality matches the perception of students, and that is one of the issues that we will have to address within the school system. Another issue is that, as a community, we will have to do much more to convince young people, in terms of their future employability, that a language is an important employment skill for them to have when they approach a future employer. So, that is an important question in relation to that article. I certainly intend in the not too distant future to release the Lubianko report to all school communities and the public for consultation and discussion.

Regarding the last question, I, as Minister, have not made any decisions about the individual recommendations contained in the report. Importantly, a number of them have significant resource implications. Officers of the department are still trying to work through what the costs of some of the recommendations might involve, and they believe that they might need a further two or three weeks at least. Obviously, those which involve a cost can be considered only in the context of future budget discussions. As the honourable member would know, the next round of budget discussions will be between March and May next year. Therefore, regarding any significant recommendations that the Government might agree should be implemented, the earliest possible year for those will be the school year 1997. If there are non-cost items or recommendations which can be achieved within the existing budget of the department and which are significant in the area of language education, then, if agreed, we might be able to achieve some of those during next year—for instance, training programs or such matters, which do not necessarily have to start at the beginning of the school year.

I cannot yet provide the honourable member with an answer as to which recommendations we agree with and which ones we do not. We are still considering the resource implications of the individual recommendations, and we will then want to have a period of public discussion so that language educators and others interested in language education can put their point of view to the Government before we reach a final position.

The Hon. P. NOCELLA: I ask a supplementary question: will the Minister indicate whether he is prepared to consider suggestions that have no budget implications, such as bonus points, which have been adopted in other States, so that matriculation students will be given an incentive to take up language studies and increase the rather small number of people who bring languages to matriculation?

The Hon. R.I. LUCAS: That might or might not be an excellent suggestion, but it is not a decision that the Government can take; it is one that university councils and universities alone can take. Members opposite who are members of university councils know how jealously universities guard their independence from Government (both State and Commonwealth). Therefore, I advise the Hon. Mr Nocella that this is not a decision that the State Government can take but one which, in the end, universities can take.

In Victoria, I think at either Monash or Melbourne University, a decision has been taken to offer some form of bonus point loading for entrance into some but not all of the courses. However, those are decisions for universities to take. The department and the Government may well form a point of view and put that forward or they may not, but in the end it is not a decision for us to take. The only other word of caution that I note in relation to bonus points is that a number of members of the community believe in South Australia's becoming an information technology rich State, and a number of members during their Address in Reply speech called for that and for changes to occur. A number of people who argue for this say that we need to have more year 12 students studying mathematics and mathematics II in particular, while others argue that they should be studying physics as well. Some of those people also argue that one of the ways to encourage students to study mathematics II or physics in year 12 is for universities to offer a similar bonus points scheme. In the end, it is those sorts of vexed questions on which universities will have to make final judgments and determinations.

LAW SOCIETY PROGRAM

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Attorney-General a question about the Law Society's CLE program.

Leave granted.

The Hon. ANNE LEVY: Recently, I received a brochure advertising part of the 1995 CLE program for October and November presented by the Law Society of South Australia. I presume that CLE stands for continuing legal education, although it is not indicated. I gather that under this program the Law Society provides a 1½ hour lecture on various topics to members of the profession. It costs $40 per member per session to attend, so one would expect that the lectures would have to be fairly worthwhile.

The Hon. T.G. Roberts: Either that or a good supper.

The Hon. ANNE LEVY: No, you don't get drinkies thrown in. The lecture being held today is on a workers' compensation update and on Wednesday 1 November there is a lecture on medico-legal communications, both of which sound extremely important for members of the profession. However, next week on Wednesday 25 October, the lecture is entitled 'How to play hard without breaking the rules', which one might regard as a facetious title. Among the topics to be covered—and I must say that the speaker is not indicated—is 'How do you represent your client aggressively without overstepping the mark?' It has been put to me that one does not expect lawyers to represent their clients aggressively—assertively perhaps but not aggressively. I wonder whether the Attorney-General will comment on how he views this approach—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: —by the legal profession to appear macho, aggressive, playing hard and sailing close to the wind, which appears to be the impression gained from the description of the lecture to be given next week by a speaker still to be advised.

The Hon. K.T. GRIFFIN: I do not have any responsibility for what the Law Society does or does not do in relation to its continuing legal education program. I suggest that the honourable member refer the issues to the Law Society and she would undoubtedly be informed about the nature of the

continuing legal education session which is being conducted. She has made some passing remark about representing your client aggressively and suggesting that it is something macho. Let me say that I have seen as many women lawyers acting aggressively in respect of the interests of their clients as I have male lawyers. I do not think that there is anything necessarily good or bad about it—it depends on the circumstances. But if the honourable member wishes to refer it to the Law Society she is obviously at liberty to do so.

MATTERS OF INTEREST

RACING INDUSTRY

The Hon. A.J. REDFORD: I refer to the racing industry. Last Thursday, the members of the SAJC attended their most important annual general meeting in many years. Amongst other things, they considered changes to the way in which racing is managed in Australia. They were asked to vote on a committee recommendation that the committee be reduced in size and that its current functions be split and transferred to a separate committee. There is no doubt that the racing industry is in real trouble. It has been in trouble for a decade or more, and in some quarters it has been suggested that the SAJC's response has been inadequate and inept. When one looks at the declining turnover of the TAB, the decline in country racing, the decimation of crowds attending races, the decline in stake money relative to CPI, the decline in the numbers and quality of racehorses in South Australia and the exodus of many trainers to Victoria, the future of racing in this State looks very bleak, indeed.

When one tosses in greater competition such as the Casino, keno, poker machines and activities of the Victorian Government in providing incentives to racehorse owners and breeders, the task confronting racing administrators is daunting. The time is opportune for new and innovative ideas, or within 10 years the racing industry in South Australia will not exist. However, the suggestion that poker machine profits be used to subsidise racing is ridiculous. To have one form of gambling propping up another form of gambling is absurd, and I believe racing has to sort out its own problems. I remind members that it was only last year that the Minister changed the percentage return to the racing industry and, notwithstanding that change, the SAJC budgeted for a $1 million loss, a perplexing approach in anyone's language.

In any event, looking for scapegoats in this sorry scene is unproductive and distracting. It is important to understand who the industry's customers are and develop a product which is attractive to them. In the racing industry the customer falls into two simple categories: punters and horse owners. The off-course punter is well catered for. If we judge by racing crowds, the on-course punter is not so satisfied with the product he or she is offered. The product, a day at the races, is tired. The committee must be congratulated, though, for its experiment with Sunday racing. Whilst the standard of horse racing was not great, the associated entertainment has been innovative and, as a consequence, large crowds have been attracted. I know that meetings have introduced many uninitiated to the joy and fun of a day at the races.

The problems confronting the owner are well known by the SAJC. In simple terms, it is the low stake money and, importantly, its very low relativity with the Eastern States. There is also the decline of the country racing industry, often described as the nursery of racing in Australia. As a boy and as a teenager, a Saturday race meeting in the country was always within a reasonable drive from home. Now, there is the odd country race meeting only during the week, not on weekends, which is hardly the way to treat the nursery of racing. I sometimes wonder whether the monopoly given to the SAJC in the control and management of horse racing has, in part, caused the decline in racing. Perhaps if we return to two clubs in Adelaide a spirit of competition may provide the energy needed to lift racing out of its doldrums.

I have only to invite members to look across the border to see the healthy competition which exists between the Moonee Valley Racing Club, the Caulfield Racing Club and the VRC to show what competition has done in Victoria to the racing industry and the enormous benefits that have been derived from that. I believe that the South Australian Jockey Club must be clever and aim its marketing at the family. It must provide facilities for children and parents, particularly mothers, at racecourses. In almost every case a decision as to whether or not to go to the races is made by the female of the family and, if proper and appropriate facilities are not there, racing cannot possibly hope to attract crowds. The race day must provide an atmosphere of excitement, anticipation and relaxation, or the Saturday afternoon at the races will go the way of the horse and cart or the Beta video. I hold grave fears for the future of racing. It is important that we attack these problems vigorously and aggressively (and I hope in a spirit of bipartisanship) because the real risk is that Saturday afternoon racing will disappear, and that would be a tragedy to us all.

WOMEN IN PUBLIC LIFE

The Hon. CAROLYN PICKLES (Leader of the Opposition): I refer to women in public life and decision making. I, along with other members of the Labor parliamentary caucus, attended the Beijing International Conference on Women recently. At that conference the Australian Government had made a commitment, which was very well received, on women in public life in decision making. I will read the statement put forward by the Hon. Paul Keating in relation to that commitment as follows:

> One of the most commonly expressed concerns of women in Australia is the lack of representation of women in decision making in both the public and private sectors. The Commonwealth is committed to the increased participation of women in decision making roles in both the private and public sector. To promote women's participation in public life and decision making, the Government will assist in the establishment of a national peak body of women in business. The Australian Council of Businesswomen will provide a stronger voice for women in business to Government, business networks, the media and the community generally. The Government will also encourage women's participation on private sector boards. We will work in partnership with the Australian Institute of Company Directors, the Business Council of Australia and the Australian Chamber of Commerce and Industry on a three year initiative to increase the appointment of women of merit to private sector company boards.

As I said, that commitment, along with Australia's other commitments, was very well received. Recently, we have been very pleased to hear of the appointment of Ms Jennie George, who recently became the first women to lead the Australian labour movement when she was unanimously

endorsed as President-elect of the ACTU. Jennie George is a very gutsy woman. She has taken her place in a very male dominated sphere, and has certainly risen to the heights and the top position in the country in that arena. I am sure that she will serve the community well. It is interesting to look at her background. Her parents were migrants from Russia. Jennie was a secondary teacher and was, at some stage, the Acting President and Deputy President of the Australian Teachers Federation. She was the first woman elected to the ACTU executive in 1983 and to the position of Vice-President in 1987.

In July 1989 she took up the position of Assistant National Director of the Trade Union of Trading Authority, and in March 1991 became the Acting National Director of TUTA. She was elected to the full-time position of Assistant Secretary of the ACTU in September 1991. That is certainly a very rapid elevation and depicts a woman who has an enormous amount of courage, commitment and integrity.

At the ALP conference on the weekend—and we have heard a number of comments from members opposite who only know of what goes on at the conference from what they think they read in paper—the Labor Party passed its quota of 35 per cent of women in winnable seats.

I was very pleased indeed with the calibre of our women candidates and I am sure that members opposite—at least the female members opposite—would also be pleased to see more women coming to this place. I know that the women members of the Liberal Party, too, are trying hard to get their Party to commit to put women in winnable seats. I was rather curious to read the Hon. Mr Redford's comments yesterday in *Hansard*. Obviously, he was quite angry at the success of our women in by-elections, three women being elected in three by-elections. The Hon. Mr Redford made the curious comment that not one of the by-elections was created through ill health. For the record, I point out that the unfortunate death of a Liberal member was certainly a matter of ill health. I think the Hon. Mr Redford should correct his facts before he opens his mouth.

DAVID UNAIPON

The Hon. SANDRA KANCK: Last week I declined an invitation to speak at a ceremony which was held on Friday to launch the new Australian $50 note, which bears the portrait of Ngarrindjeri man, David Unaipon. His portrait is there in recognition of his contribution to both Aboriginal-Australian and European-Australian societies. I sent someone in my place because I was involved with other Ngarrindjeri people in a rally against the royal commission into the so-called secret women's business. The fact that two functions involving Ngarrindjeri people were held at the same time—one in recognition of how far we have come as a society in terms of Aboriginal recognition and one demonstrating how far we still have to go—seemed a great irony to me. But the irony did not end with the timing of the two events.

David Unaipon, who was born in 1872 and died in 1967, was a Ngarrindjeri man who was the first published Aboriginal author was also a lay preacher, historian, inventor, musician, philosopher, theosophist and bootmaker. He was dubbed 'Australia's Leonardo' and 'the black genius' for his work on polarised light and the prediction of helicopter flight and for his many patents, including one for the design of the modern day sheep shearing machine. He was also an activist for many Aboriginal causes. In 1912 he led a deputation urging Government control of the Port McLeay mission, where many of his people lived; in 1913 he appeared before a royal commission into the treatment of Aboriginal people and he advocated the creation of a separate State for Aborigines in central and northern Australia; and in 1928 he assisted the Bleakley inquiry into Aboriginal welfare.

Throughout the 1920s and 1930s he influenced Government Aboriginal policy, including urging the Federal Government to take over Aboriginal affairs and proposing that the South Australian Government abolish its Chief Protector of Aborigines and establish an independent board in its place. He collected subscriptions for the Aborigines' Friends' Association and he addressed schoolchildren and learned societies about Aboriginal legends and customs. But arguably David Unaipon's greatest contribution to our nation was the translation into English of a great number of Aboriginal myths and legends. The Aborigines' Friends' Association published *Hungarrda* in 1927 *Kinie Ger—The Native Cat* in 1928 and *Native Legends* in 1929. His *Myths and Legends of the Australian Aboriginals* was published in 1930.

I find it particularly ironic that, despite our State being able to boast and celebrate an Aboriginal author of the stature of David Unaipon, who documented more than 60 years ago the stories which embody the Ngarrindjeri people's spiritual attachment to their land, South Australians have to endure the shame of a royal commission into precisely the same spiritual attachment. This disregard for the emotional and spiritual attachment to Kumarangk is the reason for the Ngarrindjeri people's opposition to the building of the Hindmarsh Island bridge. Their spirituality has been disregarded in the zeal of both the previous Labor and this Liberal Government to build the bridge. Regardless of whether or not the secret women's business which is the subject of the royal commission was fabricated—and I do not believe it was fabricated—the Ngarrindjeri people's connection with their land has, thanks to David Unaipon and others, been a matter of public record for more than 60 years.

Ironically, I could not attend a ceremony to honour David Unaipon's contribution to Aboriginal identity and dignity as I was involved in addressing a rally which was involved in protesting a royal commission aimed at undermining that same identity and dignity. But I take this opportunity to put on the record my recognition of David Unaipon's contribution to both the Aboriginal community and the Australian community at large. His presence on the new $50 note is well and truly justified.

ADELAIDE FESTIVAL

The Hon. R.D. LAWSON: I want to extend congratulations to the Director of the 1996 Adelaide Festival, Barrie Kosky, and the board of the festival on the launch of the program for the 1996 festival and the launch of the booking guide. This booking guide and the program arranged and referred to in it does reflect the great enthusiasm, inspiration and talent and energy of Barrie Kosky. It is a matter of great triumph, I think, for this city that this new festival is being launched. The launch has received national publicity. It was described by John Mangan in *The Age* as a 'dazzling diversity'. Peter Ward in the *Australian* used such epithets as 'adventurous, innovative, explosive and brilliant'. Tim Lloyd in the *Advertiser* described it as 'visionary, impassioned and rich in crowd pleasers'.

One need only look at the program itself to see some of the wonderful events that Barrie Kosky has put together,

which auger well for a triumphant festival next year. From Israel comes the Batsheva Dance Company, a contemporary dance company which is applauded around the world. In fact, there are companies from 33 countries. There are 50 separate companies from 33 countries, 16 world premiers and 10 Australian premiers in this festival which testifies to its great diversity. From Turkey we have the Whirling Dervishes, another dance company which will introduce to Adelaide audiences a phenomenon that has fascinated people, according to the booking guide, 'for hundreds of years'.

Not only do we have overseas companies but also local companies will be performing. The Adelaide Symphony Orchestra, the Adelaide Youth Orchestra and Jonathan Shin'ar will be participating in a festival of music by the Russian composer Alexander Scriabin, which will extend the enjoyment not only of people from South Australia but also many visitors who will come here for the festival. The celebrated Kronos Quartet will be back in Australia for the festival.

Something that excites me particularly is the performance of the Magic Flute at the Old Queen's Theatre off Currie Street in Adelaide. The shell of that theatre, which is Australia's oldest mainland theatre, will be used for this performance, and is another measure of the excitement and innovation of Barrie Kosky in programming. There is a performance called 'The Ethereal Eye', described as 'A dazzling music and dance meditation on the ideas and architectural scapes of Water and Marion Burley Griffin' which, as Tim Lloyd mentions in his review in the *Advertiser*, 'leaps the conventional boundaries between drama, music and the visual arts'.

