LEGISLATIVE COUNCIL

Thursday 28 March 1996

The PRESIDENT (Hon. Peter Dunn) took the Chair at 11 a.m. and read prayers.

SUPPLY BILL

Adjourned debate on second reading.

(Continued from 26 March. Page 1110.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. The Government has been consistent in a number of respects over the past two years or so. It is a Government of secrecy; it is a Government of broken promises; and it is a Government of arrogance, with many examples of community consultation processes being marginalised or overridden. There are numerous examples of Government agencies frustrating the intentions of the Freedom of Information Act by refusing, on spurious grounds, to disclose documents or information. The most notable was the case of the Garibaldi affair, in relation to which it took the Opposition most of last year to extract documents under the care and control of the Minister for Health, and the water privatisation market research—a case in which the Government seeks to prevent the public from knowing what the public themselves have collectively decided about the water management privatisation processes. In every such case the Ministers concerned must be held responsible for these blocking actions that frustrate the intentions of the FOI legislation. Ultimately the whole of Cabinet is culpable for these examples of excessive insularity and secrecy because there seems to be an attitude across the board: the Brown Government's decision will be made completely without regard for the feelings of ordinary people in the community of South Australia.

The other remarkable feature of the Brown Government so far is the utter lack of vision. There seems to be no overarching purpose of the Brown Government, other than as an agency selling off the assets of the State, or at least the control of the assets we have: pipelines, open space in suburban areas, public hospitals, control of our water supply and the State's forests. The list goes on and on, and one wonders how long it may be before ETSA is put on the auction block, as a former Liberal Premier of New South Wales, Nick Greiner, is urging us to do. The withdrawal of the State from these major infrastructure areas will only serve to create Government guaranteed monopolies for the private companies that take them over. This mad rush to sell off the State's assets means that future generations of South Australians will be stuck with excessive payments to private operators in order for the basic functions of the Government to be carried out as they should be.

Despite the Government's extravagant claims about the economic development that will be supposedly stirred up by the privatisation program, the reality is that these deals are likely to deprive the State of some of the most significant levers available to it to influence the level and quality of economic development. Because this Government's only substantial policy is a non-policy of selling off State-owned assets and State-managed resources, it must rely on phoney marketing—tricks with mirrors. Hence we are the State of 'Going all the way'. Although we are getting used to it after seeing it on various billboards and bits of paper, Australians from interstate still laugh at this embarrassingly stupid slogan when they hear it for the first time. In belated recognition of this, I notice that the Premier has been making public statements that soften the way for the watering down of the 'Going all the way' campaign. Image is all important to this Government because it lacks substance. The proposed forestry deal provides a good example. When Cabinet finally decided that it could not politically afford to sell off the State's forests holus-bolus, some bright spark hit on the idea of selling off the rights to take the trees away without actually selling the land.

Obviously some Cabinet Ministers really believe that this concept could be successfully marketed, in other words, that the public could be conned into thinking there is nothing wrong with that—it will not sell the forests, it will just sell the trees. One wonders what they will finally do with this particular deal. The public is not that stupid; it can see through that sort of deception very quickly. It has been particularly transparent to the supporters of the former Minister for Primary Industries in the south-eastern part of the State. Yet another example we have seen recently of the Government's trying to manipulate public opinion is the way in which it has dealt with the water management privatisation. Both the Premier and his rival the Minister for Infrastructure have repeatedly and unequivocally stated that the successful bidder for the water contract was expected to have 60 per cent Australian equity within 12 months. It was even stated in November last year quite definitely that this would be part of a contract signed with the successful bidder. This has turned out to be utterly and completely false. We are currently in a position where foreign interests effectively control our water supply, and that is the way the situation will stay according to the Government's contract.

The Government has again settled for hyperbole in preference to the facts when trumpeting the supposed benefits of the water deal by the Minister for Infrastructure. Just look at the way in which the Minister and the Premier have crowed about the 1 100 new jobs as if they were an accomplished fact, yet we know that there is nothing binding on United Water to create any number of jobs whatsoever. These jobs are merely a dubious theoretical projection of the conservative Centre of Policy Studies at Monash University. The figure of 1 100 has been plucked out of the air by means of an undisclosed and dubious multiplier factor.

Then there are the exports that feature in the bungled selection process for the water deal. This would have to be the first time in economic history that repatriated dividends and profits have been classified as exports. There is $255 million in repatriated dividends in the United Water contract and total exports over 10 years of $628 million—over one-third. The jobs in this component of the exports are likely to be trivial in number. Take out repatriated dividends and you have export of product of just over $370 million during the 10 years. Any exports of volume-added product are welcome, but the real question is whether a mere $37 million in average annual exports justifies handing over control of our water systems to private foreign interests. Could not SA Water itself have undertaken a comparable export project in partnership in the private sector? Of course it could have.

The Minister is full of assurances that the foreign giants, CGE and Thames Water, will use Adelaide as their sole bid vehicle for exports into Asia. No-one believes these assurances: they are simply not credible. Neither are the Government's claims about saving through private management.

Everyone knows that the savings in prospect have nothing to do with private management. They are due to continued work force reductions that have been a feature of the EWS since the late 1980s, and the costs of redeployment and TSPs will be borne by the taxpayer in any case.

South Australians do not want John Olsen's water privatisation. When opinion polls showed that 80 per cent or 90 per cent of South Australians were opposed to the Government deal, a veil of official secrecy was thrown over the findings of the opinion poll. The Opposition has had to take up the matter in the District Court, and I will say no more about it because it is yet to be finalised in that forum.

At this stage the Brown Government has shown itself to be secretive and arrogant, a Government whose promises count for nothing. But, we are entering a new stage in the short history of the Brown Government in South Australia. The 3 March 1996 election was a turning point. On 3 March John Howard's Liberal Party won the Federal election with a substantial majority in the House of representatives, while the Democrats retained control of the Senate. Howard was elected on the basis of his promises that he would not be raising taxes and not be introducing radical reforms. He was elected as a moderate leader. Within days of being sworn in, however, John Howard appointed a razor gang to drastically cut Government expenditure by $8 billion and to oversee asset sales.

Let there be no mistake about this: the election of the Howard Liberal Government is a disaster for South Australia. South Australia, being one of the smallest States economically, is more dependent on Federal Government support than the Eastern States, for example. Of course, there will continue to be substantial Commonwealth grants to all the States, but the Federal Liberal Party's philosophy is quite clearly that the States should increasingly be looking after themselves.

In the area of information technology, the developing area of the economy on which the South Australian Government has focused, we can expect little help from Howard's Liberal Government—even before the discovery that the Federal Coalition committed itself to taking $1 billion of expenditure out of spending on information technology.

We are likely to see cuts in the Federal Government's budget for health and for education—the two areas hardest hit in South Australia under the Brown Government. While the Health Minister has spent the last two years claiming that the Federal Labor Government had cut grants to hospitals in South Australia, even though Commonwealth hospital grants actually increased since the late 1980s, South Australians are about to get a double dose of Liberal policy on hospitals—one from the Hon. Dr Armitage and, once again, one from the Hon. Dr Wooldridge.

We are also likely to see cutbacks in Federal funding for infrastructure projects such as the Better Cities Program and Track Australia. South Australia will be hard hit by cuts of this nature. We stand to lose out on tens of millions of dollars of Commonwealth funding as a result of Howard's gaining power. The Coalition which cried crocodile tears over youth unemployment is about to slash the Working Nation program, which gave young people and the long-term unemployed real opportunities for structured training and work experience.

The only policy for youth employment John Howard has is to cut wages, minimise award protection and slash the labour market programs. At the Federal level, we are also faced with industrial relations reforms, which will exacerbate the harsh effect of the changes already made by the Brown Government. The talk of a safety net will prove illusory for workers unless there is an accessible, independent watchdog to check workplace agreements for abuses. Yet the Federal Government has proposed the gutting of the Federal Industrial Relations Commission by removing its jurisdiction and leaving an empty shell.

If some of the radical right-wingers in the Liberal Party had their way, we would be faced with individual employment contracts prevailing over any union-based or even enterprise-based agreements. There will be a few highly organised sections of the work force that will actually benefit from that approach; for example, in high profit, hard labour areas such as mining, and some aspects of manufacturing. But most employees—and this is certainly the case for those working in the service industries, whether it be hospitality, tourism, selling or in financial institutions—will be threatened with reduced wages and benefits and less satisfactory working conditions.

Given that the wages growth of all employees is only about 2 per cent nationally—and it is even lower in South Australia—the short-term future looks particularly bleak for South Australian employees. This is particularly so for women whose wages have fallen under Premier Brown. I seek leave to have included in *Hansard* a table of a purely statistical nature, illustrating this point.

The PRESIDENT: Is it of a purely statistical nature?

The Hon. CAROLYN PICKLES: Yes, Sir.

Leave granted.

Average earnings, South Australia and Australia
Growth over the year to November 1995 (per cent)

	South Australia			Australia		
	M	F	Persons	M	F	Persons
Adult f/t employees:						
· ordinary time earnings	4.6	-1.6	2.9	5.3	3.6	4.9
· total earnings	3.8	-2.1	2.4	4.9	3.7	4.7
All employees:						
Total earnings	3.5	-3.4	1.1	3.1	1.2	2.3

Source: ABS, Average Weekly Earnings, States and Australia (6302.0)

The Hon. CAROLYN PICKLES: If in Australia, and in South Australia particularly, we are moving closer to a *laissez faire* system in industrial relations, the natural conclusion will be increasing disparity between the 'haves' and the 'have-nots' in our society. I can see how this would suit the Liberal Party well, since its reason for existence ultimately is the benefit of those who are able to take full advantage of the capitalist system, whether it be by virtue of their education, their contracts or the substantial amounts of capital to which they have access. In other words, the Liberal Party will always stand up to those who begin their adult life socially and economically disadvantaged in some way. This philosophy is manifesting itself right now in the State's school system in South Australia. To begin with, one must consider the effects of the savage cuts of the last two education budgets. There can be no doubt that the cut of $22 million in recurrent expenditure from the 1994-95 budget and $25 million in real terms from the 1995-96 budget have had a massive impact on the quality of education in South Australia.

School maintenance was cut by $11 million in the 1994-95 budget. On top of that, $22 million slipped from the 1994-95 capital budget. In other words, the Government has even cut back expenditure from what it said it would spend on its own two budgets. These cuts have absolutely nothing to do with improving efficiency: they are about giving education and health lower priority in this Government's scheme of things.