There are programs from the celebrated Adelaide company, the Meryl Tankard Australian Dance Theatre, and a performance at the bullring, Wayville Showgrounds. The Torrens Parade Ground will be converted into a venue entitled Red Square, which will provide eats, drinks and entertainment from all over the world. This brief excursion illustrates the great diversity of this program. As I say, Barrie Kosky is to be congratulated for producing it. We should all wish him and the Festival the best of good fortune in promoting this event outside South Australia, and especially in the Eastern States, to make sure that Adelaide is still seen as the centrepiece of festival and cultural life in this country.

WATER, OUTSOURCING

The Hon. P. HOLLOWAY: I wish to express my sadness at the fact that the Brown Government has just contracted out management of our water services. I believe it is a sad day for this State and a reflection on a Government that really suffers from a pitiful cultural cringe—almost the ultimate cringe one can have. Why is it that we must hand control of our water supply over to overseas companies? We are told that we need to have a world-class water industry—

An honourable member interjecting:

The Hon. P. HOLLOWAY: It might be 60 per cent but that is some time down the track, and we have already been told this morning that how far down the track is a bit indeterminate; it depends on all sorts of factors. Certainly, at this stage it is foreign control. What is so bad about the management of our current water system? If it ain't broke, why fix it? That is exactly the question we need to ask at the moment about our water service. We are told we need a service that is world class. Most of the rest of the world has water rationing. This State has escaped water rationing for many years, but is that what world class means? Over the past 10 years we have introduced into this State one of the largest water filtration programs in the world.

South Australia has a difficult situation in relation to water: it does not have the natural closed catchments, as have many cities in the world; it does not have high rainfall; we must bring water a long way from the Murray River, and the catchment area of that river is out of our control, yet we have been able to provide the lowest cost water in Australia; we have had no rationing and, through filtration, we have been able to improve greatly the quality of the water. I would have thought that was fairly world class but, apparently, for the Brown Government, that is not so.

Why does the Brown Government have so little faith in our current water managers? Within SA Water, as it is now, we have developed many committed senior public servants. These public servants are not greatly paid, I am sure, compared with the heads of some of these world-class water industries, but one thing they do have going for them is that they are committed to this State. They have grown up and developed their skills in this State and they are committed to supplying first-rate quality water to this State. What will happen when we get this new breed of water managers from overseas? Will they be committed to South Australia? They will probably come here for a couple of years and then go off to where ever else it suits them best in the international empires of these companies which will be running our water services.

The Hon. K.T. Griffin interjecting:

The Hon. P. HOLLOWAY: We can have 60 per cent equity, but let us talk about the people who will be running it. The whole problem with this contract is that the good public servants who have run this water supply so well for so long will no longer be here.

The Hon. R.D. Lawson: They will still own it.

The Hon. P. HOLLOWAY: The State might still own it but who will be running it? These public servants will go across to this private company and they will not be the property of this State but working for this private company and they will go where ever this company wants to send them. Suppose we have problems with our water supply; suppose the contract does not work so well. Who will be left in the State Public Service to pick up the pieces? There will be no-one, because they will have gone to a private company. Our only option would be to hand it over to another lot.

We also need to talk about the economic benefits of this contract. The Brown Government claims that this particular outsourcing contract will give great benefits, but one thing we can say is that hundreds of South Australian workers within SA Water will lose their jobs as a consequence or, at least, many of them will take TSPs. No doubt, as thousands more before them, they will head for Queensland. Millions of dollars—

The Hon. J.C. Irwin interjecting:

The Hon. P. HOLLOWAY: Yes, there will be hundreds of new jobs, but what about those we have lost? What about the profits that will have to be repatriated out of this State and overseas to the companies? These companies are not managing our water supply out of the goodness of their hearts. They are doing it to make a profit, whereas those people working for SA Water were doing it because they were committed to this State; because they believed that the people of this State were entitled to a decent water supply, and I happen to agree with them. It is a sad day that the control of our water has been handed over. Unfortunately, the

Brown Government now appears hell bent on this ideological track to contract out many other services, such as health, prisons, public transport, and so on. I lament the day and, sadly, all South Australians will come to regret this decision in the future.

EUTHANASIA

The Hon. J.C. IRWIN: A conference on euthanasia held in August under the auspices of the Melbourne University Centre for Public Policy revealed an amazing situation in relation to the Northern Territory's Rights of Determining Ill Act—the legislation that laid the foundations for the present full-scale drive for the legislation of euthanasia throughout Australia. One of the speakers was the former Chief Minister Marshall Perron of the Northern Territory, who pushed the Act through the Northern Territory Parliament on the eve of his resignation.

The questioner who revealed the fundamental fallacy in the legislation was Sidney Bloch, an associate professor of psychiatry at the University of Melbourne, a member of the Ethics Committee of the Royal Australian and New Zealand College of Psychiatrists, and co-editor of *Psychiatric Ethics*. The Northern Territory Act is inoperable, yet on the basis of this massive act of incompetence an entire euthanasia campaign has been built in every State. At the conference, Marshall Perron, the former Chief Minister of the Northern Territory and architect of this world-first legislation, called for a royal commission to investigate the extent of euthanasia already illegally practised in Australia, claiming that the result of such an investigation would be 'scary'.

Perron asserted that 50 per cent of the doctors backed a change to the law and said that 28 per cent were already practising some form of euthanasia, including some who were making the decisions when the patients had not requested it, that is, to me, even more scary. Three more speakers took the same line to Perron: Professor John Funder, who pointed to the world population growth doubling every 37 years as a reason for euthanasia. He also discussed the diminishing role of doctors in hospitals around the world. In other words, the actions in hospitals will eventually be taken over, in his mind, by the nurses and technicians, and I believe there is no doubt about that.

Well known euthanasia advocate Professor Peter Singer introduced his speech by saying that the traditional western ethic of life and death is now collapsing. The flaw in the Northern Territory legislation was exposed by Professor Bloch, professor of psychiatry. He reminded us that, under the Northern Territory Act, a request from a patient to be killed requires two opinions: the second opinion giver is required to confirm the views of the original doctor that the patient who wished to be killed is, in fact, seriously ill and is likely to die within 12 months.

In addition, the second opinion giver is required to investigate the patient's mental state and to affirm that the patient is not suffering from a treatable clinical depression in respect of the illness. Professor Bloch showed every aspect of this section of the Act to be either ill-considered, ill-informed or unworkable. The Act requires that the second opinion be given by someone holding a diploma of psychiatric medicine, or its equivalent. Professor Bloch pointed out that this diploma is redundant and archaic. At present no medical facility in any university offers such a diploma; it has not been, for a long time, the route from medicine to the practice of psychiatry, nor was it clear that the modern-day equivalent of the diploma might be.

According to Marshall Perron, the legislators did not intend the second opinion mandated by the Act to come from a psychiatrist. As he put it, 'We did not want too much psychiatry. He thought the second opinion should come from what he called a 'psychologist'. Astonishingly, Mr Perron was completely unaware that the diploma mentioned was a redundant post-graduate qualification offered by departments of medicine. Even more astonishing is the fact that he was completely unaware that psychologists in Australia do not receive any medical training. If the Act generally proposes, as Mr Perron believes, that the second opinion be given by a psychologist, then it is asking someone with no training in medicine to confirm the accuracy of the medical diagnosis and prognosis of a doctor. If, on the other hand, the Act is asking for a second opinion given by a trained psychologist who, in addition, is a trained medical practitioner, it is almost certain that in the entire Northern Territory and, indeed, Australia no such individual can be discovered.

In the seconds that I have left, I point out that I was amazed to hear George Negus talking to Philip Satchel on the radio today at 1.30, saying:

> The profligate spending of the Governor-General—

the present Governor-General with whom he had just had dinner—

> has to be judged against the dubious dismissal of Prime Minister Whitlam by the former Governor-General, Mr Kerr.

I find that the most extraordinary statement I have ever heard.

CZECH CHAMBER OF COMMERCE

The Hon. P. NOCELLA: I wish to congratulate the Czech Chamber of Commerce on the forthcoming celebration of the third anniversary of its foundation. The Czech Chamber of Commerce was established in South Australia towards the end of 1992 and it has managed to establish a national network of correspondents to make it one of the few truly national overseas chambers of commerce or business councils to claim that name.

After the velvet revolution in the former Czechoslovakia in November 1989, a wave of national pride reached all corners of the world where Czech people were living, including Australia, and South Australia where there is a small but significant group of people originating from the Czech lands. It was perhaps in the wake of that event and the massive enthusiasm that it generated in those who had lost hope of ever being able to visit or trade freely with their country of birth that a number of initiatives were started.

As I mentioned, towards the end of 1992 the Czech Chamber of Commerce was established in South Australia, and it has been operating ever since. On 1 January 1993 the separation of the Czech Republic and Slovakia took place: the two countries decided to go their own separate ways. Now the Czech Republic consists of the territories of Bohemia (better known universally perhaps for its lead crystal), Moravia (also known for the great Brno trade fair), and Salesia, which should be well known to South Australians because the part of Salesia which is now incorporated in the Polish Republic produced a number of the early settlers in this State, the so-called Germans, who came from the Salesian region.

The Czech Republic has, in a few years, established itself with the reputation of a competent and efficient country

capable of overcoming the difficulties created by 45 years of totalitarian regimes which left the country in pretty poor shape. So much so that, in 1994—and these are the latest available figures—the Czech Republic enjoys a GDP of $A50 billion and an annual growth of 2.7 per cent, a balance of exports and imports and a very healthy current account. As such, despite its size, it is an ideal partner for Australia and South Australia to do business with.

I am informed that on 29 February next year the Czech chamber will draw on its correspondent offices throughout the country to put together a trade and tourist mission which will visit the Czech Republic and further the relationship that has already been established with a number of Czech companies opening offices in various Australian capitals. On 1 November the Czech chamber will celebrate its third anniversary, and that will be an opportunity to focus on the development of the Czech Republic and of trade between that country and Australia, and in particular South Australia.

LEGISLATIVE REVIEW COMMITTEE: NATIONAL SCHEME LEGISLATION

The Hon. R.D. LAWSON: I move:

That discussion paper No. 1 on the scrutiny of national scheme legislation and the desirability of uniform scrutiny principles be noted.

A committee of Presiding Members of parliamentary committees throughout this country has published a discussion paper on the scrutiny of national scheme legislation and the desirability of uniform scrutiny principles. This discussion paper has been adopted by the Legislative Review Committee, and I commend it to honourable members because it raises matters of fundamental importance. Although, from its title, the subject matter does not sound terribly exciting, it is very important from the point of view of the parliamentary process.

Members will know that there are various mechanisms by which uniform national legislation is established in this country. I will mention them because they highlight the problem. One method is that State Governments can refer power to the Commonwealth under the Constitution and enable the Commonwealth to legislate on particular matters, but that is not very popular these days having regard to the serious view that most States take of their responsibilities.

A second means of national uniform legislation is mirror legislation, which is introduced in all jurisdictions, including the Commonwealth. Again, that can be difficult to achieve. One of the difficulties about that scheme is that individual Parliaments might pass amendments or modify the legislation in some respects so that it is not truly national.

A third means by which uniform legislation is achieved is cooperative legislation, whereby the Commonwealth enacts legislation to the extent of its powers and each State and Territory legislates to cover the remaining matters.

Fourthly, the mechanism of mutual recognition is a method of achieving national cooperation, whereby all jurisdictions agree to recognise each other's laws.

A fifth scheme is called alternate consistent legislation, whereby a jurisdiction is permitted to participate in some national scheme by enacting legislation which is consistent with the legislation of a host jurisdiction.

The final method is template legislation, whereby one particular jurisdiction passes a law and the other jurisdictions pass a recognition law which adopts the law of another place.

These are novel and innovative means by which the national interest can be satisfied with national legislation, but there are problems. These are perhaps best highlighted by an example provided to the committee by a Western Australian committee. In 1994 Queensland passed an Act to regulate financial institutions. There had been conferences around the country over a number of years, and it was agreed that the Queensland legislation would be the model or template upon which the national scheme would proceed. The Bill went through many drafts and was the subject of very widespread consultation with those in the industry and the community organisations but not with Parliaments. Finally, Western Australia was called upon to enact legislation adopting the Queensland Act, and there were only a few days in which that was to be done. In Western Australia the legislation was passed, as it was in South Australia. It recognised the Queensland law, in their case, as a law of Western Australia and, in our case, of South Australia. But at that time the Queensland law had not even been passed. A copy of that law was not available to the Western Australian Parliament or, I think, to the South Australian Parliament. Great pressure was placed upon Parliaments by reason of fact that this legislation had to come into force—there was a national scheme—on 1 July, or whatever the critical date was, and Parliaments were given virtually no alternative. Both this Parliament and the Western Australian Parliament passed the Application of Laws Act in circumstances where it did not even have a copy of the law they were adopting.

The Hon. A.J. Redford: What legislation did that involve?

The Hon. R.D. LAWSON: This legislation was to do with credit unions and financial institutions of that kind. The committees around the country are most concerned to ensure that this type of thing does not happen in the future. It has been pointed out that that legislation went through 40 drafts and was widely consulted upon, but no Parliament—apart from the Queensland Parliament—actually ever saw the legislation before it became part of the law of all Australian jurisdictions.

Similarly, with regulations, some of these schemes now provide that regulations made, say, in Queensland, will have the effect of law elsewhere. That regulation is not laid on the table of this Parliament and, notwithstanding that fact, it will have the force of a South Australian regulation.

It was the view of the authors of this discussion paper that national consideration ought to be given in each Parliament to an appropriate response to these matters. Clearly, mechanisms must be developed if parliamentary scrutiny not only of delegated legislation but also of primary legislation itself is to be ensured. The purpose of this discussion paper is to raise awareness of the matter in the Parliaments and in the community, and to seek suggestions for improvement. I commend the motion to the House.

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

REFUGEES

The Hon. BERNICE PFITZNER: I move:

That in view of persistent and long-standing claims that the screening process for determining the refugee status of Vietnamese

boat people is seriously flawed, and that these claims have been substantiated by documented evidence produced by the boat people and supported by the Australian Vietnamese community and prominent Australians, the Legislative Council of the South Australian Parliament calls on the Federal Government to investigate these claims and to report back to the Australian community, as a matter of urgency.

I have spoken of this subject previously with regard to the screening of people in their first asylum country and the corruption that is being perpetrated during this process. How does one determine that a person is accorded refugee status? The term 'refugee' is often used vaguely and loosely. However, there is a specific definitive description in international law that defines a refugee as being a person outside their country of nationality who is unable or unwilling to return because of a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion.

This definition is set out in the 1951 United Nations Convention in the 1961 Protocol Relating to the Status of Refugees. A total of 120 nations are parties to this convention and protocol, to which Australia is a signatory. The Office of the United Nations High Commissioner for Refugees (UNHCR) was established in 1951 to supervise the application of the 1951 convention in signatory countries and also to assist refugees in countries which are not signatories to the 1951 convention. In this role it appears that the UNHCR has failed miserably. The UNHCR promotes three solutions to the problem of resettlement of refugees:

1. the voluntary repatriation—that is, to return to the country of origin in conditions of safety and dignity;

2. local integration—into the country of first refuge; or

3. third country resettlement.

This is all well and good, but it is this pre-screening before the third country resettlement that is the problem of screening for refugee status in the first asylum country. There are numerous documented accounts of evidence, reputable public opinion and media coverage all indicating that corruption is rife among officials in the first asylum country. I would like to quote some of these documented accounts. The editorial opinion of the Melbourne *Age* of 7 October 1994, under the heading, 'Twice prosecuted', states:

> Over the past decade and a half, the original open door held out to Vietnamese boat people in Australia has been narrowed by more stringent screening processes after concerns that some have come for economic reasons. Well-founded reports from the Australian Vietnamese community and published exclusively in the *Age* yesterday now indicate that these processes may have been corrupted by refugee camp officials in Asian countries. It is claimed that women have been forced to prostitute themselves and that some refugees were rejected because they were too poor to pay bribes demanded by officials.
>
> While the responsibility for the conduct of such programs rests with the Indonesian Government and the United Nations High Commissioner for Refugees, the Australian Government also has a responsibility to see that refugees who apply for asylum here are protected from abuse.
>
> The Government must make full and proper inquiry into allegations made by Vietnamese people in Australia, if necessary by offering amnesty to those prepared to give information. Such an inquiry may provide grounds for more effective action by the UNHCR or for a request to the Indonesian Government for an inquiry into the refugee camps and assessment program. Refugees who set out for Australia in over-crowded boats may risk their lives at the hands of pirates rather than face persecution at home, but they should not face further persecution in refugee camps.

Another article, again in the same paper on the same day, in letters to the Editor, states:

> In reference to your article, 'Cash, sex help buy refugees a new life', I have worked extensively in the Vietnamese asylum camps of South East Asia, providing legal counselling to asylum seekers prior to their 'screening' to determine their status as refugees. During that time, I received many credible, contemporary and first-hand reports of refugee status being conferred in exchange for money or sexual favours. Consequently, I am dismayed by the Australian Government's indecent rush to align itself with the UNHCR and the Indonesian Government in a facile rejection of such claims. The true *raison d'etre* for the Australian Government's position should be clearly stated. The Australian Government has invested its full faith in the Comprehensive Plan of Action (CPA) for Vietnamese asylum seekers as a means of solving the Vietnamese boat people problem, far more so than other resettlement nations such as the USA and Canada. Yet the CPA contains the fatal flaw—which the latest revelations demonstrate all too clearly—that screening procedures are left entirely in the hands of governments of first asylum nations, without truly effective monitoring to ensure their fairness. The Australian Government has a legitimate cause to seek an orderly solution to the problem of Vietnamese asylum seekers. But a blind denial of an unpleasant and unfair reality does little to advance such a solution.

That letter to the editor is signed by Peter Hanson of Geelong. Further, an affidavit of a Mr Le Xuan Anh on the screening process at Galang Camp states:

> 1. The Vietnamese Indonesian translation done at screening interviews was unsatisfactory. The interpreters involved only had from fair to very poor grasp of the Vietnamese spoken language. This raised serious concerns that legitimate claims for refugee status were not properly or adequately explained to the decision making officers. [A person called] Mr Tran Minh Triet explained that he had worked for the South Vietnam secret service and that he had also worked as a blacksmith. His occupation was translated by the interpreter as a goldsmith only, and he was screened out on this basis. At the time I left the camp, he was still there.
>
> 2. At many screening interviews, boat people were allowed to answer only Yes or No to questions, giving cause for concern that their interviews were not sufficiently thorough. Further, the screening officer involved frequently made angry gestures, such as shouting or slamming his fist on the table, causing boat people involved to feel intimidated and making it difficult for them to put their case.
>
> 3. Mr Jamieson, a Jakarta based high level UNHCR officer, once told me that he was personally aware of some instances where corruption affected the screening results. However, he told me that until boat people or the camp committee provided evidence or witnesses, he would take no action.
>
> 4. When official delegations from overseas visited the camp, the visitors were frequently carefully escorted by Indonesian authorities and had very little or no opportunity to choose boat people to talk to. Therefore, allegations of corruption or unjust screening were not able to be made to these delegations.
>
> 5. A girl, Tran Thi My Hanh, was initially screened in, then after much time she was given a negative result decision with no explanation and no reinterview. In desperation, finally she burnt herself to death at barrack 100.
>
> 6. Mr Nguyen Van Tien left Vietnam and his job as a security officer in the past Government's secret security service. He was screened out and his relatives in Canada had to pay $US7 000 in bribery. Mr Tien is now in Canada.

This affidavit was made in the State of Victoria in September 1994.

A further affidavit of Mr Hung Ly on the screening process at Galang Camp states:

> I am of ethnic Chinese background, and because of that I was discriminated against by the Vietnamese Government through such acts as denial of job and schooling opportunities. At the Galang Camp, at first I was screened out. The interpreter present had a very poor understanding of Vietnamese and he did not seem to understand me. Also, most of the time I was only allowed to answer Yes or No to questions. A few months later, I was taken in to see an Indonesian official on [what is called] the P3V committee, named Papa Phuc, by an assistant of his. Papa Phuc told me that I had to pay him $US4 000 if my appeal was to succeed.

This affidavit was made in the State of Victoria in September 1994. A further affidavit given by a Buddhist monk Thich

Phuoc Sung on the screening corruption in Galang Camp states:

My secular name is Tu Van Le. My religious name is Thich Phuoc Sung. I am a Buddhist monk currently residing at the Khanh Anh Temple in the city of Rosemean, California. I was born in 1955 in Vinh Long, South Vietnam. Before the fall of Saigon in 1975, I attended a Buddhist seminary and was preparing to be a monk. After 1975, I continued to undertake my religious studies and to practise my religion surreptitiously because of the crackdown on all religions by the communist regime. In order to practise and preach Buddhism freely, most Buddhist monks were encouraged to join a Government sponsored Buddhist organisation. I refused to join because the organisation is no more than a propaganda tool, and not a purely religious society.

In 1980, I signed a petition with my religious mentor, the Venerable Thich Hoang Phu, to demand the return of our Buddhist temple which was confiscated by the communist authorities. My mentor was arrested and I had to go into hiding after word leaked that the authorities were looking for my whereabouts. I was arrested several months later when I tried to escape by boat from Vietnam. The communist authorities charged me with subversion and leading a revolt against the revolution. I was imprisoned for three months and served two years hard labour.

After my release in 1982 my identity card was taken away by the authorities. Although I still practised Buddhism, I had to do so secretly for fear of further prosecution from the communists. I led an itinerant life, residing at numerous temples. The security police constantly harassed the monks and checked their identity cards. Throughout this period, I made several unsuccessful attempts to escape from Vietnam. Again, in March 1987, I was arrested and imprisoned for attempting to escape from Vietnam. I was released by December of the same year.

I successfully left Vietnam finally by boat in April 1990 and arrived in Indonesia in May 1990. After three months in Galang, I had a preliminary interview with representatives of the UNHCR and subsequently with the Indonesian P3V office, the screening authorities in Galang.

Although I was severely persecuted by the Vietnamese communist authorities, I failed screening twice and unsuccessfully appealed to both the review and appeal boards in the camp. While in Galang, I served as the head of the Buddhist order in the camp. There were nearly a dozen other Buddhist monks in Galang during my stay.

After the second appeal and rejection of my appeal in April 1993, I was informed by a follower that he had connections with an Indonesian who knew how to help with getting appeals approved for refugee status. About one week later, word came back that approval for my petition would cost $US7 000, since it was difficult to overturn previous decisions after the third appeal. After hearing this news I had to make a decision to ask for loans and donations from fellow religious leaders, followers and friends in the camp and from overseas Vietnamese communities to come up with the amount demanded.

The $7 000 was given to this Vietnamese follower who in turn passed the money to the Indonesian connection and it was finally given to the Indonesian screening authorities, who had the ultimate decision to screen me in after this third appeal. I believe that the Indonesian committee which has jurisdiction over my files was aware of the extortion and was involved in this misdeed. I was notified of the screening approval in August 1993 and left for the US in March 1994. From my four years of detention in Galang and having served as the Bhuddist leader in the camp, I solemnly attest to the following activities and observations in Galang during this period:

1. The screening process conducted by the UNHCR and Indonesian immigration officials are arbitrary and unfair. Although asylum laws are quite clear, application and interpretation of these laws during screening and interview sessions are haphazard at best, and biased at worst.

2. Corruption and extortion, both in terms of money and sex by various UNHCR and Indonesian officials, are well known by the camp inhabitants.

3. Legitimate political refugees like myself and many others have been rejected asylum status because we do not have the money to bribe the Indonesian officials. The prevalence of demands by Indonesian immigration officials for 'grease money' seriously hurt the credibility of the screening process.

4. Although the UNHCR is chartered to protect the interests of the refugees, this international agency is now co-opted by the host country and, on most occasions, has sided and whitewashed the many misdeeds that occurred in Galang.

5. As a result of the unfair screening policy and the favouritism displayed toward those who can offer money and sex, there is a complete breakdown in the credibility of the screening and appeal process. The camp inhabitants have little, if any, trust in Indonesian and the UNHCR officials concerning screening and the results of this process.

6. Again, as a result of the unfair screening policy, there is now in Galang a desperate but dangerous attempt from the Vietnamese refugees to bribe Indonesian security officers to have free boat access and to escape to Australia.

7. Many Vietnamese detainees, in their depression and loss of faith in the system, have protested the injustices by various lethal means such as self immolation, hanging, and hara-kiri, among others.

8. Most detainees now in Galang refused to be voluntarily repatriated to Vietnam until real reforms in the screening procedures are made and the perpetrators of the extortion are brought to justice.

This affidavit was signed in the State of California in the county of Los Angeles in November 1994. I have further to hand some questions and answers given to US Embassy staff which tend to show that the US Government has concerns that this comprehensive plan of action (CPA) screening process is less than perfect, and it is now consulting with other Governments about its proposal to use its personnel to interview all asylum seekers. An example of a question and an answer is as follows:

Question: Are you considering a new proposal for addressing the issue of Vietnamese boat people who remain in first asylum camps? Answer: We have developed a plan to offer an additional opportunity for US resettlement for Vietnamese boat people still in first asylum camps in South-East Asia. We are consulting with a wide range of parties involved—the Government of Vietnam, the South-East Asian countries of asylum, other resettlement countries, UNHCR, and the NGO [non-government official] community—on the proposed plan. We hope this proposal will address the concerns raised about those Vietnamese remaining in first asylum camps and help to bring the comprehensive plan of action for Indochinese refugees to a humane conclusion.

I understand that on 25 and 27 July 1995 the US House of Representatives held a public hearing about the CPA (comprehensive plan of action). It found that the screening process was flawed and that the monitoring process could not be relied upon. Discussion took place on various potential solutions either to rescreen all 'screened out' asylum seekers on condition that they first return to Vietnam or to rescreen in the existing camps. Considering all these allegations and the documented evidence, Australia, as one of the signatories to the 1951 convention and to the CPA, must require that a fair screening process is instituted and evaluated for the protection of refugees. As one of the founders of the UNHCR, Australia must investigate whether the UNHCR has conducted itself according to its rule as specified in 1951. I commend the motion to the Council.

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

SOCIAL DEVELOPMENT COMMITTEE: PROSTITUTION

Adjourned debate on motion of Hon. Bernice Pfitzner:

That the interim report of the Social Development Committee on an inquiry into prostitution be noted.

(Continued from 27 September. Page 39.)

The Hon. T.G. CAMERON: I do not intend to say a great deal about the detail of the report of the Social Development Committee because this has already been adequately covered by the Presiding Chairperson, Hon. Bernice Pfitzner.

I do want to make a few comments about some submissions already made to this Council. In particular, I would support the Hon. Sandra Kanck's comments about the lack of funding made available to the committee. In relation to an interstate trip funding was not available for committee members, secretarial or transcribing staff to accompany us.

Members interjecting:

The Hon. T.G. CAMERON: I do not know what the history is about this matter but it seems to me to be quite ridiculous that we have legislative select committees having matters referred to them requiring us to conduct certain investigations with terms of reference which necessitate the committee, in order to inform its mind, to travel interstate. If we look at the terms of reference we would also be required to travel overseas but then when a simple request goes in for a small amount of funding for the committee to do the work that it has been directed to do by Parliament, that funding is not forthcoming. With other members of the committee I found that to be particularly disappointing.

In her contribution to the Council the Hon. Sandra Kanck also read into the transcript correspondence from amongst other people a person by the name of Helen Vicqua, who gave evidence to the committee. I was particularly disappointed that the honourable member chose to take the opportunity to read that letter into *Hansard* in the manner she did, because the correspondence had already been dealt with by the committee. In view of some of the criticisms contained in that correspondence, I feel it necessary to make a few comments.

I found the evidence put forward by Helen Vicqua at times to be unreliable. It was contradictory and at times it was just plain wrong. Also, I found some of the evidence to be self serving. At times, when attempts were made to get truthful answers to questions, in my opinion all we would be given were the answers to support the cause or view that they were promoting. In other words, if an answer in any way was going to be prejudicial to the view that prostitution should be legalised, I believe we were given erroneous information.

I make no apology for the fact that at times my cross-examination may well have been vigorous, but if I ask questions and get answers which are obviously designed to mislead me or the committee, I believe I have an obligation to at least try to get a truthful answer. By coincidence, it was only a couple of days ago that out of the blue I received a letter from another witness to the committee. I will take this opportunity, as the Hon. Sandra Kanck did, to read this letter into the transcript. It is from a woman who gave evidence before the committee and who was known to us as 'Donna'. For the sake of security, I will not make any reference that might identify her. The letter states:

> Dear Honorary Member, Terry Cameron,
>
> Greetings. You know me as 'Donna'. I spoke to the Social Development Committee opposing the Brindal Bill. I hope you can remember me.

I must confess that, in the first instance, I could not remember who Donna was, but other members of the committee have informed me who she is. The letter continues:

> I am writing this letter to encourage you and to let you know that I think you are doing a brilliant job. The first time I spoke before the committee—

and this woman appeared twice—

> you thoroughly cross-examined me. Initially I found it quite unnerving. I then realised that your techniques of cross-examination are really a credit to you. While other politicians asked the odd question you fired question after question. If I ever wanted to get to the truth of a matter I'd love to have you on my side. You obviously do this so you can get the person off balance and see if they are really telling the truth. I think that is fantastic!!!! We need more tough politicians like you that don't muck around! I pray that God blesses you and your family in a mighty way and may everything you put your hand to prosper. In Jesus' name.

I will not read one part of the correspondence because it is personal and might tend to identify the person. It concludes:

> I want you to know that you always have a friend here,
>
> Yours sincerely.

I suspect that this person who gave evidence before the committee is completely unaware of any criticisms made by Helen Vicqua, or any other person, because she shortly left the State and is now residing interstate. It would not be my normal practice to read such a praiseworthy letter about myself into the transcript: I do so only to set the record straight and to advise you, Mr Acting President, that I guess there is always another side to every story.

In conclusion, in relation to the correspondence forwarded to the Council by Helen Vicqua I state for the record that I was extremely disappointed by her evidence, and it is my opinion that she was a terrible advocate for PASA. I would like to contrast Helen Vicqua's contribution to some of the other witnesses.

The committee has taken evidence from a large number of witnesses, but I place on record my appreciation to a couple of them. One witness was Stormy Summers, who is well known to members of this Parliament and to members of the public. She is a proprietor of a brothel in Adelaide. Whenever difficult questions were asked of Stormy Summers she attempted to give honest answers rather than answers designed specifically to promote the cause that she was supporting. I would also place on record my appreciation to Ms Summers for taking the committee on an informative tour of her establishment.

In particular, I thank Ms Summers for her courtesy in transporting me in her own vehicle to a number of establishments that night. I can assure the Council that that is all she did: transport me from one establishment to another. It was a little bit disappointing that, after the inspections had been conducted that night and as I was sitting in Ms Summers' car having a conversation with her prior to going home, her car was the subject of some attention from the police. Eventually I decided that it would be opportune to get out of Ms Summers' car and go home because the police were parked in a vehicle just down the road, watching.

I also place on record my appreciation to another proprietor, who was known to us as Kerryn. I also found her evidence to be extremely helpful and informative. On occasions it was obvious that if a question were answered truthfully it might not necessarily be helpful to her cause but Kerryn, unlike another witness, at all times attempted to give us honest and truthful answers. I would also pay a tribute to another witness, who I understand is a feminist and an advocate for PASA, and her name is Serena. I found her to be an extremely articulate, intelligent and competent advocate. If I can offer any advice to PASA it is that it would be well advised in using Serena and Kerryn as advocates for its collective rather than one of the other witnesses I have mentioned.

I place on record my appreciation to all of the women who came forward and gave evidence to the committee. It could not have been an easy thing for them to do. At times, questions were asked that they may have found embarrassing but, to their credit, they took the questions in their stride. The

evidence that the committee received from them I found to be particularly useful. I place on record my appreciation to all the witnesses who came forward to give evidence to the committee.

Some suggestions have been made by the Hon. Sandra Kanck that this is an unhappy committee and that somehow or other members do not get on well with each other. I am not sure what the honourable member is talking about. Initially when it was suggested to me that I join the Social Development Committee I objected. I wanted to go on to the Legislative Review Committee. However, I was prevailed to join the Social Development Committee. I was only recently asked whether I would consider coming off that committee and joining the Legislative Review Committee, and I declined, because I am thoroughly enjoying my work on this committee, and I am enjoying the working relationship that I have with the members of that committee, in particular Stuart Leggett and Joe Scalzi.

At times, members of the committee engage in robust political debate and discussion about their views. This is an emotive issue; people do have strongly held views about it and, at times, as is the case in politics, the discussion becomes quite willing, but I refute the suggestion that that in any way means that we are an unhappy committee. After some initial disagreements with the Presiding Member, the Hon. Bernice Pfitzner, I place on record that I have no problem with the way the committee is being chaired. I am at a loss to understand where this view comes from that we are an unhappy committee that cannot work well together.