Since the Brown Government came to power, over 700 teachers have lost their jobs and 287 SSOs have gone. These cuts in no way reflect the high quality of work performed by teachers and SSOs generally throughout the State. Increasingly, SSOs have become essential in the maintenance of acceptable standards of education in many schools. There are countless examples where SSOs help with teaching very directly, in particular, in those schools where classes are getting too large to reasonably manage, perhaps because of the component of exceptionally difficult children. No wonder many teachers are struggling to maintain standards of education in the face of increasing contact hours and less assistance with the administrative work that inevitably accompanies teaching work.

Another issue that urgently needs to be resolved is the increasing reliance on school fees by schools to be able to draw in sufficient income to maintain their operations. The proportion of school fees as part of an individual school's income has on average increased substantially over the past two years. It is plain to see that if funding from the State Government for a particular school is cut, then schools are faced with the unhappy task of having to make up the shortfall by chasing parents for money. The question of principle is the same, whether the problem arises due to a cut to SSO staff, a failure to provide funds for information technology equipment, reduced maintenance funds from DECS or if capital expenditure funds are reduced or deferred. It does not really matter whether these fees are nominally for materials, school excursions, pens or pencils or whatever.

As the Minister will be aware, in the vast majority of schools there is no special account set aside for income received from parents. School income is merged with the other moneys received by schools and it is then spent on what is considered necessary in order of priorities set by the principal and the school council. I can understand some principals coming out in support of school fees becoming legally recoverable from parents. They are in the terrible position of otherwise not being able to afford or maintain what they consider acceptable and decent educational services in their schools. But I can also understand those thousands of parents who genuinely find it difficult to afford school fees, and I have no doubt there are hundreds of cases of parents with perhaps only one full-time income and more than one child at school, so that the bill for school fees amounts to several hundred dollars per year.

That is a major bill on top of everything else that such a family needs to cater for. The restrictions on school card eligibility and subsidised school travel options imposed by the present Minister for Education and Children's Services increase the number of parents in these categories where school fees cause considerable hardship. Since the Minister has set up a structure where principals and school councils are increasingly looking to parents to make up funding shortfalls, naturally the amount of income that can be derived from parents is directly proportional to the affluence of the parents in the area in which the school is situated.

So, a school in the wealthiest Adelaide suburbs has the potential for extracting double the amount of school fees that could be reasonably expected to come from a school of the same size in some country areas and some less fortunate parts of Adelaide. Consequently, public schools in wealthier areas will simply be able to afford better facilities, more computers, and so on. It might sound simplistic to say that a system of haves and have nots is developing in the public school system, but this is a convenient way of describing the inequities inherent in a school system that has a broad spectrum of quality education being offered, with drastically worse quality of education most certainly due to cuts in resources and teacher support, rather than in any way reflecting on teaching staff themselves in those areas where there are socially and economically disadvantaged children.

On the other hand, in areas where children can have a comfortable middle-class upbringing with lots of material support, they can expect to have additional advantages at their public school in terms of greater resources, greater extra curricular opportunities and even greater curriculum choice. The children who most need a decent public education system are those who will miss out the most. It has been put to me that schools in those more affluent areas are competing with the private schools, so they feel they have to charge more school fees because they need to have that kind of competition with the private school system.

Earlier I said that the Brown Government was entering a new stage in its short history. I believe that 2 March really was a turning point for the Brown Government. It has had over two years to start firing up the economy. What has happened? Nowhere near enough. We are still in a precarious economic situation, despite the massive asset sell-off program which has been the hallmark of this Government.

The objective statistics on the State's economic performance show up the deceptions of Dean Brown's extravagant marketing office. During 1993, the last year of the State Labor Government, South Australia grew at 4.3 per cent, but during 1994, the first full year of Dean Brown, South Australia's economy crashed. While Australia grew at 5.5 per cent—one of the fastest growth rates in the OECD—South Australia went backwards disastrously: its growth rate was a disturbing 0.1 per cent.

While this was happening, Dean Brown was making absurd statements about how South Australia was leading the pack, but he forgot to say in what direction. Admittedly, the rate of growth improved in 1995, but a high rate of improvement of such a low 1994 level is hardly grounds for celebration.

The Hon. M.J. Elliott: Only because it rained.

The Hon. CAROLYN PICKLES: That's right. As we now approach the position of other parts of Australia of a couple of years ago, the national economy is slowing. Our recovery, so long delayed by Dean Brown, may be stymied by the slowing national economy and the policies of John Howard, which could slow the economy even more.

The facts show that Dean Brown has failed in economic terms. Since the election of Dean Brown, the employed labour force has grown by 7.1 per cent, or over 500 000; but in South Australia we are just 14 300 jobs better off. Our unemployment now stands at 9.8 per cent compared with 8.4 per cent nationally. Private sector capital investment has now fallen to its lowest level since the 1991-92 recession.

There are no excuses. The days of being able to blame Paul Keating are now finished. Over the next 12 to 18 months when things get tough in South Australia—and they are going to get a lot tougher for a lot of people—at least everybody will know fairly and squarely that two men are principally responsible: Dean Brown and John Howard. They come from the one—

The PRESIDENT: Order!

The Hon. CAROLYN PICKLES: The Hon. Dean Brown and the Hon. John Howard.

The PRESIDENT: Order! I think that is politically correct. I also might add that this is a Supply Bill providing

money for public servants. I think that the honourable member is wandering a bit, as did another member a couple of days ago. I hope that she can link her remarks in. I have not found much yet to link it in.

The Hon. CAROLYN PICKLES: I am just—

The PRESIDENT: Order! If the honourable member can link them in, that is fine, but she needs to link them in very quickly.

The Hon. CAROLYN PICKLES: I am linking my remarks to the economy of this State, which is what the Supply Bill is about.

The PRESIDENT: No. The Bill is about the supply of funds for public servants. I ask the honourable member to link her remarks to that.

The Hon. CAROLYN PICKLES: I am just about to wind up. Many people in the community will be hurt and disadvantaged by what happens in health, education and the workplace between now and the next State election. But there is a ray of sunshine in all this, and I should like to finish on this positive note. This has nothing to do with the Supply Bill, Sir, but I should like to take this opportunity to congratulate the record number of women who have now been elected to the House of Representatives. As I have said publicly before, I am hopeful of women soon attaining a critical mass in State and Federal Parliaments in this nation so that it becomes normal for women to be in Parliament and in positions of power. I believe that this issue transcends Party politics, and I congratulate the Liberal Party women who have been elected this time even if many of them will, unfortunately, because of the marginality of their seat, see only one term of Federal Parliament.

The Hon. M.J. Elliott interjecting:

The Hon. CAROLYN PICKLES: I also congratulate the Australian Democrats for their success and the number of women in their Party—of course, that Party is led nationally by a woman. Sadly, many good Labor women have lost their seat in the House of Representatives, together with so many of their male colleagues. However, every cloud has a silver lining, and in this case the depleted numbers of the Federal Labor Party provide an opportunity for the Party to preselect women as endorsed candidates for the next election. With those few remarks, I support the second reading.

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

A quorum having been formed:

The Hon. R.R. ROBERTS: I rise to make a contribution in the Supply debate. It is something that I have not always indulged in, but I think it is worth making some points about the direction of the economy of this State. As it is time to entrust the Government with more taxpayers' money, I think it important to look at where the this State has come from and where it is going and the effect of this Government's handling of the State's finances over the past two years. This is a Government that came to power on the back of the State Bank. The State Bank has been sold—and that was supported by the Labor Party—but when one looks at the history of the State Bank, and at the history of the Liberal Party, in particular, one comes to the conclusion that a shrine ought to be made of the State Bank building, because if it were not for the State Bank we would have had still sitting over here the same bunch of people that we previously had in Opposition with no vision, no ideas, no flair and no light. The members of the Liberal Party who make decisions about the finances of this State are the same people who were making decisions before.

The PRESIDENT: Order! I remind the honourable member early in his contribution that the Bill is about the supply of money for public servants. I hope he can link his remarks closely to that. The preceding speech wandered near and far. Therefore, I am obliged to let the honourable member wander a little, but I remind him that this is the Supply Bill; it is not a Bill which allows free-range argument.

The Hon. R.R. ROBERTS: I think I have been misled by the contributions over a number of years by the then Leader of the Opposition (now Leader of the Government) who, when he was on this side of the Council, pointed out clearly that in the Supply Bill the practice of the Council is that you may talk about anything as long as it has to do with the money that is being expended. This Government was elected to handle the State's finances. It is of interest to look at the history of this State, at what has occurred since that time. In a thoughtful contribution yesterday, my colleague the Hon. Paul Holloway pointed out what has occurred with the State's finances with respect to the net debt. He said:

> It is interesting to note that if the $650 million compensation package from the Keating Government and the $750 million proceeds from the sale of the State Bank are deducted, the impact of interest of the remaining $1.75 billion on State debt is roughly equivalent to the income we will now receive from poker machines.

So, by and large, we have had a ruling out. What has occurred over the past 12 months in respect of the performance of the State? The Premier has often appeared on television telling us how well we are going, so it is of interest to note just where we are going. I will look at some of the indicators, such as private capital expenditure—

The PRESIDENT: Order! I cannot see how this has any bearing on finances for public servants. You cannot have a general grievance today.

The Hon. R.R. ROBERTS: I am talking about where the expenditure has been put and what the effect of the distribution of this money has been.

The PRESIDENT: I cannot see the link at this stage. I have let you go for quite a while, and I cannot see the point of your remarks. In this Council, the longstanding tradition has always been to debate the matter, and this matter concerns the Supply Bill; it is not a general grievance. You can do that with the Appropriation Bill but you cannot with the Supply Bill. I ask the honourable member to relate his remarks as closely as possible to where the funds have been spent, how much the funds are, or their effect on the Public Service.

The Hon. R.R. ROBERTS: I am attempting to support the Supply Bill. I am attempting to link the reasons for my support to overcome some of the problems that I see. I believe the money ought to be made available to correct some of these indicators, which are quite apparent.

The PRESIDENT: To do with the Public Service.

The Hon. R.R. ROBERTS: It is to do with the running of the State, which is about the running of the Public Service and the policies that it must implement. If there is a shepherding in the ruck exercise going on here, let's get it out in the open. This is the first time in six years that any speaker on a Supply Bill has been subjected to this sort of scrutiny. If that is the standard, I believe we should apply it to every Bill, because we went through the same exercise yesterday when the Leader of the Government spoke for 25 minutes about everything but the Bill, and that was seen to be quite all right.