There was also another suggestion by the Hon. Sandra Kanck that the people on this committee have already made up their minds. On that issue I can speak only for myself and not for other members of the committee, but I have not made up my mind on this issue. If I have created this impression to members of the committee by my questioning then let me put the record straight: I will make up my own mind when I hear all the evidence and not before. I have not heard that evidence yet. I am finding this an extremely complicated issue with which to come to grips. It is much more complicated and involved than I thought originally when the matter was coming before me. There are times when I have found myself moving either one way or the other according to the evidence that has been put before me. At this point, I have not made up my mind.

The Hon. Carolyn Pickles said that the timing of the presentation of our interim report to the Legislative Council had something to do with trying to influence votes in the Lower House. Again, in order to put the record straight, the decision on the timing of the interim report was that not of the Presiding Member's but of the committee. If I recall some of the discussion that took place, I was pushing very strongly for the interim report to be released, because we had been taking evidence for an extraordinary length of time. So, I suggest to the Council that the timing of the release of the interim report probably had less to do with the Presiding Member than it did with the committee members. We still have some way to go in the taking of evidence, and that is expected to take some time. I am looking forward to hearing all that evidence. Once it has been heard, I look forward to participating in the debate on the legislative models that have been put forward.

The Hon. Carolyn Pickles expressed the desire that the committee should be looking at legislative options. I am pleased to advise her that the committee intends to do that. It does not intend to shirk this issue. It is taking longer than was expected, but it is a very complicated and emotive issue and we want, if possible, to get this issue right. We intend to look at a range of legislative options and to place them before the Council for its consideration. I have pleasure in supporting the motion.

The Hon. BERNICE PFITZNER: I thank members for their frank responses. It is interesting to note that the two lawyers, the Hon. Angus Redford and the Hon. Robert Lawson, and the Hon. Carolyn Pickles, who has been involved in the subject for many years, find the interim report insufficient for their purposes. It is interesting but understandable that these three members are impatient for the report to make some recommendations and to give the pros and cons for the different legislative options. I also thank the Hon. Terry Cameron for being positive.

The Hon. R.I. Lucas interjecting:

The Hon. BERNICE PFITZNER: And, as the Hon. Mr Lucas says, so very honest. On behalf of the Social Development Committee, I point out that the interim report sought to inform all members of Parliament on the history of the path to decriminalised prostitution and on the different legislative models. Although this information may seem elementary and superficial to our lawyer members, we must not forget that not all of us are lawyers, and indeed not all of us are QCs.

I recall that similar legislative options were discussed in the select committee on marijuana. Indeed, I recall the Hon. Ms Pickles' first recognition of and interest in it at that time. Apart from the two lawyers and the Hon. Ms Pickles, such legislative options are a new set of ideas for all of us, except for the other members of the marijuana select committee, namely, the Hon. Mr Irwin, the Hon. Mr Weatherill and the Hon. Mr Elliott. Therefore, not only do I refute the criticism that the interim report is elementary and superficial but I also say that a significant number of members are not *au fait* with the legal concepts. Indeed, the interim report identifies the types of prostitution, the current position in South Australia and in other jurisdictions in other States of Australia and the four attempts that have been made to change prostitution laws—involving Millhouse, Pickles, Gilfillan and Brindal—and, finally, the legislative options. Surely that must be significant and informative.

I should like to take issue with the astonishing accusation of the Hon. Ms Pickles regarding the reason for tabling the interim report. To say that the Presiding Member—and I thank the Hon. Mr Cameron for vindicating me—wanted to get the report out in order to influence the vote is ridiculous. The Hon. Ms Pickles ought to know that the Presiding Member is governed by the votes of the members of the committee. We now know that, although the members in the other place gained further information, they were not particularly influenced by the interim report. They should not have been, and the report was not intended to be influential in the manner suggested. I find the Hon. Ms Pickles' tactic of adjourning the debate so that the motion could not be concluded to be a rather superficial elementary ploy which has not served any useful purpose other than to play the game of one-upmanship or one-uppersonship.

Further, it is inaccurate to state that it is improper to report that three members of the committee went interstate, first, because it was not identified that we travelled as an official committee and, secondly, no information on prostitution was given—only the fact that we went interstate and visited a variety of relevant places. Indeed, if we wanted to use the information that the three of us gathered interstate, we could

write a report and table it to the committee and easily use as evidence the information on prostitution that we obtained interstate. In fact, I understand that the Hon. Ms Kanck is in the process of doing just this.

I now turn to the rather difficult issue of the strong and emotional discussions that took place during the taking of evidence. The Hon. Ms Kanck has raised this issue and the Hon. Mr Cameron has addressed it to some extent. I would say that, from my observation, when very strong evidence is given in an assertive way there are at times strong responses from the members of the committee. At times these members have been checked by the Chair, but other members have complained that the checks are rather restrictive. Therefore, it is a difficult balancing act to allow full and frank discussion whilst restraining members from getting too carried away and at the same time not unduly restricting their very powerful arguments. Although the manner of obtaining evidence has at times been rather vociferous, the evidence gathered has been all the better focused for it.

In closing, I inform members that the final report will indeed be very well considered, taking into account the wide range of opinions of the committee members and the wide range of evidence gathered from witnesses, as observed by the Hon. Mr Lawson. All of us in the committee will have understood the plight of sex workers while trying to overcome the difficulties involved in reconciling basic attitudes with the need to achieve an unbiased opinion. However, we will hammer it out—

The Hon. Carolyn Pickles interjecting:

The Hon. BERNICE PFITZNER: Some might call it ethical; others might call it moralistic. However, we will hammer it out and try to accommodate the two major and opposing issues.

Meanwhile, I am sure that the interim report has served to inform more fully the members and the community of some of the legal options that are available. Just as an aside, in alluding to the community, today a submission was presented by the Catholic Archdiocese of Adelaide, and the total committee voted that this presentation could be reported in the Council. This submission congratulates the committee on the interim report. It further states:

> With the interim report as a starting point we wish to contribute to the development of a final report and legislation that may be proposed.

Indeed, in its proposals the Catholic Archdiocese has used some of the legislative options as raised. Using the five categories outlined in the interim report, it rejects models [1] and [4], and states that perhaps [2] and [3] seem to be more appropriate. So, it can be seen that the interim report has served to help others in the community to come to grips with this issue. Indeed, some of these legal options are in place, and one could use parts of one option and integrate them with parts of another. In closing, I thank members for noting the report with such vigour.

Motion carried.

SECURITY AND INVESTIGATION AGENTS BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to regulate security and investigation agents; to repeal the Commercial and Private Agents Act 1986; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

This Bill is introduced to regulate the activities of the security industry in this State. The Bill will replace the Commercial and Private Agents Act 1986. A review of this industry was long overdue, as there has been considerable growth in the security market, and new technologies together with the development of other legislation such as the Commonwealth Privacy Act have resulted in changes to the way in which the industry operates. This Bill forms part of the review of all consumer legislation in the Consumer Affairs portfolio which has taken place over the last 18 months.

As a result of the release of the draft Bill for consultation, 18 oral and written submissions were received from:

Adelaide Institute—TAFE
Alcohol, Drugs and Crime Working Group
Australian Finance Conference
Australian Institute of Conveyancers
CEPU (Communications Electrical Electronic Energy Information Postal Plumbing and Allied Services Union of Australia)
Commissioner For Police
Consumers Association of South Australia
Mr Gary Edwards—Project Officer, Adelaide Institute of TAFE
Ms Roseanne Healy—Member, Commercial Tribunal
Institute of Mercantile Agents
Mr Jim Langley—Hindley Street Police Station
MSS Security
Savic Investigations P/L
Seeca Investigations
Security Institute Of South Australia
Mr Keith Wakelam—Member, Commercial Tribunal
Wormald Security

As a result of this consultative process and taking into account recommendations received prior to the draft stage, a large number of proposals were incorporated into the Bill. Other recommendations will be addressed in the drafting of the Regulations under the Bill.

The new Bill is directed towards greater efficiency in the administration of the licensing system for this industry by transferring licensing from the Commercial Tribunal to the Commissioner for Consumer Affairs, and by changing the licensing system from one licence with eight endorsements to three distinct licences. The three licences are grouped to reflect the different functions of this diverse industry. The three licence model consists of—

(1) Investigation Agent;
(2) Security Agent, and;
(3) Restricted Licence, which allows for the scope of work to be limited in any way.

Process servers will be negatively licensed under the Bill.

The licensing model in the Bill is designed to emulate, where possible, the provisions of the Plumbers, Gas Fitters and Electricians Act 1995. Administrative benefits and cost savings will be derived from the use of similar legislative processes. These include reduced computerisation costs and ongoing benefits through streamlining of staff training procedures. There are considerable benefits to be derived from this model for business. Commencing with two general unconditional categories it will be possible to tailor the licence through the use of specific functions, and to add any restrictions that may be appropriate to an individual licence. This will meet the needs of individual businesses in the industry. Specific training courses can then be developed to suit the ongoing needs of the industry.

The disciplinary forum for licensees will be the Administrative and Disciplinary Division of the District Court. This move, and the change to make the Commissioner the licensing authority, is a common feature of all consumer legislation which has been subject to the current review process. As with other jurisdictions, the court will sit with industry and consumer assessors, as directed by the presiding member. Also in common with other reviewed Acts, is the power of the Commissioner for Consumer Affairs to enter into agreements with relevant industry bodies in order that those bodies may, with ministerial approval, carry out certain functions under the Act on the Commissioner's behalf.

The Bill is directed towards the lifting of educational and competency standards in the industry as there will be training requirements for new licence applicants. The exact nature of the qualifications required will be contained in the regulations, along with recognition of prior learning. The move to the Commissioner as the licensing authority will also lift standards in the industry, as the Commissioner will be able to refuse a licence to any person who has previous criminal convictions which fall within categories prescribed by regulation. Persons who are disqualified from other occupations or who have been insolvent will also face the same barrier.

The Bill requires agents to be fit and proper persons, to have sufficient business knowledge and experience and to have sufficient financial resources. As the assessment of these criteria involves a judgement on the part of the Commissioner, there will be a right of appeal from his decision to the Administrative and Disciplinary Division of the District Court on these criteria.

Where a licensee disputes the fact that he or she has been disqualified from another occupation, or has been insolvent or convicted of a prescribed offence, there is also a right of appeal. Persons refused on these grounds cannot appeal on the grounds that there were mitigating circumstances relating to the disqualification, insolvency or conviction. A general power of ministerial exemption is available as under other reviewed Acts. I commend this Bill to the House, and I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

PART 1—PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

Clause 3: Interpretation

The term agent is used to cover the following classes of agents:

- a security agent: a person who for fee or reward—
- protects or guards a person or property or keeps a person or property under surveillance; or
- hires out or otherwise supplies dogs or other animals for the purpose of protecting or guarding a person or property; or
  - prevents, detects or investigates the commission of an offence in relation to a person or property; or
  - controls crowds; or
  - provides advice on security alarm or surveillance systems (as defined);
  - hires out or otherwise supplies security alarm or surveillance systems;
  - installs or maintains security alarm or surveillance systems);
- an investigation agent: a person who for fee or reward—
  - ascertains the whereabouts of or repossesses goods that are subject to a security interest (as defined); or
  - collects or requests the payment of debts; or
  - executes legal process for the enforcement of a judgment or order of a court; or
  - obtains or provides (without the written consent of a person) information as to the personal character or actions of the person or as to the business or occupation of the person; or
  - searches for missing persons; or
  - obtains evidence for the purpose of legal proceedings (whether the proceedings have been commenced or are prospective);
- a process server: a person who serves a writ, summons or other legal process for fee or reward.

Security agents and investigation agents are required to be licensed under the Bill but process servers are not.

The definition of security alarm or surveillance system is new to the proposed Act but draws on the regulations under the *Commercial and Private Agents Act 1986* (the current Act) setting the scope of the security alarm agent endorsement.

The definition of security interest is equivalent to that contained in the current Act.

Court is defined as the Administrative and Disciplinary Division of the District Court. As in the other occupational licensing schemes recently reviewed, the current role of the Commercial Tribunal in disciplinary proceedings is transferred to the District Court.

Director of a body corporate is defined broadly to encompass all persons who may effectively control the body corporate. All such persons must be considered for eligibility if the body corporate applies for a licence and all such persons are subject to discipline under the proposed Act.

Clause 4: Application of Act

This clause sets out various exemptions and is equivalent to section 5 of the current Act except for—

- the inclusion of a definition of loss adjuster for the purposes of the exemption of loss adjusters and the inclusion of an exemption (currently contained in the regulations) for a body corporate carrying on a business as a loss adjuster under the management of a qualified loss adjuster;
- the inclusion of examples in the paragraph exempting a person employed under a contract of service who acts as an agent only as an incidental part of the duties of that employment;
- a new paragraph exempting persons who collect debts on behalf of a licensed agent only by use of a telephone;
- necessary updating of references.

Clause 5: Commissioner to be responsible for administration of Act

This clause places responsibility for the administration of the proposed Act on the Commissioner for Consumer Affairs, subject to the control and directions of the Minister.

The current Act is similarly administered by the Commissioner for Consumer Affairs under section 8.

PART 2—LICENCES

Clause 6: Obligation to be licensed

This is the central provision requiring a person to be licensed to carry on business or to act as an agent (other than as a process server).

The clause is similar in effect to section 10 of the current Act.

The clause also provides that commission or other consideration paid to an unlicensed person acting as an agent is not recoverable unless a court is satisfied that the person's failure to be licensed resulted from inadvertence only. This is similar to section 15 of the current Act, although that section does not allow recovery in any circumstances.

Clause 7: Classes of licences

This clause sets out the classes of licences that may be granted under the proposed Act:

- security agents licence;
- investigation agents licence;
- restricted security agents licence or restricted investigation agents licence.

This classification replaces the system of endorsements set out in the regulations under the current Act.

- The security agent category covers the following current endorsements: security agent, security guard, security officer, crowd controller and security alarm agent.
- The investigation agent category covers the current commercial agent and inquiry agent endorsements.

The restricted licence categories allow licences to be individually tailored according to an applicant's requirements and qualifications, business knowledge, experience and financial resources. This is similar to the approach taken in the recent plumbers, gasfitters and electricians legislation.

The types of conditions that may be imposed on a restricted licence are:

- a restricted function condition (limiting the functions that may be carried out under the licence; eg to crowd control or to debt collection functions)

- an employee condition (prohibiting the holder from carrying on business as an agent);
- an employee (supervision) condition (additionally requiring the person to be supervised by a licensed agent);
- a partnership condition (requiring the holder to carry on business as an agent with a specified partner or other person approved by the Commissioner)
- a partnership (business only) condition (prohibiting an unqualified partner from personally performing the work of an agent).

The employee and employee (supervision) conditions are equivalent to those that may be imposed under section 11 of the current Act.

The partnership conditions are new (allowing an unqualified person to carry on business as an agent in partnership with a qualified person or a person without financial resources to carry on business as an agent in partnership with a person who has resources) and similar to that included in the *Plumbers, Gas Fitters and Electricians Act 1995*.

There is no equivalent to the current process server endorsement. However, the Bill applies the disciplinary provisions to process servers and makes it an offence for a person to act as a process server if the person does not have prescribed qualifications or has been convicted of a prescribed offence.

Clause 8: Application for licence

The Commissioner is to determine the form of application. The regulations are to fix the fee.

Under section 12 of the current Act applications are made to the Tribunal in the prescribed form. The current requirements for advertisement of an application and the ability of any interested person to object are not retained.

Clause 9: Entitlement to be licensed

This clause sets out the eligibility of a natural person and of a body corporate to obtain a licence under the proposed Act.

The requirements for a natural person are—

- the qualifications and experience required by the regulations (or, subject to the regulations, qualifications and experience considered appropriate by the Commissioner) [Section 12(9)(a)(iv) of the current Act contains a similar provision although without the ability of the Commissioner to recognise alternative qualifications and experience. However, regulations have never been made in support of the provision.]
- no convictions for offences as specified in the regulations [This is a new requirement in line with other occupational groups recently reviewed.];
- no current suspension or disqualification from an occupation, trade or business [This is a new requirement in line with other occupational groups recently reviewed.];
- fit and proper person to hold the licence [This is equivalent to the current requirement in section 12(9)(a)(iii) of the current Act.];
- if the person is to carry on business as an agent—
  - the person must not be an undischarged bankrupt or subject to a composition or deed or scheme of arrangement with or for the benefit of creditors;
  - the person must not, within the last 5 years, have been a director of a body corporate that has been would up for the benefit of creditors;
  - the person must have sufficient business knowledge and experience and financial resources.