The PRESIDENT: If the honourable member wishes to take a point of order on my ruling, I will allow him to do that. However, I point out to him that I have pulled up two other

members for the very same reason. I think it is time that we address the issue of the Supply Bill.

The Hon. R.R. ROBERTS: In endeavouring to give the indicators and the reasons for my support of the Bill, I will continue. It is quite obvious that, during the past 12 months from the figures that have been released, the performance of this State and the efficient or inefficient use of the capital of this State has provided the following outcomes. It is for some of the reasons that I am about to outline that I believe this Supply Bill will have to pass, and I indicate my support. We find that in trend terms private sector capital investment in this State fell by 28.2 per cent for the year to September 1995. That is the latest period for which the Opposition has data. All other States achieved an increase over this period. South Australia recorded the largest decline in investment of any State of Australia during the September quarter: nearly 13 per cent in trend terms, and that dwarfed the next largest fall of 4.5 per cent in Tasmania.

It is important to note that the latest figure for South Australia's share of national private capital investment is disastrously low: with 8.3 per cent of the Australian population South Australia captured just 5.5 per cent of national private sector investment. South Australia's rate of private investment is now as low as during the 1991-92 recession. So, I point out, particularly to the Hon. Mr Stefani, that it is clear that money is made available so that the Public Service in this State can implement policies to reverse these trends which are obviously the result of the wrong policies being pursued by this Government.

Another good reason why we ought to provide some money to overcome the problems with which South Australia is faced is that, since the election of the Brown Government, South Australia's growth rate, as well as other key economic indicators, has seriously lagged the performance of the nation. In fact, the State's economic performance has worsened when compared with the economy's performance in the early 1990s. Trend growth in real gross State product for South Australia accelerated in the three quarters to September 1996 to 3.6 per cent.

This estimate, which may be revised in forthcoming releases, does exceed estimated performance for other States. But this late upturn is evidence of the Brown Government's economic failure, not success. That is to say, South Australia has failed to use the national recovery as the opportunity to sustain adequate growth over the medium term. Now that the national economy is slowing down, South Australia is exposed. During 1994 South Australia had the worst economic performance in the nation. South Australia grew at a pitiful .1 per cent (with two consecutive quarters of negative growth) compared with New South Wales at 4.2 per cent, Victoria at 5.3 per cent, Queensland at 6.4 per cent, Western Australia at 7 per cent, Tasmania at 1.1 per cent, and the Northern Territory at 9.7 per cent.

It is absolutely vital that this Government be given some money to try to buy its way out of this dilemma that is befalling all South Australians. During 1993 South Australia was growing strongly and was well positioned to capitalise upon the national economic recovery then taking place. In that year, prior to the election, South Australia grew by a healthy 4.3 per cent, that is, before the new managers took over. During 1994 all that changed. When Australia grew at 5.5 per cent in trend terms, South Australia grew at just .1 per cent. Growth of 3.6 per cent in the first three quarters of 1995 off such a low base is evidence of failure, not success.

In other words, South Australia's trending upwards at this point merely indicates that South Australia is approaching the position of other States some 18 months or two years ago. While they were growing strongly, South Australia was barely growing at all. Now that the national economy is slowing, those forces slowing the national economy will slow the South Australian economy; South Australia's economic recovery is almost stillborn. The creation of jobs is vital for the distribution of funds. I am supporting this Bill so that we can get on with creating jobs in South Australia, and members will want to know this information so that they, too, can support this Supply Bill.

A further indicator of our slow growth rate has been South Australia's appalling record on jobs. In the period between the election of the Brown Government in December 1993 to February 1996, the employed Australian work force grew by 7.1 per cent. In South Australia the labour force has grown by a mere 2.2 per cent, or just 14 300 jobs—well below the 32 000 jobs promised by Premier Dean Brown in his first two years. It is important to note that even this growth, although well below the national performance, represents a recent acceleration. This is consistent with my previous point concerning South Australia's performance peaking at the wrong end of the national economic cycle.

If Dean Brown cannot organise a better performance, with the help of his Public Service with the money we are providing, during a period of runaway jobs boom, which is now moderating, members would have to conclude that he could not organise a sleep-in. There has also been a widening of the work force participation rate between Australia and South Australia. In the past two years the gap has widened from South Australia's having a participation rate of 1 percentage point below that of Australia to now having a rate 2 percentage points lower. This is simply an index of the level of job seeker discouragement or hidden unemployment arising from slow growth in available jobs. Another indicator of the performance and policies of this Government—

The PRESIDENT: Order! I have asked the honourable member to concentrate on the Public Service and he has not yet done that. He should put down his copious notes, as Standing Orders actually require that.

The Hon. R.R. ROBERTS: I will be quicker, Mr President, if you allow me to finish these two or three points. The building industry is extremely important in South Australia and the Government housing policy is one that I have condemned roundly. It is indeed vital that we have a decent housing policy in South Australia—one which has been neglected, I might say, by this Government so far. In that regard we must look at what has been happening to housing in South Australia, because many people in dire economic circumstances rely on building activity, and rates of rental properties are a vital ingredient in the every day life of South Australians.

When we look at what is happening in the housing industry, it can be seen that we need to provide money to this Government and this Public Service because the housing starts in South Australia, which would provide some rental accommodation—and I am sure you, Mr President, will support this—for low income earners are the lowest we have had for years. Seasonally adjusted dwelling commencements were 407 for January. Over the period from September 1994 to January 1996, total house starts in South Australia fell by a staggering 64 per cent. Another matter on which business relies is Government policy and that affects, as members would quite clearly realise, retail sales. To ensure that the

Government has the money to implement policies that would affect retail sales, I would like to point out—

The PRESIDENT: Order! The honourable member is out of order if he continues in this fashion. He is talking about appropriation, which is nothing to do with supply or the salaries within the Public Service. For the last time, I ask the honourable member to concentrate on supply, otherwise I will ask him to resume his seat.

The Hon. R.R. ROBERTS: I am giving an indication of my support for this Bill because, in the area of trade, Government policy is of vital importance. However, it seems very clear that you, Mr President, are determined not to have these economic indicators discussed in this Parliament. I find that disturbing but, nonetheless, you are the President—

The PRESIDENT: Order! The honourable member is reflecting on my ruling. I point out that he has private member's time, and five minutes once a week to speak on this matter. This has nothing to do with not having an opportunity. I am merely applying the Standing Orders that state that supply is to be dealt with, and the honourable member knows as well as I do what supply is about. I ask him to keep his remarks to the matter before him.

The Hon. R.R. ROBERTS: I will wind up because, quite clearly, revealing this information in this forum is impossible, and I accept your ruling, Sir. I am happy that South Australia had an upturn in its retail sales figures, albeit that the trend was due to a 32.5 per cent increase as a result of poker machines, and that is a Government policy being implemented and paid for by State funds. I wanted to talk about bankruptcies and say that South Australia has the highest personal bankruptcy figures and that people are leaving the State. However, I point out that, in the year to June 1995 the increase in South Australia's population was a mere .3 per cent where other States have had huge increases.

It is absolutely vital that this Bill pass, so that this Government in the next few months can apply some of its policies in an attempt to overcome the wreck it has made of this State in the past 12 months. I support the Supply Bill.

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

WITNESS PROTECTION BILL

Adjourned debate on second reading.

(Continued from 20 March. Page 1025.)

The Hon. R.D. LAWSON: I support the second reading. The principle underlining this measure is sound, namely, that the community ought to provide appropriate protection to persons who are prepared to provide information and assistance in the prosecution of criminals. The community does have an interest in securing the prosecution of criminals and the suppression of crime. Witnesses are needed for that purpose. Often such witnesses are at risk if they come forward to testify. Therefore, it is appropriate that some form of protection be given.

The conventional means of protection, namely, the provision of safe houses or police protection while a witness is giving evidence during a trial or shortly thereafter, are not entirely adequate measures. Witnesses will express fear that if they come forward, give evidence and testify they will suffer reprisals. The community has to remove that fear. Some of the fears may appear to be irrational to others, but if the person who is in possession of information that would be of assistance to the prosecuting authorities entertains fears, however irrational they may be, clearly they will not testify unless their fears are allayed. Some appropriate reassurance must be given to them and the protection must be effective.

The types of protective measures offered to witnesses have been described in the Attorney's second reading explanation, and I will not go into them. These needs have been recognised by Police Forces over a number of years, and the police authorities have been providing protection. However, the arrangements have not been formalised. The second reading explanation of this Bill stated:

> The need for formalisation is not apparent and has been somewhat hastened by the recent federally enacted Witness Protection Act.

I gather it was intended to say that the need for formalisation 'is now apparent' because it is apparent that something is required to be done. Federal Parliament has enacted the Witness Protection Act 1994, which was brought into operation after an extensive inquiry by a joint parliamentary committee on the National Crime Authority. That committee's report was delivered to Parliament in 1988 and contains an extensive summary of the need for witness protection programs, the overseas experience and the Australian experience in relation to them as well as making a number of helpful recommendations. The Bill before the Parliament is closely modelled on the Commonwealth legislation.

However, there are dangers in witness protection programs, and it is appropriate that Parliament be aware of them and that they be put on the record. The reality is that most of the witnesses who will receive protection under this or any other witness protection program will have had some involvement in the criminal activities in respect of which they are giving evidence. In other words, most of the persons who will benefit directly from this legislation and from the program are accomplices and criminals themselves. There is a degree of distaste on the part of many people in the community for any proposals that appear to give advantages to criminals.

The legitimate question posed by the community is, 'Why should we provide criminals with reduced sentences or immunities and protection, perhaps extending to the relocation within Australia or overseas under some new identity? What have they done to deserve this?' It is a perfectly legitimate question, it seems to me. The answer is that, without the evidence of such participants in organised criminal activities, it would not be possible to obtain the convictions of the principals of organised criminal groups or syndicates, and without the provision of appropriate protection these witnesses would very likely not be available at all to give evidence. Ultimately, the community itself would suffer because those who ought be brought to justice would not be brought to justice.

There is a requirement, however, when using accomplice witnesses, that the grounds upon which, for example, an indemnity has been granted to them should be clearly laid down so that those who feel uneasy about deals being done with witnesses and the possible distortion of the criminal justice system in consequence will have their legitimate fears allayed.

There is a problem with the systematic reliance by police and other authorities, such as the National Crime Authority, on the testimony of accomplice witnesses. This form of policing can lead to the exclusion of other avenues of investigation. There can be undue reliance upon the testimony of accomplices. The so-called supergrass system which has

been operating in the United Kingdom and Northern Ireland for some years has given rise to a number of complaints and concerns.