  [This is in line with provisions recently enacted in relation to other occupational groups. Section 12(9)(c)(i) of the current Act requires persons who wish to operate a business as an agent to show that they have made suitable arrangements to fulfil the obligations that may arise under the Act. This broader requirement is not retained as it is thought that it is vague and unhelpful.]

The age and residency requirements in section 12(9)(a)(i) and (ii) of the current Act are not retained.

The requirements for a body corporate are similar to the requirements recently enacted in relation to other occupational groups and expand on the requirement in section 12(9)(b) of the current Act for directors to be fit and proper persons to hold the licence.

The ability to consider partners together for the purposes of the requirements relating to qualifications and business acumen and licence them subject to partnership conditions is found in this clause.

Clause 10: Conditions

Conditions may be imposed on the grant of the licence and may be varied or revoked by the Commissioner at any time on application by the holder of the licence.

Clause 11: Appeals

An applicant who is refused a licence or who is granted a conditional licence may appeal against the decision of the Commission to the Administrative and Disciplinary Division of the District Court. This is equivalent to provisions recently enacted in relation to other occupational groups. Currently the question of appeals is dealt with by the *Commercial Tribunal Act*.

Clause 12: Duration of licence and annual fee and return

Licences are continuous, but annual fees and returns are required. This is similar to current section 13 of the current Act, although the process for cancellation of a licence for non-payment of a fee or failure to lodge a return has been simplified and shortened. The requirement for the Commissioner to consent to surrender of a licence is not retained as it serves no useful purpose.

PART 3—REGULATION OF ACTIVITIES

This Part covers matters contained in Parts 3 and 4 and section 14 of the current Act. The proposed Act does not contain equivalents of—

- section 23 (notices to be displayed);
- section 26 (excessive charges may be reduced by Tribunal);
- sections 28-37 (trust accounts)—it is thought that detailed regulation of commercial agent's trust accounts does not serve a useful purpose; provision is made in clause 13 for the regulations to be able to specify general accounting requirements;
- sections 38 (recovery of moneys from debtors)—this provision has never been brought into operation;
- section 40 (form of letters of demand)—this provision has never been brought into operation;
- section 41 (place of business).

Clause 13: Operation of licensed agent's business

A body corporate licensed agent is required to ensure that the business is properly managed and supervised by a natural person with an appropriate licence (similar to section 14 of the current Act).

A licensed agent (whether or not a body corporate) carrying on business as an agent is required to ensure that the actual performance of the functions as an agent only takes place through appropriately licensed persons.

Clause 14: Accounts of licensed agent

This clause enables the regulations to specify requirements relating to the keeping of accounts by any class of agents.

Clause 15: Licensed agent not to purport to have powers outside licence

This clause states that a licence does not confer on an agent power to act in contravention of, or in disregard of, law or rights conferred by law (equivalent to section 19(1) of the current Act) and makes it an offence for a licensed agent to hold himself or herself out as having powers under the licence that he or she does not have (equivalent to section 19(2) of the current Act).

Clause 16: Prohibition against assisting another to pretend to be agent

This prohibition is equivalent to that contained in section 42 of the current Act.

Clause 17: Misrepresentation

The offence of misrepresentation by an agent is equivalent to section 21 of the current Act.

Clause 18: Name in which licensed agent may carry on business

As an aid to enforcement, a licensee who carries on business as an agent may only do so in the name appearing in the licence or in a registered business name. This is equivalent to section 20 of the current Act.

Clause 19: Publication of advertisements by licensed agent

Advertisements are required to contain the name in which the agent lawfully carries on business. The requirement for an address for service to be included in the advertisement (see section 22 of the current Act) is not retained.

Clause 20: Licence or identification to be carried or displayed

Agents are required to carry their licences and produce them at the request of any person dealing with them as an agent or of a police officer. This is similar to section 24 of the current Act.

A new provision enabling the regulations to require certain classes of licensed agents to wear identification is inserted. It is intended that regulations be made requiring security (crowd control) agents to wear visible identification.

Clause 21: Limitations on settling claims relating to motor vehicles

As in section 27 of the current Act a licensed agent is prohibited from attempting to settle a claim in a motor vehicle case once court proceedings have been commenced.

The current provision extends to work related injuries but this is no longer appropriate in light of the workcover legislation.

Clause 22: Repossession of motor vehicles to be reported

As in section 39 of the current Act the police are required to be informed of any repossession of a motor vehicle by an agent.

Clause 23: Entitlement to be process server

This clause provides that a person may not carry on business or act as a process server unless the person is qualified in accordance with the regulations and has not been convicted of an offence specified by regulation. It also makes it an offence to employ an ineligible person as a process server.

As noted above, although process servers are no longer required to be licensed this provision regulates who may act as a process server and later provisions provide that process servers are subject to disciplinary proceedings.

PART 4—DISCIPLINE

This Part is generally equivalent to Part 2 Division 2 of the current Act except that disciplinary proceedings are to be taken in the District Court rather than in the Commercial Tribunal.

Clause 24: Interpretation of Part 4

Agent is defined to ensure that former agents and licensed agents not currently in business may be disciplined.

Director is defined to ensure that former directors may be disciplined. (Note that director is broadly defined in clause 3.)

Clause 23(4) ensures that conduct occurring before the commencement of the proposed Act may lead to disciplinary action (equivalent to section 16(11) of the current Act).

Clause 25: Cause for disciplinary action

The grounds for disciplinary action are set out as follows:

- the agent has acted contrary to an assurance accepted by the Commissioner under the *Fair Trading Act 1987*; or
- the agent has acted contrary to this Act or otherwise unlawfully, or improperly, negligently or unfairly, in the course of performing functions as an agent; or
- in the case of an agent who has carried on business as an agent—the agent or any other person has acted contrary to this Act or otherwise unlawfully, or improperly, negligently or unfairly, in the course of conducting, or being employed or otherwise engaged in, the business of the agent; or
- in the case of an agent who has been employed or engaged to manage and supervise an incorporated agent's business—the agent or any other person has acted unlawfully, improperly, negligently or unfairly in the course of managing or supervising, or being employed or otherwise engaged in, that business; or
- the licence of the agent was improperly obtained; or
- events have occurred such that the agent would not be entitled to be granted the licence if he or she were to apply for it.

(The grounds for disciplinary action are set out in the current Act in section 16(10).)

The clause also provides for the following results:

- if a body corporate may be disciplined, so may the directors;
- an employer is excused in relation to the act or default of an employee if the employer could not reasonably be expected to have prevented the act or default of the employee.

The standard of proof required is expressly stated to be on the balance of probabilities.

Clause 26: Complaints

As in section 16(3) of the current Act any person may lay a complaint.

Clause 27: Hearing by Court

The clause allows the Court to adjourn the hearing to allow for further investigation.

Clause 28: Participation of assessors in disciplinary proceedings

The presiding judicial officer is to determine whether the Court will sit with assessors. This is similar to the provisions of other occupational licensing legislation recently reviewed.

Clause 29: Disciplinary action

This clause sets out the orders that may be made if disciplinary action is to be taken as follows:

- a reprimand;
- a fine;
- suspension or cancellation of a licence or imposition of conditions;
- imposition of conditions after the end of a period of suspension of licence;
- disqualification from holding a licence or a particular kind of licence or prohibition from carrying on business as an agent or as an agent of a specified class;
- prohibition from being employed or otherwise performing functions as an agent or as an agent of a specified class;
- prohibition from being a director of a body corporate that is an agent or an agent of a specified class.

This provision is similar to that contained in section 16(6) of the current Act, although the maximum fine that may be imposed has been increased from $5 000 to $8 000 and the ability to prohibit a person from being involved at all in the industry is broadened.

Subclause (3) is equivalent to section 16(7) of the current Act.

Clause 30: Contravention of orders

This clause makes it an offence to contravene a condition or order imposed in disciplinary proceedings and is equivalent to sections 16(9) and 17 of the current Act.

PART 5—MISCELLANEOUS

Clause 31: Delegations

This clause provides for delegations by the Commissioner or the Minister.

Clause 32: Agreement with professional organisation

This clause allows the Commissioner, with the approval of the Minister, to enter into an agreement under which a professional organisation takes a role in the administration or enforcement of the proposed Act. The agreement cannot contain a delegation relating to discipline or prosecution or investigation by the police.

The agreements are required to be laid before Parliament as a matter of information.

Clause 33: Exemptions

This clause provides the Minister with power to grant exemptions.

Clause 34: Register of licensed agents

The Commissioner is required to keep the register and to include in it a note of disciplinary action taken against a person (the latter requirement is similar to section 18 of the current Act). The requirement in section 18A of the current Act to advertise disciplinary action is not retained.

Clause 35: Commissioner and proceedings before Court

This clause sets out the entitlement of the Commissioner to be joined as a party and represented at proceedings.

Clause 36: Return of licences

This clause enables the Court or the Commissioner to require a person whose licence has been suspended or cancelled to return the licence and is similar to section 49 of the current Act.

Clause 37: False or misleading information

It is an offence to provide false or misleading information under the proposed Act. This is similar to section 48 of the current Act.

Clause 38: Statutory declaration

The Commissioner is authorised to require information provided under the proposed Act to be verified by statutory declaration. Section 12(2) of the current Act allows this in relation to an application for a licence.

Clause 39: Investigations

The Commissioner of Police is required, at the request of the Commissioner for Consumer Affairs, to investigate matters relating to applications for licences or discipline.

Clause 40: General defence

The usual provision is included allowing a defence that the act was unintentional and did not result from failure to take reasonable care.

Clause 41: Liability for act or default of officer, employee or agent

Acts within the scope of an employee's etc. authority are to be taken to be acts of the employer etc. This clause is similar to section 43 of the current Act.

Clause 42: Offences by bodies corporate

The usual provision placing responsibility on directors for offences of the body corporate is included. This is equivalent to section 50 of the current Act.

Clause 43: Continuing offence

A continuing offence provision is included as in section 51 of the current Act.

Clause 44: Prosecutions

The time within which prosecutions may be taken is extended from 12 months (see section 53 of the current Act) to 2 years or 5 years with the Minister's consent.

Clause 45: Evidence

An evidentiary aid relating to licences is included.

Clause 46: Service of documents

This clause provides for the method of service and is similar to section 47 of the current Act except that provision for facsimile transmission is included.

The requirement for an agent to provide the Commissioner with an address for service is similar to the requirement in section 25 of the current Act.

Clause 47: Annual report

As in section 46 of the current Act the Commissioner is to provide an annual report which is to be tabled in Parliament.

Clause 48: Regulations

The clause is similar to section 54 of the current Act and, so far as the ability of the regulations to provide for exemptions, section 6 of the current Act.

SCHEDULES

Schedule 1: Appointment and Selection of Assessors for Court

The provisions for selection of assessors for disciplinary hearings are similar to those recently enacted in relation to other occupational groups.

Schedule 2: Repeal and Transitional Provisions

The Commercial and Private Agents Act 1986 is repealed. Transitional provisions are included in relation to equivalent licences and orders of the Commercial Tribunal.

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

TELECOMMUNICATIONS (INTERCEPTION) (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 September. Page 68.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. The rationale and concern in relation to this Bill is the same as that in respect of the principal Act (the Telecommunications Interception Act 1988). In respect of that legislation, the Parliament considers that there are certain crimes of a serious nature in respect of which phone tapping is an important tool to identify and incriminate culprits. At the same time, because of the possibility of abuse, particularly unwarranted invasion of privacy, Parliament has been equally concerned that safeguards are built in whenever this type of legislation is considered. Similarly, the Commonwealth legislation is predicated on balancing these competing interests.

The prospect of abuse of police powers is very real and must be kept in mind whenever we as parliamentarians consider this type of legislation. I do not think that anyone would dispute that experiences in other countries show that, if police and Government agencies are given unfettered power, the available technology allows police and Government agencies, such as security forces, to dissect closely the intimate details of the lives of people deemed to be working against the interests of the State. We should not lose sight of these extreme scenarios because we would never want to be in that situation here.

Closer to home, it is apparent in other parts of Australia that there has been widespread police corruption from time to time. In South Australia, we had revelations in the 1970s when the special branch was found to have detailed files on the personal lives of a number of perfectly well behaved citizens including Labor politicians. A more contemporary example which gave rise to the concern of members in this place was the phone tapping of a member of this very Council not all that long ago. When telephone interception or phone tapping is applied by the State police to non-government members of Parliament, the potential for abuse is brought home to us very clearly. It is because of these very situations that suitable safeguards must be put in place and enforced.

It is also appropriate for the South Australian Police Complaints Authority to be able to give information to the Commonwealth Ombudsman. That would presumably occur in situations where the Police Complaints Authority became aware of abuses by Federal police. It is important to note that there are two newly created grounds for obtaining an interception warrant. It should be said that these two new grounds have been brought in by changes to the Commonwealth Act and we are simply picking them up locally. These new grounds in sections 7(4) and (5) of the Commonwealth Act are fairly broad in that they relate to people suspected of homicide, serious assault, threats to kill or serious property damage.

Although this significantly broadens the basis upon which phone taps may be undertaken without a warrant, it must be acknowledged that these are serious offences. To keep in line with the Commonwealth legislation, the Bill brings with it some additional reporting responsibility for the Commissioner of Police. These additional reporting responsibilities I would say are the minimum required to maintain a reasonable level of accountability. The Opposition acknowledges that it will be necessary to amend our State telephone interception legislation to keep it in line with the Commonwealth legislation, and it therefore supports the second reading.

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

CONSTITUTION (SALARY OF THE GOVERNOR AND ELECTORAL REDISTRIBUTION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 October. Page 92.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading of this Bill. Essentially, there are three aspects to it. Each of the propositions is reasonable. First, it seems reasonable to apply the salary payable to future Governors to the percentage increase payable to Supreme Court judges. The only query might be whether the Government has a particular future Governor in mind in putting this proposition forward. Of course, I am not suggesting that it would apply to the Attorney: he is still too young and is obviously not ready to hand over the reins, although I am sure that he would do a very good job.

Secondly, in relation to the timeframe for electoral redistribution, the Opposition agrees that there is a need to make the process of redistribution longer by allowing sufficient time after population statistics are taken to provide a draft report and a final report. The process will, in fact, be made more democratic by means of this amendment, since it will give the public and the political Parties a greater opportunity to comment on the draft orders made from time to time by electoral commissioners.

Thirdly, it is entirely appropriate that a fair, established and statutory base be provided for payment to members of the Electoral District Boundaries Commission. The obvious mechanism which this Bill takes up is to hand the function over to the Remuneration Tribunal. The Opposition appreciates the need for the Bill and is happy to support the second reading.

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

MOTOR VEHICLES (HEAVY VEHICLES REGISTRATION CHARGES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 October. Page 173.)

The Hon. T.G. CAMERON: At the special Premiers' Conference in October 1991, all heads of Government agreed in principle to establish a national heavy vehicle registration scheme together with uniform national transport regulations and nationally consistent charges. The National Road Transport Commission (NRTC), which is an independent statutory authority, was established in July 1991 and set up under Commonwealth legislation passed in December of that year. The NRTC's purpose is to investigate and make recommendations on the establishment of a national registration scheme, uniform road charges for heavy vehicles and nationally consistent operating regulations for all vehicles that promote road safety, transport efficiency and reduce the cost of transport administration. The Minister has adequately outlined the reasons behind this Bill and provided sufficient detail in relation to the concessions.

The Australian Labor Party supports this Bill and supports the introduction of quarterly registration which will give owners the option of registering their vehicles for three, six, nine or 12 months. This will assist people who might be in some financial difficulty, particularly if their registration fees fall due during a temporary business slump or coincide with a breakdown in their vehicle. It is also advantageous to farmers who may only operate their vehicles on a seasonal basis. If you only operate your vehicle for one or two months of the year, why should you have to register it for six or 12 months? I note that quarterly registration will be ultimately extended to all vehicles, and I support this initiative.

The proposed date for implementation is 1 January 1996. We note that Queensland and the Australian Capital Territory have already introduced legislation, and it is anticipated that other States will shortly follow. I understand that a 40 per cent reduction is proposed; this recognises the difficulties faced by our farming community and vehicle owners who reside in isolated areas. The legislation proposes to grant a 40 per cent reduction in the charge for those vehicles and trailers in the higher gross vehicle and gross combination mass categories. Could the Minister advise why the figure of 40 per cent was selected and how this compares with other States that have already introduced the legislation? Can the Minister say how that 40 per cent concession rate compares with what she may know other States will implement in this area? I hasten to add that I am not suggesting opposition to the 40 per cent concession: I am interested in the rationale behind the adoption of that figure.

Local government is affected by the amendment to section 31(1)(8) of the principal Act which removes exemption from registration fees for heavy vehicles. It is estimated that the cost to councils will amount to $500 000. For example, Marion council, which has approximately 50 heavy vehicles, would pay about $20 000 extra. Waikerie council, a much smaller council than Marion with fewer vehicles but with more heavy vehicles, would pay approximately $13 000 extra. At present, the Government receives $35.3 million from the registration of heavy vehicles. With NRTC charges imposed, revenue would be $36 million if no concessions applied. I understand that the quantum for concessions is determined by State Governments whereas the rest of the legislation is virtually a mirror image of the legislation which has already been agreed to during the processes I outlined earlier. I point out that the concessions are not part of the national agreement.

The State has offered concessions of $1.5 million to primary producers (the 40 per cent concession) compared to an existing 50 per cent concession on lower fees. There is also a $300 000 concession for outside areas, which includes Kangaroo Island and out of district areas such as Roxby Downs; that is, the total concessions would be $1.8 million. The total revenue of $36 million minus $1.8 million would leave a balance of $34.2 million. The loss of revenue from this Bill is therefore the $35.3 million minus $34.2 million: a figure of $1.1 million. I understand that the Government intends to make up this revenue when it makes similar changes to light vehicle legislation in the future.

The additional costs to which I have referred and which local government will incur will place local government under considerable financial pressure, particularly small country councils. Could the Minister advise whether any consideration was given to providing concessions to local government to cover this $.5 million, or was any consideration given to the phasing in of the increases to minimise the impact on councils, particularly some country councils such as the Waikerie council? The Labor Party supports the second reading.

The Hon. SANDRA KANCK: The Democrats support this Bill—and in many well ways welcome it—because it increases road charges for heavy vehicles, something that the Democrats have been on record as supporting for a long time. The increasing of road charges will more clearly reflect the damage that some of these large trucks inflict on our roads, and we hope that in the longer term it might act as a positive incentive for people to transport their products via rail rather than road.

We recognise that the increased charges reflect an agreed Australia-wide scheme and, as South Australia has had lower charges for some time, there was the potential for impact on the farming community. Therefore, I commend the Government for coming up with a scheme that is best described as an occasional registration of vehicles because it will relieve the impost which might have fallen on the farming community in South Australia. For instance, farmers will now be able to register their trucks for three months, which is probably all the time that is required during the harvesting season to deliver grain from their properties to the silos. Overall, the Bill is commendable and we will be supporting it.

The Hon. CAROLINE SCHAEFER: I support the Bill and acknowledge that the Government has done its best to minimise the effect on primary producers of increases in registration charges. I commend the provision to allow registration for three months because this will be useful to people who use trucks and heavy vehicles on a seasonal basis. However, I would point out some of the anomalies of this fee system decided on by the National Road Transport Commission (NRTC). In fact, some registrations will be less than they were previously under the scheme and some will lose on the swings and pick up on the roundabouts. But there appears to be a great anomaly that has been brought in simply for ease of administration and I will quote examples for members. A rigid truck with a tare range from six to seven tonnes under the NRTC fee registration will cost $500. But if that same rigid truck happens to have a tare weight of 7.1 tonnes, its

NRTC registration fee will be $800 and the fee will stay at $800 until it reaches a tare weight of 11 tonnes.

Similarly, a rigid truck and trailer combination from two tonnes to seven tonnes tare range attracts a fee of $600 under the NRTC scheme but from seven to 10 tonnes it attracts a registration fee of $2 100. A rigid truck and trailer over 10 and up to 11 tonnes faces a fee of $4 000. The people who haul for a living and who bought their trucks prior to this scheme coming in will face an impost, if their truck has a tare weight of 7.5 tonnes, where the fee will jump from $795 to $2 100. The only reason I can see for this classification relates to ease of administration and I believe it is very unfair, particularly on professional hauliers. Although the situation cannot be altered within this Parliament, it needs to be redressed and a sliding scale of fees looked at and, hopefully, introduced in the near future. I support the Bill.

The Hon. DIANA LAIDLAW (Minister for Transport): I thank all honourable members for their contributions to the Bill. A lot of work has been undertaken not only at the Federal level but between all levels of Government and with the trucking and farming industries over four or five years to come up with a scheme that is broadly acceptable, with compromises on the part of all and broadly acceptable across Australia. At a local level we have sought to cushion some of the impact without destroying the substance of the scheme, the substance being that those vehicles that cause the most damage should pay the higher charge.

I commend the Hon. Terry Cameron on his contribution and I should acknowledge it as his first contribution under his new responsibility as shadow Minister for Transport. Certainly, I look forward to working with him in the area of transport. A lot of reforms are being undertaken in this area of freight. Light vehicles will be the next area for the Parliament to address and the understanding of all honourable members in terms of discussion prior to bringing such matters before this place I find is certainly beneficial. Indeed, I think the quality of the legislation is stronger for that input from all Parties and members during the preliminary stages.

In terms of the Hon. Terry Cameron's contribution and questions, I seek leave to have inserted in *Hansard* a chart outlining primary producer fees as they apply now, the NRTC fee and the fees that will apply with a 40 per cent concession with respect to rigid truck and trailer combinations and prime mover and one trailer combinations.

The PRESIDENT: Is it purely of a statistical nature?

The Hon. DIANA LAIDLAW: Yes, Mr President.

Leave granted.

Primary Producers—NRTC Fee Comparison

Rigid Truck

Tare Range	50% current Annual Fee (Tare Mass)	NRTC Fee	No Concession
2-3 tonnes	171	300	300
3-4 tonnes	289	300	300
4-5 tonnes	382	300	300
5-6 tonnes	583	500	500
6-7 tonnes	689	500	500
7-8 tonnes	795	800	800
8-9 tonnes	901	800	800
9-10 tonnes	1 007	800	800
10-11 tonnes	1 113	800	800

Rigid Truck and Trailer Combination

Tare Range	50% current Annual Fee (Tare Mass)	NRTC Fee	40 per cent Concession
2-3 tonnes	171	600	360
3-4 tonnes	289	600	360
4-5 tonnes	382	600	360
5-6 tonnes	583	600	360
6-7 tonnes	689	600	360
7-8 tonnes	795	2 100	1 260
8-9 tonnes	901	2 100	1 260
9-10 tonnes	1 007	2 100	1 260
Rigid Truck Hauling 1 Trailer Axle Combination >6			
10-11 tonnes	1 113	4 000	2 400
Prime Mover and 1 Trailer			
2-3 tonnes	411	800	480
3-4 tonnes	600	800	480
4-5 tonnes	793	800	480
5-6 tonnes	1 212	800	480
6-7 tonnes	1 433	3 250	1 950
7-8 tonnes	1 654	3 250	1 950
8-9 tonnes	1 875	3 250	1 950
9-10 tonnes	2 098	3 250	1 950
10-11 tonnes	2 317	3 250	1 950

The Hon. DIANA LAIDLAW: In looking at the chart the honourable member will note that 40 per cent concession fees apply where there is the biggest leap from the current 50 per cent concession and annual fee to the fee proposed by the NRTC with no concession. With the 40 per cent concession rather than the current 50 per cent concession we have sought to achieve revenue neutrality across the various categories. It has been a complicated exercise. The chart simplifies the explanation to a large degree. If, after having seen the chart the honourable member has more questions, the Registrar of Motor Vehicles would be pleased to explain the issues further.

I understand that there has been concern from local government that there will no longer be concessions in this area. We will be ensuring for local government that all special purpose vehicles—and there are a lot of them, some in road making, garbage collection and fire fighting—will be eligible for special provision and will attract an administrative fee of $20 rather than a full registration fee. For other non-special purpose vehicles, like almost every other State, we have determined that a concession should no longer apply because local government will be competing for work in many of these areas in the future. That arises from the Hilmer report and general acceptance across government today that there should be increased competition within government for the provision of services—

An honourable member: What about the—

The Hon. DIANA LAIDLAW: With the exception of the taxi industry, yes. That has yet to be resolved at a State level, but that is certainly the view. Where there is competition, for instance, in road making, we believe strongly that local government should pay the full fee, just as the private sector must do, and now the Government. For instance, every heavy vehicle that the Department of Transport owns attracts full registration; every bus owned by TransAdelaide attracts full registration fees as it, too, is competing for work.

This is a change for local government, but I am sure it will find that many special purpose heavy vehicles will not need to be registered but simply have the administration fee applied. I reinforce the points made by the Hons Sandra Kanck, Caroline Schaefer and Terry Cameron that the three month registration fee will have wide application throughout the heavy vehicle industry, if not for prime movers at least for trailers. As trailers and prime movers will, from the time this Bill is proclaimed, be registered separately, which is not the case now, there will be some big leaps in outlays for owners of prime movers with trailers. If they can now register their trailers but not their prime movers on a seasonal basis that

will ease some of the burden arising from these new national charges.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—'Registration without fee.'

The Hon. P. HOLLOWAY: Currently, section 31 (1) of the principal Act provides:

> The Registrar must register without fee—
> (a) any motor vehicle owned by the South Australian Metropolitan Fire Service, or a voluntary fire brigade or voluntary firefighting organisation registered under any Act.

Under the amendment before us, the exemption is removed for that category of vehicle. In other words, those vehicles can no longer be registered without fee. I gather from the Minister's earlier comments in her second reading contribution that some other arrangements will be made for vehicles in this category. Will the Minister indicate exactly how these voluntary firefighting vehicles that are over the 4½ tonne limit, which makes them heavy vehicles, will be dealt with under the new arrangements?

The Hon. DIANA LAIDLAW: The Hon. Mr Holloway indicated to me earlier that he had a question in relation to this Bill. I subsequently mentioned it to my office and I received advice, and now I have lost that advice. I will speak to the question in general terms. For instance, a fire truck that is purpose built in the future will not have to register and will simply be recognised as a special purpose vehicle and have a $20 administration applied for a five-year period. A $5 renewal charge will then apply. For instance, a fire truck, which may be just a truck to which a water tank has been fitted for the summer months or the height of the fire season, would probably not be registered at all because it would be sitting on a property.

If it is needed for firefighting purposes, under section 11 of the Act, it is fully exempted from any charges or any third party claims. If it is unregistered and used for firefighting purposes during the fire season and at other times then it would not need to be registered or even have the administration fee applied. However, when the firefighting season is over and the tank is taken off the back of the truck because the farmer wants to use that truck on the road for any purpose, the farmer now has the option of three or six month periods for registering that truck.

We will be asking of farmers and others in these circumstances to look quite closely at their circumstances, because they will have, in future, a whole range of options that are not currently available to them, which will apply to various vehicles that they own and operate on behalf of the community. It will require some thought, and with thought people will find that special advantages arise from this legislation. I will look in more detail at the honourable member's question. If he does not believe I have answered it fully and if I, on looking at the question again, think there is more that should be provided, I would be very pleased to either have that further information inserted in the *Hansard* in another place, or even to make a small statement or answer a further question in this place.

Clause passed.

Remaining clauses (9 to 16) passed.

The CHAIRMAN: I point out to the Committee that clause 17, being a money clause, is in erased type. Standing Order 298 provides that no question shall be put in Committee upon any such clause. The message transmitting the Bill to the House of Assembly is required to indicate that this clause is deemed necessary to the Bill.

Title passed.

Bill read a third time and passed.

PAY-ROLL TAX (EXEMPTION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 October. Page 226.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): I support the second reading of this Bill. No-one can argue with the principle and sentiment behind this Bill. Obviously, everyone likes to see boom times for the South Australian motion picture industry. It is easy enough to understand that there will be a significant net benefit arising from this initiative when one considers the employment generated in South Australia for our very talented local technicians, actors and so on, in addition to the range of ancillary activities that might be associated with film making in South Australia right down to the tourism and catering prospects.

I recall that the Opposition asked a question in relation to payroll tax exemption for the film *Shine*, which was produced in South Australia earlier this year. Perhaps that question has led to appropriate guidelines being developed as set out in the principal clause of this amending Bill. I support the second reading.

The Hon. SANDRA KANCK secured the adjournment of the debate.

LAND TAX (HOME UNIT COMPANIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 October. Page 227.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading of this Bill. I am sure that honourable members will have been following the debate on this Bill in the other place and, accordingly, they will be aware that the Opposition is happy to support the principle and the contents of the Bill.

The Bill is primarily directed at shareholders in home unit companies which own a block of units in a particular case. Home unit company shareholders have obviously been complaining to the Government that they are not able to take advantage of the concessional threshold which attaches itself to a principal place of residence as distinct from the situation of strata title unit holders.

Two questions arise, and I will ask the Minister to answer them during the Committee stage or in reply to the second reading debate. I do not want to delay the passage of this Bill so, if the Minister is unable to answer the questions straight away, perhaps he will undertake to bring back a reply. The first is: as strata title ownership of home units and apartments has obviously proliferated since the introduction of strata title provisions in 1968, can the Minister tell us approximately how many home unit companies will be affected by this Bill? Secondly, what is the expected net financial impact for the State's revenues when this Bill is passed? The Opposition would appreciate answers to these questions. Accordingly, we support the second reading of the Bill.

The Hon. SANDRA KANCK secured the adjournment of the debate.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 17 October. Page 226.)

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I rise to thank Her Excellency for her speech and to respond to a number of members' contributions to the Address in Reply debate.

First, I congratulate the Hon. Paul Holloway and the Hon. Paolo Nocella on their maiden speeches, which coincided with the Address in Reply debate. Not all members are fortunate in commencing their parliamentary careers at the start of a parliamentary session to take advantage of the Address in Reply debate to speak freely on particular issues. The Address in Reply debate is one of the few opportunities available to enable members to range widely across any issue without having to be brought back to the matter at hand. There are a few other occasions when members are able to do that, but debates on the Supply Bill and the Appropriation Bill do give some flexibility. Of course, within the last year we have introduced the successful innovation of the five-minute grievance debates for matters of importance on Wednesday afternoon. I congratulate those honourable members on their maiden speeches. I am sure that they—particularly the Hon. Mr Holloway—will appreciate that not all contributions will be received as quietly as they were. However, due convention was followed. I have not noted any interjections in either of the speeches in *Hansard*, so clearly all members behaved themselves.

The Hon. Diana Laidlaw: It was a bit hard.

The Hon. R.I. LUCAS: It is always difficult, but the conventions were observed. The Hon. Mr Holloway stretched a friendship, because the other convention is that in a maiden speech one should not be provocative or controversial.

The Hon. Anne Levy interjecting:

The Hon. R.I. LUCAS: The Hon. Ms Levy says that she is not aware of that convention, but it has certainly been the convention in both Chambers. However, members did observe the convention. I am sure that the Hon. Mr Holloway will not expect such an easy ride during his future contributions.

I want to address a number of aspects in the Hon. Mr Holloway's contribution because, as I said, we were a touch restrained during his maiden speech. I noticed with interest that the honourable member said:

> Larger councils with fewer wards, bigger budgets, more responsibilities and more broadly-based election systems may attract better candidates from the large pool now available.

He also said:

> When 200 or 300 electors choose a councillor in the wards of even our biggest councils, it is inevitable that the parochial interests of vested interest groups will dictate the fortunes of local government.

I read that as a clear indication that the Hon. Mr Holloway at least is supporting the thrust of Government changes in local government to amalgamate local councils and establish larger and, as he argued, more representative councils. I thank the Hon. Mr Holloway for his support. I must admit that I am not really sure where his Party stands on this issue.

The Hon. P. Holloway: We have not seen the Bill yet.

The Hon. R.I. LUCAS: I do not intend to be provocative, because it may follow the Hon. Mr Holloway's position, which is that he supports that policy. I will reserve my judgment for a later time.

The Hon. Mr Holloway went on to talk about budget reductions in health and education. He came out with what I thought was a curious observation when he said:

> Contrary to the Brown Government's election promises, all the savings have been taken by the Government to spend elsewhere.