In the main we are dealing with people who are themselves guilty of criminal conduct. There are strong inducements for people in those situations to name persons to please their protectors. They may substitute the names of the innocent for their confederates with whom they are on friendly terms. They may tell the truth about crimes in which they themselves have been involved but alter the roles of the participants so as to present themselves in the most favourable light. They may paint pictures for authorities which have an air of accuracy or truth about them, but they may paint themselves out of the picture and paint others into the picture.

We should not encourage our law enforcement agencies to become dependent on the testimony of accomplice witnesses. They ought to be seeking corroboration of testimony from other sources. The Australian Law Reform Commission recommended that the current requirement that a jury be warned that it is dangerous to convict on the testimony of an accomplice witness in the absence of corroboration be abolished. That commission took the view that the rule ought to be abolished because the testimony of accomplice witnesses is no more unreliable than other forms of evidence, for example, eye-witness identification, and no warning is ordinarily given in respect of such witnesses.

However, the experience in England and Northern Island, with the use of so-called supergrasses, indicates that testimony of accomplice witnesses should be treated with caution. Notwithstanding these difficulties and the fact that there are dangers in the use of accomplice witnesses, a witness protection program is in operation in South Australia and has been in operation in Australia for a number of years—although not on a very extensive plain—and should be formalised.

The report of the Joint Parliamentary Committee on Witness Protection noted that the National Crime Authority anticipated at the time of the report that it would have only five or six witnesses a year requiring protection. At that time, the Australian Federal Police Witness Protection Branch was protecting four National Crime Authority witnesses, five witnesses for a State Police Force and also five Federal Police witnesses, making a total of 14. So, we are not talking large numbers of witnesses. In Victoria 17 witnesses were under the protection plan operated by that force during the period April 1985 to December 1987. The joint parliamentary committee was told that about a dozen witnesses would have required long-term protection by means of relocation.

At the time of the joint parliamentary committee report, the New South Wales police stated that it had protected 22 witnesses over the previous year and, of that number, only two were regarded as long-term relocation prospects. Therefore, across the country the annual demand would appear not to exceed about 20 witnesses and their dependants. Even if demand were to rise to the level of that found in the United States, where an extensive program is operated, the number to be protected annually in Australia would not exceed 40.

Notwithstanding the fact that not many witnesses are required to have protection under these programs, the National Crime Authority advocated that a national witness program be operated and that a new independent agency be established. That view was supported by the State Drug Crime Commission of New South Wales, but it ultimately did not find favour with the committee. Accordingly, national legislation was passed, and comparable legislation has been either passed or introduced in all Australian States.

I have mentioned the dangers inherent in overuse of accomplice witnesses and over dependence upon them. It is important that the legislation contain appropriate measures to protect the public interest. Clause 5 of the Bill provides that the inclusion of a witness in the program must not be done as a reward or as a means of persuading or encouraging the witness to give evidence or make a statement. That is a fond hope. Most witnesses who agree to participate in a program of this kind do so in exchange for some inducement offered by the law enforcement authorities. Whatever the legislation provides, most people who have an interest in these matters would regard inclusion in the program as a reward or as a means of persuading or encouraging a witness to give evidence or make a statement. That has been the experience in the United Kingdom, and it is difficult to resist the conclusion that, whatever our legislation may say about the matter, the police authorities will use inclusion in these programs as some form of reward.

Several provisions of the Bill give rise to concern on my part, one of them being the very great powers given to the Commissioner of Police. I am not necessarily saying that too much power is given to the Commissioner but very wide and extensive powers are given, and not much in the way of protection is contained in the legislation against possible misuse of that power. For example, clause 9 of the Bill provides that the Commissioner has the sole responsibility of deciding whether to include a witness in the program.

Clause 12(4) provides that the Commissioner may, if he or she is of the opinion that it is in the interests of the administration of justice to do so, allow another person to have access to the register of participants in the program. So, once again, the Commissioner is given an apparently unfettered discretion and the opportunity to determine what are the interests of the administration of justice.

Clause 17 of the Bill provides that the Supreme Court may, on the application of the Commissioner—and only upon the application of the Commissioner—make certain orders with respect to witnesses. No other person—not the witness himself nor anyone else, such as the Director of Public Prosecutions can make an application to the court, which in this case is an authorisation of the establishment of a new identity for the witness or the restoration of a former identity.

Clause 23(2) of the Bill, which also gives wide powers to the Commissioner, provides that the Commissioner may take any action that he or she considers appropriate in the circumstances, including disclosing to the court, the prosecutor and the accused person or the accused person's legal representative the criminal record of the participant or former participant.

Amendments from the Attorney-General have recently been put on file. I have not had an opportunity to study those amendments in close detail but, looking at the amendment now, I see that a new clause 23 is proposed to be inserted into the Bill. Upon a brief perusal, that clause would appear to allay some of the fears that I have about the wide powers given to the Commissioner of Police.

In making that observation about the wide powers of the police, I should not be taken as being critical of the way in which our police authorities have conducted their operations in relation to protected witnesses. No such criticism is intended. However, the conferring of very wide powers on a police authority such as the Police Commissioner, whose primary responsibility is to gather and lay that evidence

before the court, is a matter which ought to receive close scrutiny and attention by Parliament before its enactment. With those comments I indicate support for the second reading of the Bill.

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

The Hon. DIANA LAIDLAW (Minister for Transport): Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

RACIAL VILIFICATION BILL

Adjourned debate on second reading.

(Continued from 26 March. Page 1101.)

The Hon. R.R. ROBERTS: I support the Bill, not because it is politically correct, as was suggested by contributors form the other side of the Chamber, but because it is the right and proper thing to do. Certainly, it is the Christian thing to do, if nothing else. It is high time that these despicable practices are put behind us, and it is clear that we have not been able to do that successfully thus far and that alternative action needs to be taken.

The Bill gives us the opportunity to fashion the best possible legislation to deal with the consequences of racial vilification in Australia. The Opposition's amendments are aimed at completing the instruments available to deal with instances of racial vilification and racial victimisation in all its circumstances. It would be a dreadful loss of this unique opportunity if we were not to complete the draft legislation proposed by the Government with amendments that the Opposition has designed for this purpose.

I find it somewhat trite that, a Bill covering most of the circumstances involved having been passed by this Parliament, the Government was not prepared to amend that legislation and put it through the Parliament so that we could have got on with the job of making South Australia a better place in which to live for all the component parts of our community. However, we need to go through the exercise and we should get on with the job.

I note as a final concern that the Opposition is confident in putting forward the proposed amendments by the unequivocal support shown by the Multicultural Communities Council in its letter of 15 March 1996 to the Premier, with copies having gone to the Australian Democrats and the Australian Labor Party. It is a matter of some disappointment that none of the Liberal members' have made any mention or taken any account of the Multicultural Communities Council, which is the peak body representing all ethnic communities in Australia and, by implication, a large number of victims or potential victims of racial vilification.

Instead, we have heard the ravings and rantings of the Hon. Angus Redford, who appears to be at odds with his Party, his colleagues and maybe himself. Throughout his contribution the Hon. Angus Redford referred to the clichés of political correctness and quoted other laws, but at no time did he say that he would move any amendments. He talked about the right that he has within the Liberal Party to take a stand, which is patently different from the majority of his colleagues. I find this disappointing. This is a question not of political correctness, but of what is right or wrong, what is good and proper and what will overcome problems in this area in the best possible way without going over the top or underdoing the job.

I shall watch the passage of this Bill with interest. I shall also be looking forward to the contributions that the Hon. Angus Redford may make or the amendments that he puts on file to change the legislation. Indeed, if anybody else in the Liberal Party is of the same view, when we go into the Committee stage I shall be calling 'Divide' so that we can clearly see those who are not supporting this very worthwhile piece of legislation. Thirty years ago, when this Parliament produced landmark anti-discrimination legislation under the then leadership of Don Dunstan, many were the voices of the arch conservatives who tried to find excuses for not passing what became the first example of anti-discrimination legislation in the world. So much so, it attracted praise from the United Nations and was considered to be a model for other countries to follow.

It seems to me that the sounds of those intolerant views still echo between the walls of this Chamber, negating 30 years of community development and dramatic change in attitudes, and that now bring us to the realisation that what the community considers intolerable can safely be enshrined in legislation. What we have seen in this State over the past 30 years, principally under the guidance of Labor Governments, has been an attempt through education and advertising to highlight these problems.

Now South Australians can enjoy the benefits of the richness of cultures which come to this country and provide more alternatives for us to mould a better Australian culture. In the past this matter has been highlighted too much, for which I blame the press. The press has a lot to answer for in the area of racial vilification. It always highlights the negative side of discussion when it comes to instances of racial vilification or race. In many cases the press has highlighted things like protests by the National Front, and that has encouraged and given credence to such people. It gives great delight to those people who support racist situations because they get the publicity. They do these things because an irresponsible press highlights the bad parts about these matters.

For 30 years Labor Governments, with the help of the Multicultural and Ethnic Affairs Commission in South Australia, has been trying to break down the prejudices. They have done it by education, raising the issues, consultation and encouraging people from multicultural groups to display the good parts of their cultures. I think that South Australia is the richer for it, because we have had the opportunity to take all the good and wholesome things from other cultures in order to mould a better culture in South Australia. The Multicultural and Ethnic Affairs Commission in South Australia has done a marvellous job. I say that without any Party parochialism whatsoever, because when the Hon. Paolo Nocella was head of the Multicultural and Ethnic Affairs Commission he was not a member of the Labor Party at that time.

I think we should all bear in mind that divisions between cultures do not come from one way. Unfortunately, there are clashes between different cultures, and they have been going on for centuries in many instances. Indeed, some people in those communities want to bring those divisions and conflicts to this country. I am not encouraging that attitude, but we have to live with it. The Multicultural and Ethnic Affairs Commission has tackled these problems under the guidance of the Hon. Paolo Nocella, as he is now, and he has done a marvellous job. There is no parochialism in that, because that

is the assessment of people in the ethnic affairs community in South Australia. He has been held in the highest esteem.

Indeed, it was a big bonus for the Labor Party to have someone of his esteem and with his history and knowledge and ability to draw communities together. That was a big plus during the time that the Hon. Paolo Nocella was head of the Multicultural and Ethnic Affairs Commission in South Australia. He was able to get people together and establish a coherent, hard working group of people who were dedicated to multiculturalism and maximum participation in South Australian public life by everybody without threats or intimidation from other quarters. I think that his contribution needs to be noted in *Hansard* today.

Over the past 25 years we have tried to use education, but, as I said, we have been inhibited by too much attention being given to radical groups. We saw that as late as the recent Federal election with people making outrageous racist remarks which were prominently reported at a time when people in this country are suffering from unemployment and other situations. Unfortunately, there is a bit of a phenomenon which occurs in times of hardship, because the demagogues who promote such racist theories and propositions find audiences which we would hope are not normally present.

Opponents of this Bill say that we should have freedom of speech. I agree that freedom of speech is wonderful, but when it incites others to take part in racist, unfair and illegal actions at the expense of particular groups in this country, it has to change. We can become an absolute police State or we can look at the wonderful achievements that we have made in this area through the work of the Good Neighbour Council, the Multicultural and Ethnic Affairs Commission and communities and accept that we have come a long way in the past 30 years. Unfortunately, we have not solved the problem. We can take the whip hand and the big club and say that we recognise these actions are unacceptable in a modern society and that they ought to be stamped out.

We ought to identify this clearly and say, as we do in other circumstances when we make law, 'This is no different from the making of any other law. There are acceptable standards which the community lays down in every piece of legislation, and the inference is that if we go beyond that the community will demand appropriate penalties.' This Bill, with the amendments which are being proposed by the Labor Party, will do that. It is worthwhile legislation. It is nothing to do with political correctness; it is about morality and doing the right thing and reflecting the views of the overwhelming majority of people in South Australia.

I conclude by again emphasising that the media has some responsibility. They have almost a closed shop. When people have that sort of power, they have a responsibility. On reflection, there should be legislation which points out to people in the mass media that they have a responsibility. It is not just a personal responsibility: it is a community responsibility. They have a responsibility not to highlight this type of activity, because it encourages more. This legislation is about stamping it out. The media should note that the community demands that it desist from encouraging this type of activity by giving it unworthy publicity in the State. I support the second reading. I look forward to the introduction and the acceptance by all fair-minded members of this Council of the amendments proposed by the Opposition. We recommend the Bill's speedy passage through this Parliament.

The Hon. R.D. LAWSON secured the adjournment of the debate.

WILLS (EFFECT OF TERMINATION OF MARRIAGE) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 20 March. Page 1020.)

The Hon. R.D. LAWSON: I support the second reading of this Bill. The present law relating to the effect of divorce on wills is conveniently set out in a case decided in Victoria in 1955 called *Re Devling*. In that case a testator, a married man, had made a will leaving his whole estate 'to my wife'. Some years after the making of the will his wife divorced him, and the year following the divorce the testator died. The issue of what was meant by the expression 'to my wife' in the will came before Mr Justice O'Brien to determine, and he relied upon a well-established authority to say that, the testator, having a wife alive at the date of his will, the words 'my wife' were to be taken to refer to the circumstances existing at the date of the will and not those existing at the date of his death. Accordingly, in this case the divorced wife was the person referred to and she was entitled to participate in the distribution. The judge held that there should not be implied in the gift to the former wife any condition that she should continue at the date of the testator's death to answer the description 'my wife'.

The problem illustrated in that case has been the subject of a number of law reform committee and commission reports over the years. In South Australia the then Law Reform Committee reported on this issue in its forty-fourth report entitled: 'Relating to the effect of divorce upon wills in 1977'. That committee was presided over by Justice Zelling and comprised Justices Jacobs and King as well as Messrs Bollen, then representative of the law society, Associate Professor Keeler of the university and the present Attorney-General. It has taken a long time for that committee's report to be acted upon by any Government in this State, because the measure now before the Parliament largely reflects the recommendations of that committee.

There have been a number of arguments advanced against the automatic revocation of a will as a result of the divorce of the testator, and also the same arguments have been applied to the revocation of part of a will upon termination of marriage by divorce. Some of those arguments should be mentioned, because they have ultimately not found favour in this measure.

First, it is said that some divorced testators fail to revoke earlier wills simply because they continue to feel some responsibility to their former spouse or partner and intend their will to remain on foot. It is said on this argument that revocation of a benefit in favour of a former spouse would tend to defeat the expectations of those who do feel such responsibilities and obligations. Secondly, it is said that the law should not protect forgetful or inadvertent testators but should favour conscious testation. If anyone is to suffer it is better that it be the inadvertent testator, that is, one who upon his or her divorce does not change his will rather than those who intend to benefit the former spouse but who are ignorant of the change in the law.

Thirdly, it is said that there is no proof in actual cases that succession by inadvertence happens more often than a gift to a divorced spouse which is left standing intentionally. It is argued that unless proof of such cases can be shown there is

no case for reform. Fourthly, it is said that, whilst marriage involves a positive duty to provide for one's spouse, divorce involves no corresponding duty not to provide for one's ex-spouse. The will is bound under the existing law to be revoked by a subsequent marriage if a subsequent marriage occurs. Fifthly, it is said that there is no compelling reason for singling out divorce or annulment as the only situations of change of circumstances in which wills should be revoked by operation of laws, because it must be accepted that the circumstances in relation to personal matters, one's family relationships and other things such as that, do change very often substantially between the time a will is made and the death of the testator. Those changed circumstances do not ordinarily effect or wreak any change upon the terms of the will. If this measure is adopted, divorce will be the one circumstance which allows for automatic alteration of the provisions of the will.

The sixth and final argument I mention in this section is the fact that the Inheritance (Family Provision) Act already provides that a former spouse or an existing spouse, but more particularly in this context an existing spouse, can make application to the court for appropriate provision out of the estate of a deceased spouse, irrespective of the terms of the will. So, that Act really provides a more useful, exhaustive and discriminating means of dealing with actual cases of hardship. However, notwithstanding those arguments against the present measure, the general consensus of various law reform commissions is as was stated in the report of the Ontario Law Reform Commission of 1977:

> In most cases, testators would not wish to benefit their ex-spouses as generously once they are divorced as would be the case if the marriage was still subsisting. Occasionally, the opposite would be the case, but we believe such situations to be rare indeed.

The South Australian Law Reform Commission adopted the same finding, and the arguments advanced for revocation of benefits to a former spouse are cogent. Those arguments are: first, that a will executed before a divorce will almost always frustrate the actual desires of the testator in relation to his or her property; and, secondly, this is not an isolated matter or a matter which will have limited application. There is, regrettably, an increasing number of divorces, and it is unlikely that in all cases divorced partners will take the advice given to them, invariably by legal practitioners, that upon their divorce they ought promptly revise their existing will. Many do not get around to it, because the emotional trauma of divorce often tends to obscure testamentary considerations. There are far more important considerations in an emotional sense for many people involved in divorce.

The measure adopted in this new legislation is similar to that which has been adopted in New South Wales, Victoria and Queensland. The crux of the new provisions is embodied in section 20A which provides that if a testator's marriage is terminated, whether by annulment or divorce, the following provisions apply. First, a gift of a beneficial interest in property in favour of a testator's former spouse is revoked. Secondly, an appointment by the will of the testator's former spouse as executor, trustee or guardian is also revoked. Thirdly, a grant in the will of a power of appointment exercisable by or in favour of a former spouse is also revoked. That is an important provision, although one which is unlikely to have practical consequences in respect of most wills in operation these days. Fourthly, the will will have effect in respect of the revocation as if the former spouse had died on the date of termination of the marriage.

An alternative way of approaching the problem was to provide that any will in existence be revoked upon the termination of the marriage. That is the solution adopted in Tasmania, but that State is the only State to enact legislation which provides for revocation of the entire will upon dissolution of marriage. I agree with the view expressed by the Attorney in his second reading contribution that that is not an appropriate option in the present case. I commend the Attorney for bringing forward this longstanding proposal for the reform of our law, and I support the second reading.

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

GAMING MACHINES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 March. Page 1159.)

The Hon. T.G. CAMERON: I want to make a few brief comments in relation to this Bill. As members would appreciate, I was not a member of this place when this legislation was first introduced and after much controversy finally passed by this Council. Had I been a Legislative Councillor at the time, I have strong doubts whether I would have supported that legislation. When the Government first announced that it was going to increase taxes on poker machines, there was the usual flurry of activity around the place. Members of the three political Parties represented in this Parliament were lobbied by and received correspondence from the AHA and various hoteliers urging opposition to the Government's proposal.

In general, I support the Government's initiative to increase the level of taxation on the hotel industry in relation to poker machines. From my understanding of the industry, a number of hotels and establishments were making superprofits out of the introduction of poker machines. They were not content to pocket their superprofits in private and keep the good news to themselves. Some hoteliers could not resist the temptation to go swanning around town boasting about how much money they were making out of poker machines. For every cent of profit that hotels, the Government and the manufacturers of poker machines receive, someone pays—it is paid for by the people who lose money on poker machines through gambling.

I read the correspondence from hoteliers and the AHA with some interest. Some of that correspondence invited members of this Parliament to meet with hoteliers and look at their establishment. I rang some of these people and pointed out to them that my initial reaction was that the Government was on the right track by taxing hoteliers who were making superprofits out of other people's misery. In fact, I made arrangements to meet some of these people. They were to call me back in the new year so that I could have a look at how their establishments are run. I am not quite sure what happened, for not only did they not call me back but the people who were coming to see me to discuss this Bill cancelled their appointment. I can only assume that that was based on some knowledge of my opinions not only about the superprofits they were making but some of the proposals put forward by the Government in this Bill.

I suggest to the AHA and hoteliers that such conduct is not satisfactory. If they write to a member of this place and want to put forward their views and if interest is shown but they

decline, they run the risk of members coming to their own conclusions about the legislation and ignoring whatever their views might be.

The Hon. A.J. Redford: They might not have needed your vote.

The Hon. T.G. CAMERON: That might well be true: they may not need my vote, and that might well be the reason why they did not contact me. It has been put to me by members of this Council that the Government is wrong to introduce an additional tax on the industry; the industry invested large sums of capital, and it is wrong for the Government to change the rules now after people have started to play the game.

The Hon. A.J. Redford interjecting:

The Hon. T.G. CAMERON: That particular argument is somewhat erroneous because it presupposes that everything Governments do is correct and, on this occasion, there has been a recognition that when the original legislation was introduced it contained some flaws. I do not think anyone in this State expected poker machines to take off in the way in which they did; I do not think anyone in the Government or the Opposition at the time believed that the introduction of poker machines would be such a roaring success; nor did the Government believe that some hoteliers would be generating these super profits.