I need to reinforce for the honourable member that the savings have not been taken to spend elsewhere. The savings have been reductions in budget expenditure to try to balance the State's budget. When the Government was elected the State was spending $300 million a year more than it was earning, so the Government has taken the position that we should balance our annual budget just as anyone should balance their family, business or school budget. We cannot go on forever spending more than we earn every year. The Government is trying to balance the budget, not taking the money out of health to spend elsewhere.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: No. The criticism that can rightly be made of the Government is that it indicated that it would not reduce health or education expenditure. However, the criticism cannot be made that we said we would reduce health and education expenditure and spend it elsewhere, which was the comment made by the Hon. Mr Holloway in his contribution. The Government is not, as he alluded, taking the money from health and education and spending it on less important priorities, as suggested by the Hon. Mr Holloway. We are reducing our total level of expenditure so that we can balance our budget.

I am sure the that, in his family budget, the Hon. Mr Holloway does not spend the equivalent of $350 million a year more than he earns. I am not sure what his family arrangements are and I do not need to know, but I am sure he and his family have a budget, and they have to work to that annual budget. They would not spend their family equivalent of $350 million a year more every year than they earn. One cannot go on running a family budget that way. Similarly—

The Hon. Anne Levy interjecting:

The Hon. R.I. LUCAS: Well, if you want to talk about debt, we'll talk about $8 or $9 billion worth of debt. But similarly a State does not spend $300 million a year more than it earns as the previous Government was doing. We cannot continue with that.

The honourable member also made the following observation (and this is interesting because he made this comment on 10 October):

> One of the most amazing pieces of rhetoric that this Government has produced is its claim that privatising the management of our water and sewerage systems will lead to the development of an export-oriented water industry. What exactly will we export, and to whom?

Some seven or days or eight days later, I am sure that the honourable member will realise the extent and magnitude of the export industries that can be generated by this water contract. As the front page of the *Advertiser* clearly demonstrated today, we are talking about—and the Minister has clearly indicated this—some $650 million of export earnings from industry, with an improvement of about 1 000 to 1 100 extra jobs in the South Australian economy for young South Australians.

I should have thought even the Hon. Sandra Kanck, with her professed interest in solving the unemployment problem

for young South Australians, would warmly greet any new contract that will put 1 000 extra young South Australians and South Australians into employment compared to the somewhat ideological position that she has adopted that one should not change because it has always been that way, and we should not take these 1 000 or 1 100 extra jobs which are now on offer.

The Hon. Sandra Kanck: That's not what I said.

The Hon. R.I. LUCAS: Well, it's exactly the import of what you are saying: don't change because there are about 1 100 jobs there that we can get for South Australians, and young South Australians in particular. It was very pleasing to see today (and I might even have it on videotape if the honourable member would like to see it tonight) the Minister for Infrastructure, with sleeves rolled up, with Malcolm Kinnaird, and Geoff Anderson, former senior adviser to the Labor Party, and senior executives of the two companies at Pope Industries, indicating that the first $1 million worth of contracts as a result of this water deal are already starting to flow through Pope Industries.

The Hon. Sandra Kanck interjecting:

The Hon. R.I. LUCAS: Well, exactly! That just goes to show what a Government of initiative and action can achieve in terms of this water contract.

The Hon. Diana Laidlaw: Fast tracking!

The Hon. R.I. LUCAS: Fast tracking. Malcolm Kinnaird was there, live on air on Channel 10 saying, 'This is action today.' As a result of the interest and the work that has gone into this water contract—still to be finally signed, as the honourable member has indicated—the Minister was at Pope Industries today there, with his sleeves rolled up, looking delighted, I might say—

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: Exactly!—at the improved performance for this company. Looking at the employees there—shop stewards, union representatives and young people looking for future employment—they looked equally as delighted at the prospects not only of that company but also perhaps of 150 other companies in this area hopefully reaping the benefit of what has been from the Minister in particular and from the Government generally a far-sighted initiative in this area. So, the Hon. Mr Holloway's words of just a week ago have been answered very quickly by the Minister for Infrastructure.

The Hon. A.J. Redford: He's never been very pleased under this system, has he, given the amount of emotional rhetoric and ideological decisions?

The Hon. R.I. LUCAS: The Hon. Mr Redford's interjection is indeed correct. I want to comment briefly on the contribution from my colleague the Hon. Carolyn Schaefer. I do so to acknowledge the excellent work that the honourable member has undertaken wearing another hat, that is, the hat of the chair or convenor of the Eyre Peninsula Strategic Task Force.

An honourable member interjecting:

The Hon. R.I. LUCAS: Yes, the Hon. Frank Blevins and others are members of that group. I want to congratulate the Hon. Carolyn Schaefer for her hard work this in area. I do not intend to go over the detail of what she has done, although I must admit, in having listened to her contribution and reading it again, that I was delighted to see at the end that she summarises, as follows:

> It is an innovative plan but, in fact, requires no Government money, only some lateral thinking and legislative amendment.

If that is correct, certainly I am sure the Government and the Minister would welcome it. I do not intend to go through the detail. Suffice to say that it is a fair indication of the role that Government members—whether they are members of the front bench or the back bench—can play within a Party room that is prepared to work together. The Hon. Carolyn Schaefer was given an onerous task and responsibility by the Minister for Primary Industries. She has undertaken that task assiduously and in a very capable fashion.

As my colleague the Hon. Angus Redford indicated yesterday in one of his contributions—I cannot recall whether it was that on the audit report, the Address in Reply or whatever—it is an indication of where the overall talent and expertise that exist within the Government Party room can be and are being used by a number of Ministers in terms of allowing them to undertake important tasks on behalf of the Government and Government administration. I give that only as an example. I know other members are equally assiduously working for other Ministers or in other areas. I want publicly to acknowledge the work of the Hon. Carolyn Schaefer on behalf of the Government.

There are only two other contributions to which I want to address some comment. Not surprisingly, I wanted to comment on the contribution by the Hon. Carolyn Pickles, and particularly some of her comments in relation to the education portfolio. In her contribution, the Hon. Carolyn Pickles claimed that there has been a reduction of some 1 600 jobs in the Education Department in just one year. The honourable member knows that that is not correct. She has been advised on a number of occasions that, because of the seasonal nature of the employment patterns within the Department for Education and Children's Services, it is not correct to compare the employment levels in December of a year with those of June the following year. On a number of occasions, she has been advised that, if one is to compare the employment levels in the department, one must compare like with like. Whether that be December to December or July to July, it does not really matter. However, you cannot compare a seven month period and then add to that 250 reductions in school services officers and a variety of other calculations as she has sought to do, and come up with a figure of 1 600 teacher reductions.

The Hon. T.G. Roberts: You can, but you would be wrong.

The Hon. R.I. LUCAS: Well, you can, but you would be wrong. That was the Hon. Terry Roberts using the mathematics of the Left, the loopy Left, the Castro-Left or the hard Left, whatever description he wants.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: That's true. I stand corrected: you can do it. The loopy Left might. You can do it, but you're wrong. In effect, the Hon. Carolyn Pickles has added apples, oranges, and bananas, and heaven only knows what else, and come up with this figure of 1 600 jobs. It is just a nonsense to suggest that there has been a reduction of 1 600 jobs within the education system.

The honourable member does make a point with which I agree—that there is an urgent need for an information technology plan. We have already announced that we have a draft five year plan for information technology in schools to be distributed into the system some time later this year or early next year for comment. Again, the honourable member makes a claim which she knows to be wrong, and that is that the Minister withheld the allocation to schools of $360 000 under the computer grants scheme. The honourable member

has been told on two separate occasions, I think in writing and certainly verbally, that the full allocation of $360 000 to the department was made during the last financial year. Her statement is, therefore, incorrect.

The honourable member also claims that seven major school capital works projects slipped on budget, and that the money for those projects was returned to Treasury. Again, I inform the honourable member that she is wrong: that money is held in our capital reserve account to get projects for this year up and going. The honourable member then makes a curious claim, as follows:

> Of even greater concern is the decision to make the program for the construction of new schools and the redevelopment of existing facilities dependent on funds from the sale of school property. The Minister says that the capital works budget is now conditional upon revenue from the sale of assets. His view is that his department is lucky to be able to keep these funds. This is simply unacceptable. It is little wonder that the capital works program is in a shambles.

Again, the honourable member is wrong. That is a policy that she actually helped the previous Government to introduce, and the present Government has just continued that policy, that is, that a part of the revenue budget for capital works comes from the sale of land and property. The present Government's position in that regard is exactly the same as that which the honourable member and previous Labor Ministers of Education supported. Indeed, I think it is a very sensible policy as long as the property market allows you to sell some of these surplus properties.

The honourable member makes comment about the reduction in retention rates from 1993 to 1995. Whilst the figures are obviously correct, the honourable member ought to be reminded that those figures are reflected across the nation—they are not peculiar to the South Australian education environment and, therefore, they are not particular to any education policies that this Government has introduced. They are Australia-wide figures and due in large part to two factors: first, reduced youth unemployment, that is, more young people are going directly into full-time or part time employment; and, secondly, more young people are going either into TAFE training courses, other courses, or university education.

The only point that the honourable member makes about the full-time youth labour market for 15 to 19-year-olds is that she tries to suggest that it has dropped since 1975 (which she goes back to) from 510 000 to 260 000. In some way, she is trying to impart blame to the Liberal Government for what was 20 years of almost continuous Labor Administration. The one point that we can make in relation to 15 to 19-year-olds is that when we were elected to Government about 42 per cent were unemployed. While at the moment the figure is still too high, it has been reduced to just over 30 per cent.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: It was those three years that we had out of the 20, was it? The Hon. Paul Holloway said in his contribution:

> The $6 million extra promised for waiting lists has turned out to be a pea in a thimble trick. In its first budget, the Brown Government took $6 million out of its allocation to hospitals and placed it in what was called a casemix bonus pool.

The Hon. Carolyn Pickles stated in her Address in Reply speech:

> The $6 million extra promised for waiting lists turned out to be a pea in a thimble trick: $6 million was taken out of the allocation to hospitals and placed in a casemix bonus pool. Not surprisingly, the casemix pool was—

Obviously, the Hon. Carolyn Pickles is saving on research. The Hon. Paul Holloway spoke earlier in the debate. We talk about Helen Demidenko, but what we see here is plagiarism of the grossest kind. The Hon. Paul Holloway did all this hard work, produced all this information on health and a variety of other areas and, word for word, four or five days later, the Hon. Carolyn Pickles has plagiarised and quoted verbatim his hard work. The Hon. Mr Holloway is a very generous fellow. He does all the hard work—it is there in black and white in *Hansard*—and his Leader comes along and says, 'I have to speak in this debate.' Obviously she decided that she would not be able to think of anything original, wondered who said something on this topic, thought that she would do a Helen Demidenko, and proceeded to quote word for word large chunks of the Hon. Mr Holloway's speech and pass it off as her own.

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Redford points out that this is perhaps the factions coming together. I know that the Left and Labor Unity came together at the convention, but it was the loopy Left in Labor Unity which managed to do over the loony Left represented by the Hon. Ms Pickles. Now we have the Hon. Ms Pickles perhaps trying to curry favour amongst the Labor Unity. Imitation is the sincerest from of flattery, so she said, 'I'll read out large chunks of Mr Holloway's speech, and he'll look at that and say, "My goodness, my Leader has read out all my speech; it must have been very good."'

The Hon. Diana Laidlaw interjecting:

The Hon. R.I. LUCAS: I'm not sure. The advantage that I had in having to respond to these speeches was that I actually read them, having listened to them. I guess the Hon. Ms Pickles was working on the basis that no-one reads *Hansard* and that no-one would read all the Address in Reply speeches. When I read her speech I thought, 'This is funny; I've read this before somewhere.' It was only this morning that I realised that it was actually Mr Holloway's speech that she decided to give as her own a few days later. I will leave it at that as the hour is drawing on. I must admit that there were some other very interesting liberal quotes of the Helen Demidenko kind used by the Hon. Ms Pickles relating to Mr Holloway's hard work, but I think I have made my point.

I thank members for their contributions, original or otherwise. If I were to give a mark out of 10 as Minister for Education I would have to deduct some marks for those who plagiarised the work of their classmates. The Hon. Ms Pickles is therefore deducted significant marks in relation to her contribution.

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: If I were to give grades, the Hon. Mr Holloway would get about four out of 10 but Ms Pickles's plagiarism rates zero.

Members interjecting:

The Hon. R.I. LUCAS: No, I think members are being frivolous. I again thank members, particularly those who have undertaken original work.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: The Hon. Terry Roberts is very keen to get a mark for his contribution but, no, I cannot do that. The Hon. Mr Holloway had his nose just ahead. My sympathies have always been just a little bit with Labor Unity as opposed to the loopy or the looney Left. The Hon. Mr Holloway has his nose in front, if I can put it that way, in terms of contribution. I thank members for their contribution.

The Hon. DIANA LAIDLAW (Minister for Transport): I will briefly respond to some of the remarks made by the Hon. Sandra Kanck in her contribution to the Address in Reply. She spoke exclusively on the issue of the Southern Expressway, which is an issue dear to my heart. The Southern Expressway was announced by the Premier and me on 21 March this year. It had long been called the third arterial road. The announcement indicated that it would now run for a distance of 22 kilometres at an estimated cost of $112 million. It would advance in two stages: stage 1, Darlington to Reynella, costing $57 million, to be completed by December 1997; and stage 2, Reynella to the Onkaparinga River, costing $55 million, to be completed by the year 2000. It will be a one way reversible road which will ease traffic flow congestion on all three major southern roads for commuters during peak hours.

The demand for additional capacity during peak hour periods will be alleviated by running traffic northbound in the morning and southbound in the afternoon. Members would be aware that successive Governments for many years have recognised the need for extra traffic access to the south, and have progressively put land aside for this purpose, giving the community a unique and valuable transport corridor. So, people for years have invested in housing and the like on the understanding that that corridor would one day have constructed upon it a roadway. The Government intends to honour that commitment to local councils in the area and to business and community at large.

We have to recognise that the Southern Expressway must not be seen in isolation. In respect of the decision to build the expressway, the Government froze planning in terms of additional housing east of Main South Road and in the Willunga Basin area. That is an important consideration when addressing the Southern Expressway issue. In addition, people have to recognise that this facility is not just for residents and businesses in the southern areas of Adelaide but also for people who must travel and who wish to travel through the outer southern suburbs to get to the tourism facilities beyond. A large amount of important tourism infrastructure is being developed and encouraged in the Fleurieu Peninsula: whether it be the Southern Vales wine growing areas, Wirrina, access to Kangaroo Island or the Victor Harbor-Port Elliott area, moving around in a circular route through Strathalbyn and joining up with the South-East Freeway. It is an important transport link combining very important tourism areas in South Australia. When one looks at interstate comparisons, in particular, we need to make our wonderful beach areas, wine growing areas and the like more accessible to people. This will make them more attractive for people to come here and will make our marketing effort more successful.

In terms of road developments generally, it is important to note that, for every dollar spent on the Southern Expressway, the community will receive a benefit of about $3 through shorter travel times, reduced vehicle operating costs, reduced fuel consumption and reduced numbers and costs of accidents. In addition, less fuel consumption and higher average speed means less air pollution. The method used to calculate this cost benefit ratio is the same method used widely and respected throughout Australia as the basis for assessing the economic justification of all road projects. Building the expressway will provide a much needed boost for the South Australian construction industry, and this is an important consideration to all members in this place in terms of jobs.

It is interesting that so many of the calls to the hot line were about jobs. Unfortunately, the southern areas of Adelaide have a very high unemployment rate. There is considerable enthusiasm in the south for this road and the construction opportunities that it will encourage over a number of years. Already, more than 100 people are working on preconstruction activities for the Southern Expressway. Work will begin in earnest in December this year, which has always been our deadline. Motorists and residents may have already noted drilling rigs periodically setting up on Marion Road and farther up O'Halloran Hill to extract soil and rock samples. These investigations have been conducted by the Adelaide firm Coffey Partners International, which is a specialist firm of geotechnical consultants. The field investigations conducted by Coffey Partners International are now complete, and the results will form the basis of further design aspects for the Southern Expressway.