I do not have any compunction in accepting that when Governments introduce legislation they may get it wrong. If Governments make assumptions about the likely revenue from the introduction of a Bill that turn out to be drastically wrong, I do not see why Governments cannot reassess their positions and act accordingly. However, the AHA has undertaken a very effective lobbying campaign, not only with the Government but also, I suspect, with Opposition members in relation to their outrage at the Government's proposal.

It is quite clear to me that super profits are being made as a result of a number of stories that have been relayed to me about the somewhat bragging behaviour of some hoteliers as to how much money they were making and on what they were spending it. I do not think it does them much good to be sitting down, drinking bottles of Grange Hermitage and toasting the success of poker machines and ordering another bottle because poker machine revenue is paying for it.

This is an interesting place in which to work. I never cease to be amazed at the number of new words I learn in this place. The Hon. Angus Redford taught me a bit of Latin the other day; Mr Crothers is not backward in sprouting a bit of German or Polish, if he sees fit; and the Hon. Paul Holloway came up with a word yesterday that I had not heard before, namely, 'hypothecation'. I was not quite sure what he was on about until I listened to the remainder of his speech to appreciate just what he meant. Not only do I support some of the sentiments outlined by the Hon. Paul Holloway to this Council on hypothecation in relation to the $25 million for the community development fund, but also Frank Blevins, in another place, eloquently summed up the situation closely to my own views about this concept of hypothecation. I accept that our amendments which are aimed at increasing from $1 million to $5 million the allocation to charities could also be labelled 'hypothecation'.

However, my decision in supporting the Opposition's position on this is that quite extraordinary circumstances are occurring in the market place in relation to the additional strain that has been placed on the resources of charitable institutions in South Australia. Let members not be under any delusion: the introduction of poker machines in this State has visited a great deal of poverty on certain sections of our community. It is an unfortunate fact of life that gambling is something that some people have difficulty controlling.

The Hon. A.J. Redford interjecting:

The Hon. T.G. CAMERON: I am not suggesting that, if that is what the Hon. Angus Redford is saying, but I believe in adopting a totally paternalistic attitude to these matters. If one listens to what the charities are saying and if one goes into the community to see first hand some of the hardships that have been caused by the introduction of poker machines, I believe that one would see a justification for arguing that, in this instance, hypothecation is justified, because the $1 million that has been allocated to charities by the Government is mean and mean-spirited.

One could perhaps take a leaf out of Gordon Bilney's letter published in the *Advertiser* this morning, in which there appeared a word I had never heard before—'curmudgeon'. But there is no doubt—

An honourable member interjecting:

The Hon. T.G. CAMERON: 'Curmudgeon'. I have been briefed by the walking dictionary who sits next to me as to what words mean. I often consult him when I do not know what a word means. I was pointed in the right direction by the Hon. Trevor Crothers as to what 'curmudgeon' means. If the Hon. Diana Laidlaw wants to know what it means, I suggest that she do the same thing I did: either look it up in the dictionary or consult the Legislative Council's walking *Webster Dictionary* and speak to the Hon. Trevor Crothers.

There is no doubt that the actions adopted by the Government and the Treasurer are curmudgeon-like in the extreme, particularly when one takes into account that when in Opposition the Treasurer argued most eloquently and strongly that, because of the impending doom that would be visited on the community by the introduction of poker machines, $5 million should be allocated to charities. It is interesting to note, now that he is Treasurer, that he has a somewhat different view on the matter. I urge the Treasurer and members of the Government, particularly those in the Cabinet, to reconsider their position on this matter.

A $1 million allocation to the charities, with the additional burdens that have been placed upon them since the introduction of poker machines, is inadequate. An amount of $1 million is just not sufficient for them to continue to provide their excellent services to the poor and disadvantaged sections of the community. Whilst I have strong reservations about the concept of hypothecation, in this instance I do support it.

Similarly, I support the amendment to remove EFTPOS facilities from premises where people are gambling. I have become aware of a number of instances where people are using their credit cards whilst involved in a bit of a gambling spree. People start losing, they chase their money and, before they know where they are, they are up to their $1 000 or $2 000 limit and are then faced with the problems of how to repay the money. There have been instances where people have got caught short, convinced that they were going to win, and have used their company credit cards only to be subsequently caught and dismissed for using that company credit card. Obviously, when they started out they intended to pay back the money, but the poker machines were not kind to them and they lost.

My final comment in relation to the Bill relates to clause 13, which is a transitional provision and which provides:

(a) that gaming operations cannot be conducted on the premises on Christmas Day or Good Friday; and

(b) that there is at other times a continuous period of at least six hours in each 24 hour period during which gaming operations cannot be conducted on the premises.

I indicate my support for paragraph (a) of this clause. I do not believe that gaming operations should be conducted on Christmas Day or Good Friday. I do not say that from a religious point of view. I am an agnostic. I am not a practising Christian, but I do believe that Christmas Day is a family day. It is a day on which people should sit down with their family and relations and enjoy the spirit of Christmas.

Similarly, I support the proposition to ban gaming operations on Good Friday. Whilst I am not a Christian, I support the view that a large section of our society holds deeply-held views on religious matters. For these people Good Friday is a very special day of the year.

I support the proposition. In relation to clause 13(b), as I have already explained, I have not been approached by the industry at all on this matter. Unless I am convinced otherwise by good reasons, I will also support the proposition that there should be a ban of a continuous period of at least six hours in each 24 hour period. I know that that view is not shared by many of my colleagues or by my good comrade John Quirke in another place. However, at this stage I will keep an open mind on clause 13(b) but, as has been pointed out to the House, we have a conscience vote on the issue. Unless I am convinced by good reasons otherwise, I will also be supporting clause 13(b). I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

[Sitting suspended from 1 to 2.15 p.m.]

ADVERTISER

The Hon. DIANA LAIDLAW (Minister for Transport): I seek leave to make a ministerial statement about the *Advertiser* and the arts.

Leave granted.

The Hon. DIANA LAIDLAW: On Tuesday of this week the Hon. Anne Levy asked me a question about a decision last Friday by the *Advertiser* to discontinue engaging external professional reviewers to review performances and exhibitions in Adelaide. Apparently the decision embraced not only the employment of arts critics but also travel writers, book reviewers and columnists. Like the Hon. Ms Levy, I had been alerted that this move followed a decision from on high that the *Advertiser* must make immediate savings of $250 000 as its contribution of offsetting losses of $250 million incurred by the News Corporation's thwarted efforts to launch rugby Super League, including the Adelaide Rams.

Prior to the Hon. Ms Levy asking her question, I had asked my office to contact the Editor of the *Advertiser* (Mr Steve Howard) to seek an appointment to discuss the consequences of this decision. I regret that this arrangement had not been confirmed by the time the issue was raised in this place.

Yesterday morning I wrote to Mr Howard, enclosing for his information a copy of the Hon. Ms Levy's question and my answer and acknowledging the opportunity to meet him at 9.15 a.m. next Monday 1 April 1996 to discuss the matter further. To his credit Mr Howard telephoned me immediately upon receiving my letter. I suggested that if he in turn wrote to me I would consider the advice for incorporation in a ministerial statement. I now wish to read both my letter to Mr Howard and his reply. I stated:

Dear Steve,

I am disappointed that my first communication with you is one of protest. On Monday evening I was alerted to the decision by the *Advertiser* management to cease engaging outside experts to review performances and exhibitions in Adelaide. This long-standing practice has ensured analytical, informed advice to South Australians in general about the quality of performances and exhibitions and has provided invaluable feedback to artists. Indeed, I could contend that over the years the practice has helped to ensure that Adelaidians are well informed, discerning arts partons, receptive to new ideas. This fact was most apparent during the recent Adelaide Festival and Fringe and was the subject of much praise by visiting arts critics.

For your interest I enclose a copy of a question I was asked yesterday in the Legislative Council about this matter by the Hon. Anne Levy, MLC, and my response. I look forward to discussing this matter with you further on Monday, 1 April 1996, at 9.15 a.m. and thank you for making the time available for me to do so.

In a letter, signed the same date (27 March) Mr Howard writes:

Dear Minister,

I was flabbergasted—more than upset—to see your answer in Parliament to the question on the *Advertiser's* arts coverage. Flabbergasted in that any link with the Adelaide Rams was made with my appointment as editor and, particularly, the coverage of arts in the *Advertiser*.

That said, it is unfortunate that nobody checked the story before rushing into print (in this case *Hansard*). Those words may sound strange coming from a newspaper editor to a politician. Indeed, a different turn of events.

The *Advertiser* has a strong commitment to the arts. This will not diminish or be curtailed in any way under my editorship. Our coverage of the recent festivals are testament to that.

It is true that some of our regular contributors will not be used as often. They have not all been chopped.

That is good news, and whether it did take the question and answer in this place to receive such good news I am not sure. But perhaps the exchange has helped deliver this outcome. Mr Howard goes to say:

In fact, due to commercial requirements in a competitive industry, Arts Editor Samela Harris has decided on a course of action for our future arts coverage which will meet all criteria. She has decided our dedicated staff arts writers will play a greater role in the *Advertiser's* coverage.

Ms Harris has assured me the strengths of our staff will be used to provide the most professional previewing and critiques for our daily arts cover and monthly magazine.

I thank Mr Howard and Arts Editor Samela Harris for confirmation that the monthly arts magazine *Arts Monthly* will continue, and that is fantastic news for *Advertiser* readers and for the strength of the arts in this State. Mr Howard continues:

Importantly, where there are events which require a certain area of expertise—symphony orchestras, Musica Viva, chamber orchestras, arts and crafts etc.—Ms Harris will commission reviewers with the expertise to provide copy for the *Advertiser*.

This newspaper's commitment to this vital and vibrant sector of South Australia's life is absolute. Commercial realities are commonplace and businesses must identify them to survive. The *Advertiser's* arts coverage will more than survive, it will flourish under the direction of Samela Harris and her team.

Yours sincerely,

Steve Howard, Editor.

I wish to record my thanks for this letter from Mr Howard. I am pleased that he took up my invitation to provide a response, and I welcome the opportunity to incorporate this response into *Hansard*.

QUESTION TIME

INDUSTRIAL COMMISSION

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

Leave granted.

The Hon. CAROLYN PICKLES: On 13 March, Deputy President Hampton of the South Australian Industrial Commission ordered that all parties to the teachers' dispute should commence genuine negotiations and that the scope of such negotiations must include staffing, class size and workload issues as part of any agreement. While the Minister for Education has said that the Government accepts the orders by the Industrial Commission, the Minister has avoided saying whether the Government will agree to include these issues in an award. My question to the Minister is: will the Government include staffing, class size and work-load issues in any agreement with teachers for a new award?

The Hon. R.I. LUCAS: That really is a silly question. The offer that the Government gave to teachers some five weeks ago (of which the Leader of the Opposition has a copy) includes within it an offer to guarantee classroom teaching formulae, which is the equivalent of class size, the preschool teaching formula, the non-instruction time formula and the school services officers' formula.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: It is part of the Government's offer. It is part of the Government's six-point peace package which we announced earlier this year, which we tabled and which we provided to every teacher, every—

Members interjecting:

The Hon. R.I. LUCAS: It's there; it's in it.

The Hon. R.R. Roberts: In the award or not?

The Hon. R.I. LUCAS: It's there; it's in the agreement, as was asked just then. That is why I say that it is a silly question. The Leader of the Opposition has had a copy of that for weeks. Clearly, she has not read it or, if the Leader of the Opposition read it, she has chosen deliberately to ignore the fact that it covers exactly those issues in the offer and to come into this Chamber trying to pretend that the Government has not been genuine in relation to its intentions in this area. It is there in clause 5 of the enterprise agreement, full stop.

INDUSTRIAL RELATIONS

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Leader of the Government in the Council a question about industrial relations and Federal award costs.

Leave granted.

The Hon. R.R. ROBERTS: Prior to the last election, the then Opposition, as part of its industrial relations policy, offered workers in South Australia a package which says that they would be caring and would have fair industrial relations in South Australia.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: The electorate accepted that proposal, that they would be treated fairly by this Government—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: In fact, they attracted probably more blue-collar voters at that election than they ever have. One group, the Teachers' Institute of South Australia, entered negotiations for an award with this Government after the election in 1993 and into 1994. Their own assertions have been that they received no satisfactory negotiations with the Government and decided to seek relief in the Federal sphere. In 1994, the Attorney-General said that the Government had established a unit with $800 000 to fight applications by public sector unions for Federal awards. This is to stop unions seeking relief in the Federal awards—hardly caring. This included $223 000 spent on legal fees fighting the application by the teachers for a Federal award. Since an interim award was granted to the education unit, the Government has taken a series of unsuccessful legal actions. These include: an unsuccessful action to revoke the original dispute finding and a subsequent appeal, an unsuccessful action to keep ancillary staff out of the dispute and an unsuccessful application to have the Australian Industrial Relations Commission refrain from making an award. All those actions have been taken at some expense.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: My question to the Government is: how much has the Government spent on legal fees opposing a Federal award for South Australian teachers—not necessarily what it has cost in all awards but for South Australian teachers only, but if the Minister is prepared to give the figure for all awards we will be happy to receive it.

The Hon. R.I. LUCAS: Every Question Time I wonder, 'Who's written the Hon. Mr Roberts's question today?'

The Hon. L.H. Davis: I don't think even he knows.

The Hon. R.I. LUCAS: That's true. Today, I have guessed it. I know where this question has been drafted. On Tuesday afternoon, I sat in a meeting with a number of people—I will not name them—and exactly the same words were used as those in the explanation to that question, word-for-word, syllable-for-syllable. I have won the competition this week.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: It is good to see that the Leader is trying to protect the Deputy Leader. The responsibility for the costings of that unit are with the Attorney-General who, as the Deputy Leader is aware—

The Hon. Carolyn Pickles: You must have some idea.

The Hon. R.I. LUCAS: No, I don't—is absent on ministerial business. Certainly, I will consult with the Attorney-General when he returns from important ministerial business in relation to the member's question and seek to bring back some sort of reply as soon as I can. What I can say is that, whatever it costs, in the interests of the taxpayers of South Australia, it will be money well spent, because the annual cost to the taxpayers of the teachers' Federal award is $218 million a year. So, if the Government has to spend $200 000 or $400 000 to stop the taxpayers of South Australia from having to pay an annual recurrent cost of $218 million, then the people of South Australia out there in the real world will be saying to the Government, 'You spend that money, because it will mean we can save $218 million total cost', or a good proportion of the Federal award claims by the Institute of Teachers.

HEALTH, COMMUNITY

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services—

The PRESIDENT: Order! I cannot hear the question.

The Hon. T.G. ROBERTS: —as Acting Minister for Health a question about community health.

Leave granted.

Members interjecting:

The Hon. T.G. ROBERTS: I will engage my services in any community activity the Hon. Mr Redford.

Members interjecting:

The Hon. T.G. ROBERTS: I will comment on the Collex decision later. The *Leader Messenger* of Wednesday 20 March carries an article by Scott Cowham indicating a major concern for the Government, the Opposition and the community at large about community health associated with food preparation, in particular, with sandwiches, cakes, rolls and cooked meats, etc. The problem we had earlier last year needs to be taken on board when a considered reply is given, because the situation as reported in the article appears to be serious. It states:

> Forty-two per cent of food surveyed in the Marion council area earlier this year failed to meet health standards. Of 43 products randomly surveyed, 18 had high bacterial levels and failed Food Act requirements. . . four out of five sandwiches/rolls. . . cakes and buns. . . and more than half the meat products—

failed to meet the standards we would expect of a developed country like ours and a developed State like ours. The report continues:

> Marion environmental health officer Chris Kavanagh said the poor result could be blamed on storage, temperature and food handling by shop workers at the premises. Mr Kavanagh said officers identified themselves before having food made or buying products [to do their survey].

In the survey 100 per cent of cakes and patisseries failed, 80 per cent of sandwiches and rolls failed and 66 per cent of cooked meats failed. The report continues:

> Despite the poor results and breaches of the 1985 Food Act, Mr Kavanagh said no legal action would be taken against the manufacturers or store owners. Instead, an education program will be held with all the stores surveyed—including those that passed the survey—on storage and handling.

The article goes on to make a number of other comments. In view of that article and given that it is accurate, will the Government make the finances and resources available for more vigilance by local government in being able to undertake more health surveys and education to protect community health standards in South Australia?

The Hon. R.I. LUCAS: This is certainly an important question and clearly all the own work of the honourable member. I will refer the question to the office of the Minister for Health and bring back a reply as soon as I can. In his explanation the honourable member indicated that the responsibility for this matter rests with local government and local councils but, nevertheless, I will take up the issue with Health Commission officers and bring back a reply as soon as I can.

COLLEX LIQUID WASTE TREATMENT PLANT

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

Leave granted.

The Hon. M.J. ELLIOTT: Yesterday, the Minister for Housing, Urban Development and Local Government Relations released a statement advising that he had approved the process for a Development Plan amendment for rezoning land for the establishment of a liquid waste treatment plant at Kilburn. The fact that this statement came at a time when the local council's Supreme Court challenge to the development is still before the courts has greatly concerned local residents, who have been successful in the courts on previous occasions. Residents are opposed to the establishment of the liquid waste treatment facility opposite a residential zone, which is near the Kilburn Primary School and a local school at Kilburn. Concerns also remain that Collex is a wholly-owned subsidiary of Compagnie General des Eaux, which owns United Water, the company now in charge of much of our water operations. Page two of the Minister's statement states:

> The Collex proposal is to receive liquid wastes from across the State, recover some recyclable material and dispose of the balance of treated waste to the sewer in a manner acceptable to SA Water.

This has raised questions about potential conflict of interest. The council has offered financial incentives to move the works to a more suitable site and is prepared to allow the zoning to be changed for this to occur. In this Council last month I relayed many people's concerns that the State Government had still not ruled out intervening in the planning process to allow the Collex development to go ahead. There were fears that a decision on the development may have been imminent in the light of recent legal threats against the local council by Collex lawyers in an attempt to gag any adverse comments. Now we have the statement by the Minister and fears have been raised that the commencement of work on the site may be imminent. I have been informed that construction huts have been on the site for several weeks. My questions are:

1. When does the Government expect work to commence on the site?
2. Will the Government give an undertaking that it will not commence work on the site until proper court processes and consultation processes have occurred?
3. Why does not the Government allow the due processes to take their proper course and let the courts decide this issue?
4. If this project is so economically important, why is the Government preventing a solution to this problem by taking up the local council's offer of an alternate site?
5. Will SA Water staff or staff of CGE owned United Water be responsible for the policing of water monitoring guidelines?
6. How much has the Government's role in this issue cost South Australian taxpayers so far?

The Hon. DIANA LAIDLAW: I will refer those questions to the Minister and bring back a reply.

TAXIS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport a question about the accreditation of centralised taxi booking services.

Leave granted.

The Hon. T.G. CAMERON: Under section 29 of the Passenger Transport Act 1994, which came into operation on

1 September 1994, taxi services which take bookings from the public which are assigned to drivers must be accredited by the Passenger Transport Board. Under the Act each separate taxi service will enter into an agreement with the board, supposedly guaranteeing certain customer service standards. These standards are strict and even include such things as the colour of the shoes to be worn by taxi drivers and the length of their socks. The Passenger Transport Act enables—

Members interjecting:

The Hon. T.G. CAMERON: I can quote the section, if you want—the board to take disciplinary action, should any of these standards be breached. The board's powers include the suspension or cancellation of accreditation. I am informed that consultation with the individual centralised taxi booking service has been continued for some time and that a draft agreement has been prepared and circulated to all companies and the Passenger Transport Taxi Industry Advisory Panel for comment. While the Minister is keen to oppose the most vigorous regulations on cabbies, after more than six months there is still no timetable for imposing regulation on the radio companies.

I understand from reliable sources that many of the centralised booking services are totally disinterested in signing agreements with the Passenger Transport Board, which would, in effect, force them to abide by a set of regulations and terms. Could it be that it suits centralised booking services to maintain the *status quo*, because, as long as they remain unaccredited, their representatives on the Transport Industry Advisory Panel retain all their influence but none of the responsibility? My questions to the Minister are:

1. Why has it taken so long for the agreements, foreshadowed by section 29 of the Act, between the Passenger Transport Board and operators, to come into effect, and when will they?

2. As there is no present agreement between operators and the Passenger Transport Board, what is the Minister doing to ensure that centralised booking services are currently fulfilling their obligations?

3. Given the obvious need for accreditation of the operators, will the Minister give an undertaking that there will be a speedy implementation of agreements between the Passenger Transport Board and operators?

4. Why are there centralised booking services representatives on the Transport Industry Advisory Panel when they represent as yet unaccredited sections of the industry?