Bore holes, excavation of test pits, ripping trials and geophysical testing describe the types of investigative techniques that have been undertaken by Coffeys. The findings will ensure that formations for the road, cycle paths and bridges are efficiently built. In addition to the soil testing, a team of environmental consultants from locally based Acer Wargon Chapman are currently compiling information for the environmental report, which also focuses on the first section of the project. This project meets the requirements for environmental assessment as determined by the previous Government when the Hon. Don Hopgood was Minister for the Environment. His opinion that an environmental assessment report was required—and not a full EIS—has subsequently been endorsed by the Minister for Housing and Urban Development, the Hon. John Oswald.

This report by Acer Wargon Chapman will be on public display in November at council office locations. It will be on display and available for public comment for one month, which is the standard time in this area. The assessment will consider road user benefits, flora, fauna, noise, air quality, water quality, soil, land use, visual amenity and social aspects. It will also build on the previous assessments undertaken along the expressway corridor, such as the Aboriginal heritage study, which has recently been completed. I also note that part of the brief of this environmental assessment process is to encompass further community information and consultation on the development of the project, including landscaping, pedestrian and cycle paths and recreational uses.

These are important considerations in this whole project, as are public transport uses in terms of express services. Many other contractors are also involved in designing systems which take into consideration the recommendations of the environmental assessment, geophysical testing and further community consultation. In respect of community consultation I publicly applaud the efforts of O'Reilly Consultants, who have been involved in a communication and public relations effort, which has been recognised by his peers in the Public Relations Institute with the Gold Medal Award for the best public relations communications initiative over the past year.

The Hon. Sandra Kanck: Are they South Australian?

The Hon. DIANA LAIDLAW: Yes, South Australian. People generally have applauded the effort, because through the signs, the radio signal and the like we have been able to advertise the hotline number. People generally are aware that there is a hotline that they can ring to express their interest in the project. They can express their concerns about various

aspects of the project on the hotline. That feedback is then addressed either on the spot or through regular newsletters that go out to the community. It also helps the consultants and the project manager, Maunsell, to design the project incorporating as much as possible the concerns of local residents and others.

So, the communication strategy, the radio signal and the like, is a key part of the general communications in ensuring that this project meets diversity of needs within the community. With some regret I noted the Hon. Sandra Kanck's comments about the project. I would like to keep her well briefed about the benefits of the project, and I certainly extend that opportunity. I accept that she may not wish to or be fully able to accept all those benefits but I would wish her to be better informed than her contribution suggested earlier this week. On that basis I conclude my remarks.

Motion carried.

HUS EPIDEMIC DOCUMENTS

The Hon. DIANA LAIDLAW (Minister for Transport): I was tempted to read into *Hansard* a ministerial statement given a short time ago by the Minister for Health in another place in respect of freedom of information requests in relation to the South Australian Health Commission and the Ombudsman but, in view of the hour, I seek leave to table the statement.

Leave granted.

WORKERS REHABILITATION AND COMPENSATION (DISPUTE RESOLUTION) AMENDMENT BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

This Bill represents the third crucial stage of legislative reform to the South Australian WorkCover system made by this State Government.

In April 1994 this Parliament passed Government legislation which established new structures designed to enhance policy making and administration of WorkCover, and address a number of specific legislative matters. Those reforms commenced operation in July 1994.

In April 1995 this Parliament passed Government legislation which represented the most substantial overhaul of workers rehabilitation and compensation laws in South Australia since the inception of WorkCover nearly a decade ago. Key elements of those legislative reforms came into operation in May 1995 and August 1995.

This Bill addresses a third significant reform issue and one left unresolved by the April 1994 and April 1995 legislative reforms. That issue concerns the statutory framework for the resolution of disputed claims concerning the rehabilitation or compensation of injured workers under the South Australian WorkCover scheme.

This Bill repeals the current review and appeal provisions in Part 6 of the principal Act and substitutes a new legislative scheme for dispute resolution.

In introducing this measure the Government has endeavoured to balance crucial policy objectives. These objectives have had regard to the principles of best practice in dispute resolution, including an application of the principles of early intervention, conciliation, removal of duplication, administrative, arbitral and judicial efficiency and the minimisation of costs. These principles have been balanced with the overriding need to ensure equity and natural justice in decision making, and no net increase in cost to the WorkCover scheme given the current unacceptable level of WorkCover's unfunded liability in South Australia.

This Bill has been subject to more formal consultation between the Government, the major parliamentary parties and the key worker and employer industrial stakeholders than any other workers rehabilitation and compensation reform during the history of the WorkCover scheme.

In April 1995 the State Liberal Government agreed with the Labor Opposition and the Australian Democrats to form a five member working party to arrive at consensus based legislative reform to the WorkCover dispute resolution process. A working party comprising the Minister for Industrial Affairs, the Shadow Minister for Industrial Affairs, the Leader of the Australian Democrats and a nominee of the South Australian Employers' Chamber of Commerce and Industry and a nominee of the United Trades and Labor Council have met almost fortnightly for the past five months in order to achieve this keynote legislative reform.

In the course of its deliberations the working party and its secretariat has consulted widely with interested parties, including the President and Members of the Workers Compensation Appeal Tribunal, the Chief Review Officer and Members of the WorkCover Review Panel, WorkCover executives, national dispute resolution consultants, the Attorney-General's department, the Crown Solicitor, the Law Society of South Australia, unions, employer organisations, the Self-Insured Association of South Australia, the Self-Managed Employers Group, the Registered Employers Group, the Department for Industrial Affairs and major legal firms involved in the workers compensation jurisdiction.

In introducing this measure, the Government would like to acknowledge the work of all members and the secretariat of the working party and also thank these external organisations for participating in this consultative process.

In proposing the repeal of the existing Part 6 of the principal Act, the working party has not sought to introduce change for change sake. Whilst the working party has proposed, as reflected in this Bill, a new statutory framework for resolving disputed claims, that statutory framework retains or modifies some aspects of the current system and replaces other features with new procedures designed to introduce best practice in dispute resolution.

In introducing this Bill the Government has endorsed the dispute resolution principles advocated by the Industry Commission in its February 1994 report into workers compensation systems in Australia. As the Industry Commission noted, workers compensation is a fertile arena for disputes. The stakes can be high, particularly for workers and their families. The Commission's preference was for reliance on non-adversarial dispute resolution procedures (with the emphasis on conciliation and arbitration, although legal representation should not be excluded). Judicial review should be a last resort. Procedures should be characterised by a prompt initial decision subject to non-judicial review by an independent internal arbitrator in the first instance, before appeal to external arbitration and/or resort to the courts. This measure is consistent with that broad framework.

The Bill openly advocates the principle of early intervention as a means of resolving disputes more equitably and with less complexity and cost. The Bill does this by requiring an internal process of initial reconsideration by the compensating authority as soon as a decision on a claim has been disputed. This initial reconsideration is designed to improve the quality of decision making by compensating authorities and to provide a formal basis for accountability by compensating authorities for its decisions. This is a particularly significant initiative given that the management of WorkCover claims involving registered employers has, since August this year been outsourced to private sector bodies.

As the Industry Commission also noted, internal review ensures sound primary administrative decision making before such decisions are open to external review. It complements expedient first instance decision making by providing an opportunity for a second, more detailed examination of disputed determinations. It is also capable of more rapid, flexible responses than external review.

This Bill also endorses the concept of conciliation of disputed claims. Whilst the current Act gives limited recognition to conciliation, it provides an inadequate legislative framework for meaningful resolution of disputes at the conciliation stage. This Bill provides for a compulsory conciliation mechanism not dissimilar to other industrial relations jurisdictions, prior to arbitration or judicial determination of claims. The emphasis on conciliation as a meaningful and workable mechanism for dispute resolution is designed to

resolve claims more quickly and with less cost than under the current framework.

A further important policy initiative proposed by this measure is to bring the processes of conciliation, arbitration and judicial determination under the one umbrella of the Workers Compensation Tribunal. This initiative will enable more efficient management of disputed claims, improved administrative processes and enable complex legal matters to be dealt with promptly by judicial determination in the event that conciliation is unsuccessful. A further, but related reform, is the conferral of a re-hearing jurisdiction to Presidential Members of the Tribunal, rather than the current unsatisfactory process of strict appeals which do not permit the Tribunal to re-hear evidence which is crucial to equitable decision making.

The Bill contains a range of other reforms supplementary to these key features, which include improved provisions relating to evidentiary matters, resolutions of questions of law, expedited claims and notifications of dispute. The transitional provisions also deal with the management of disputed claims between the current and proposed new system, and the status of members and staff of the current Appeal Tribunal and the Review Panel within the new structure.

This reform measure is the culmination of many months of considered policy discussion. The Government looks forward to this measure being passed by this Parliament to enable to new dispute resolution framework to be enacted with consequential benefits for injured workers, employers and the WorkCover scheme.

I commend the Bill to this Parliament and seek leave to have inserted in Hansard Parliamentary Counsel's detailed explanation of the clauses without my reading it.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation.

Clause 3: Amendment of s. 3—Interpretation

This clause provides for various definitions required on account of this Bill.

Clause 4: Amendment of s. 8—Functions of Advisory Committee

This amendment is associated with the new definition of 'industrial association'.

Clause 5: Amendment of s. 36—Discontinuance of weekly payments

These provisions relate to the status of weekly payments when a worker lodges a notice disputing a decision of the Corporation to discontinue or reduce weekly payments. If a worker lodges a notice within one month after he or she receives notice of the decision, the operation of the decision is suspended, and weekly payments will be made until the matter first comes before a conciliator. The Tribunal will then be able to order the continuation of weekly payments so as to allow a reasonable opportunity for the dispute to be resolved without prejudice to the worker's financial position in the interim. A resolution of the matter on a reconsideration of the decision by the Corporation will also terminate these interim payments unless the worker expresses dissatisfaction with the result of the reconsideration. The Corporation will continue to have a right of recovery or set-off in respect of these payments if the dispute is resolved in its favour.

Clause 6: Amendment of s. 42—Redemption of liabilities

This makes a technical amendment in order to ensure that all costs under section 32 can be included in a redemption under section 42.

Clause 7: Amendment of s. 42B—Power to require medical examination, etc.

These amendments are similar to the amendments contained in clause 5, as sections 36 and 42B of the principal Act include comparable review provisions.

Clause 8: Amendment of s. 54—Limitation of employer's liability

This amendment will transfer jurisdiction in an action for the recovery of compensation under section 54(7) by a person who has made a payment under this Act against a third party from the Industrial Court to the Tribunal (constituted of a presidential member).

Clause 9: Amendment of s. 60—Exempt employers

This amendment is consistent with the new definition of 'industrial association'.

Clause 10: Amendment of s. 64—The Compensation Fund

This is a consequential amendment.

Clause 11: Amendment of s. 68—Special levy for exempt employers

This is a consequential amendment.

Clause 12: Amendment of s. 76—Proof of registration

This amendment is consistent with the new definition of 'industrial association'.

Clause 13: Substitution of Part 6

This clause provides for the repeal of Part 6 of the Act and the substitution of new Parts providing for the constitution and proceedings of the Tribunal under the Act, and relating to dispute resolution under the Act.

Section 77 provides for the continuation of the Workers Compensation Appeal Tribunal as the Workers Compensation Tribunal. Section 77A provides for the seals of the Tribunal.

Section 78 provides that the Tribunal may be constituted of a Full Bench, a single presidential member, or a single conciliation and arbitration officer. A Full Bench will consist of three presidential members under section 78A. Section 78B allows the Registrar to exercise various powers, including for functions assigned by the rules. Section 79 provides that the Tribunal will have the jurisdiction assigned by statute. Under section 80, the Senior Judge of the Industrial Relations Court will be the President of the Tribunal. Under section 80A a Judge of the Industrial Relations Court will be a Deputy President of the Tribunal. The Governor will also be able to appoint legal practitioners as Deputy Presidents of the Tribunal.

Section 81 provides for the appointment of conciliation and arbitration officers. Under section 81A the term of an appointment under section 81 will be five years. A conciliation and arbitration officer will be subject to the administrative control of the President under section 81B. Section 82 provides for the Tribunal's administrative and ancillary staff. The Registrar will be the Tribunal's principal administrative officer under section 82A. Section 82B provides that the Tribunal's staff are responsible to the President for the proper discharge of their duties.

Section 83 provides for the time and place of sittings of the Tribunal. Under section 83A the Tribunal will be able to adjourn proceedings from time to time and order the transfer of proceedings from place to place. The Tribunal will be able to issue summonses under section 84 and compel the giving or production of evidence under section 84A. It will be contempt of the Tribunal under section 84B to refuse to give or produce evidence or evidentiary material if required to do so by the Tribunal. The Tribunal will be able to instigate or authorise the inspection of premises and land under section 84C. Section 84D sets out how a summons is issued.

The Tribunal will act according to equity, good conscience and the substantial merits of the case under section 85. Under section 85A hearings of the Tribunal will be in public, other than for interlocutory or conciliation proceedings, or if the interests of the parties require that a proceeding be held in private. Section 85B sets various rules as to representation before the Tribunal. Under section 86, an appeal will lie on a question of law from a decision of a single member of the Tribunal to a Full Bench of the Tribunal. A Full Bench may state a question of law to the Supreme Court under section 86A. The Registrar will issue a certified copy of a judgment or order of the Tribunal under section 87, and the judgment or order may then be filed and enforced as if it were a District Court judgment under section 87A. Judicial immunity is provided to members of the Tribunal under section 88. Section 88A prescribes cases that may constitute a contempt of the Tribunal. A contempt may be punished by a fine under section 88B. Section 88C relates to the issue or execution of any process of the Tribunal and section 88D to service. The President will be able to make rules of the Tribunal under section 88E. Section 88F gives the Tribunal discretionary power over costs. Section 88G regulates scales of costs of representation in proceedings before the Tribunal. It will be unlawful to recover costs for work involved in representation before the Tribunal over and above the prescribed scale. Under section 87H, no proceeding or decision of the Tribunal will be able to be called into question except as provided by the Act, or in proceedings founded on an alleged excess or want of jurisdiction.

Section 89 is an interpretative provision for the purposes of Part 6A.

Section 89A sets out the decisions that are reviewable under the Act. A person who has a direct interest in a reviewable decision may give notice of a dispute under section 90. The notice is lodged with the Registrar. Section 90A provides that a notice of dispute must be lodged within one month of notice of the decision being given, unless a member of the Tribunal allows an extension of time. The Registrar will send a copy of a notice of dispute to the other parties under section 90B.

Section 91 provides that the relevant compensating authority must reconsider the decision that is subject to a notice of dispute. The authority will then communicate its decision on the reconsideration to the Registrar. This should all occur within seven days.

If the matter remains unresolved, the matter must be referred to conciliation by virtue of section 91A. Sections 92 to 92D relate to conciliation proceedings. If conciliation proceedings do not achieve a settlement in the dispute then the conciliator must refer the dispute into the Tribunal for arbitration or judicial determination.

Sections 93 to 93B relate to arbitrations. An arbitrator will be able to take into account recommendations of a conciliator.

The Tribunal will determine a dispute that has not otherwise been resolved by judicial proceedings under sections 94 to 94C. A pre-hearing conference will normally be held. The Tribunal will re-hear a matter without regard to decisions taken in earlier proceedings.

Section 95 sets out the rules as to costs.

Section 96 provides that the Minister may intervene in proceedings before the Tribunal or the Supreme Court under this Part if satisfied that he or she should in the public interest.

Sections 97 to 97B allow the Tribunal to act if a worker or employer applies to the Tribunal on the basis of undue delay in making a decision that affects the worker or the employer under the Act. The provisions are based on existing section 102. Section 97C is a consequential regulation-making power.

Clause 14: Amendment of s. 108—Medical examination at request of employer

Clause 15: Amendment of s. 123A—Right of intervention

Clause 16: Amendment of Schedule 1—Transitional provisions

These are consequential amendments.

Clause 17: Transitional provisions

This clause sets out various transitional provisions required for the purposes of this measure. Particular provision is made for the continued appointment of Deputy Presidents and staff of the Tribunal, and for the transfer of certain staff of the WorkCover Corporation. Existing proceedings before Review Officers that have been substantially commenced before the commencement of this measure may continue under the former legislation. New proceedings (or proceedings not substantially commenced) will proceed under the new legislation (even if the reviewable decision is made before this legislation comes into operation). Review Officers will transfer to the Tribunal for the remainder of their respective terms of office.

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

ADJOURNMENT

At 6.30 p.m. the Council adjourned until Thursday 19 October at 2.15 p.m.