The Hon. DIANA LAIDLAW: As the honourable member would know (although I do not think he was in the Parliament when the passenger transport legislation was debated, he would have picked this up since), the Government and I think all members in this place have been very keen to see a lift in standards of performance by the taxi industry as a whole: not only from drivers, who are at the public face of the taxi industry, but from the radio companies. It was for that reason that Parliament took the opportunity nearly two years ago to make sure that there was provision for agreements between the Passenger Transport Board and the centralised taxi companies for accreditation purposes.

I regret that the PTB has not been successful to date in realising those agreements. Prompted by the honourable member's questions, I will push to ensure that these agreements are signed. I can assure the honourable member that it is the wish of the Parliament that those agreements are signed. The radio cabs have worked closely with the PTB, as have drivers generally, in what I and other members have observed to be an excellent turnaround in performance. Regular auditing has confirmed that standards have been lifted tremendously.

One of the most excellent aspects of the recent Festival and Fringe was the association between the taxi industry and the Festival in the promotion of the arts and the taxi industry. Many visitors to this State commented positively that our taxi drivers and their cabs were well presented, that the average age of the cabs has dropped markedly, and that they were clean and newer. People also commented on how well informed taxi drivers were not only about Festival attractions, but also about restaurants, accommodation and the like.

There has been a lot of good will between the Passenger Transport Board, the drivers and the Government. However, that does not mean that while there is some good will on a practical basis the radio cabs can defer signing these accreditation agreements for much longer. I thank the honourable member for his questions, which I will pursue.

The Hon. T.G. CAMERON: As a supplementary question, which is one of the questions I asked and which was left unanswered: why are there centralised booking representatives on the Transport Industry Advisory Panel when they represent as yet unaccredited sections of the industry?

The Hon. DIANA LAIDLAW: I thanked the honourable member for his questions and said that I would pursue them. I should have thought that was an answer, and I continue to believe that it is.

GOODWOOD ORPHANAGE

The Hon. ANNE LEVY: I seek leave to make an explanation before asking the Minister for Education and Children's Services about the redevelopment of The Orphanage in Goodwood.

Leave granted.

The Hon. ANNE LEVY: On 20 June last year the Minister told the Estimates Committee that the Government had agreed to a very innovative plan for the sale of part of the land at the Goodwood Orphanage to the House of Tabor for $1.2 million. He had rejected plans to sell the whole of the area, but agreed to sell about a third of it. He went on to say that the House of Tabor would build a theological college on this third of the site, and praised the 'assiduous efforts' of the member for Unley who had ensured that the plan would protect the interests of local residents. In particular, he mentioned parking, recreational facilities, parks and tennis courts which, through the so-called good offices of the member for Unley, had all been fixed and everything was sweet and rosy.

Local residents are now expressing outrage at the plans released by the House of Tabor for the construction of a multistorey building and complaining vociferously about the loss of open space, the creation of all sorts of traffic, particularly parking problems in Mitchell Street, and the loss of amenity to local residents. In fact, so strong are the concerns of many residents that a public meeting has been called by the Unley Council to hear the residents' concerns. This meeting is to be held next Tuesday evening.

Numerous residents have also contacted us, complaining bitterly that the member for Unley has been supporting this plan. They are even suggesting that he has put his position as Parliamentary Secretary to the Minister for Education and Children's Services ahead of their interests.

The Hon. R.I. Lucas interjecting:

The Hon. ANNE LEVY: That was when you said it would be sold. It is in *Hansard*—

The Hon. R.I. Lucas: How long had he been Parliamentary Secretary?

The Hon. ANNE LEVY: It has not got the—

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: My questions are:

1. Did the Government impose any conditions on the future development of land at the Goodwood Orphanage before it was sold to the House of Tabor?

2. Will the Minister table a copy of the sale contract?

The Hon. R.I. LUCAS: On the second question, I will take advice and bring back a response. In relation to the first question and in part response to the explanation that preceded it, the honourable member said that certain residents or constituents had inferred that the member for Unley had placed his position as Parliamentary Secretary before their interests. The honourable member in her explanation quoted what I said to the Estimates Committee in June last year when I acknowledged the assiduous work that the member for Unley had done on behalf of local residents in relation to open access, access to recreational facilities, traffic management and car parking.

I can assure the honourable member, if she has had a memory lapse, that the member for Unley was appointed Parliamentary Secretary only in the last few weeks. In June of last year he was not the Parliamentary Secretary when, on behalf of residents and constituents, he assiduously engaged in a series of discussions with me, as the Minister, to make some changes to the proposition. Since this issue was raised a few weeks ago by the Unley council, the member for Unley has been having discussions with constituents and residents. He has made himself available for those discussions, and he will attend the public meeting. He intended to call a public meeting to highlight—

An honourable member interjecting:

The Hon. R.I. LUCAS: No, because the Parliamentary Secretary will be there, as will senior officers of the department.

The Hon. Anne Levy: He should be here in Parliament.

The Hon. R.I. LUCAS: He is in Parliament.

The Hon. Anne Levy: Next Tuesday evening.

The Hon. R.I. LUCAS: He will be attending the meeting.

The Hon. Anne Levy: Well, he shouldn't. He should be here.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The honourable member says that the local member should represent his constituents, but now she suggests that there is something wrong with the member for Unley's attending this public meeting. The Hon. Ms Levy is trying to have her cake and eat it, too. She criticises the honourable member because he will not represent local constituents but, when I indicate that he will attend the public meeting that has been called to discuss this issue, she criticises him and says that he should not do so. I will ask the Hon. Anne Levy—

Members interjecting:

The PRESIDENT: Order, Minister!

The Hon. R.I. LUCAS: Well, who started it?

The PRESIDENT: Order! I call the Minister to order. The Minister for Education.

The Hon. R.I. LUCAS: If the Hon. Anne Levy is suggesting that all members including herself should not absent themselves from this House of Parliament for any reason other than parliamentary business, let her stand now and indicate that that is a principle that she has followed as a member of Parliament and give the reasons why she believes that all members, including herself, will abide by those sorts of principles in the future. I assure you, Mr President, that we will not hear another peep out of the Hon. Anne Levy, because she well knows the consequences of those sorts of principles being followed in this Chamber.

Members interjecting:

The PRESIDENT: Order! The Minister should come back to the subject.

The Hon. R.I. LUCAS: I will not respond to those interjections, Mr President. Not only in June of last year but from that time until March this year, the member for Unley has represented the interests of his local residents. In the discussions around the agreements that we are in the process of striking for Tabor College, the interests of residents have been prominent in the considerations of both parties. I indicate that there will be continued access by residents to the remaining areas of open and recreational space at The Orphanage.

As a result of this development, additional car parking spaces will be made available, because the residents have complained that there are not enough car parking spaces within the grounds of The Orphanage. They say that too many people attending functions at The Orphanage have parked in the streets of Unley. So, as part of this development, and partly in response to the representations of the local member, Tabor College has increased the number of car parking spaces inside The Orphanage to protect further the position of the residents of Unley.

Because residents have put to the local member and others that they want continued access to some tennis courts on the grounds of The Orphanage that would have formed part of the sale, Tabor College has amended its proposals for this development to ensure that access to those tennis courts by local residents would be continued if wished. That is an indication of good faith by Tabor College. It wishes to be a good neighbour to the residents of the city of Unley, and it is prepared to listen to representations made by the member for Unley on behalf of his residents.

This issue has attracted some publicity in recent weeks because some people within the city of Unley have opposed this development. They have been circulating material to residents who live around The Orphanage. They have also made claims in the local newspaper which in my judgment and that of most impartial observers are not entirely accurate in terms of what the development entails. That is why officers of my department and the local member will attend the public meeting next week to provide factual information about this proposal which will be developed by the renowned heritage architect, Ron Danvers, whose reputation in terms of heritage buildings in South Australia is unparalleled. This will ensure that the development is entirely sympathetic to The Orphanage. Tabor College and its principals chose Ron Danvers specifically because of his expertise in heritage architecture. Ron Danvers has worked on many buildings within the city of Unley. I might be corrected on this, but I think he did some work on the Town Hall—I was advised of that this morning. However, he certainly is renowned for his work in this area, and he would not be part of some sort of a sloppy development that would detract from the heritage buildings at The Orphanage.

Most of the development is single storey, and the maximum height is two storeys but less than the height of the

current buildings. Contrary to the claim made by some of the opponents, if one travels along Goodwood Road to the south, when one comes to the subway the protection of tree cover means that one will not be able to see any part of the development. Coming from the north, heading south along Goodwood Road, again that tree cover will ensure that as you drive along you will be hard pressed to see the development until you are almost directly opposite it.

The member for Unley has been assiduous. Some erroneous claims have been made recently which have caused residents some concern. I am sure that we will see 300 or 400 residents at the meeting next week. It will provide an opportunity for the facts to be provided, and I am sure that, in the end, when this sympathetic development is continued, some of those people who have had genuine concerns about it will see that the Government and I (as Minister for Education) are not rampant, unsympathetic developers—and neither is the Tabor College. The college wants to be a good neighbour, it wants a good development, and this proposal with auditoriums and lecture theatres will provide extra facilities for the teachers of South Australia.

The Hon. R.R. ROBERTS: As a supplementary question, as the Minister in charge of this matter, and given the guarantee of a pair by the Government, will you have enough guts to turn up at the meeting yourself, as you will be responsible for the decision?

Members interjecting:

The PRESIDENT: Order! That is very unparliamentary language; it is not necessary.

The Hon. R.I. LUCAS: I will not be critical of the use of language by the honourable member. You, Sir, have rightly pointed that out to him. No, I will not be attending the meeting early next week. There is important Government business in this Chamber, as has been highlighted by the honourable member's colleague, the Hon. Anne Levy. Let me assure the honourable member that if the City of Unley or anyone chooses to hold a meeting on a non-parliamentary sitting night and gives me due notice, I will be there.

ASER PROJECT

The Hon. L.H. DAVIS: I direct the following questions to the Leader of the Government:

1. Will the Government provide a full breakdown of the final cost, including accrued interest, of the various elements of the ASER project: the Adelaide Casino, the Hyatt Regency Hotel, the Riverside office building, the Adelaide Convention Centre and the public areas?

The Hon. T.G. Roberts interjecting:

The Hon. L.H. DAVIS: I guess the honourable member is just sorry he did not ask this question of his own Party. I continue:

2. Will the Government provide details of the budgeted costs for each of these elements of the ASER project?

3. Under the 1983 Bannon/Tokyo agreement, which established the ASER project, the Government was committed to rent 50 per cent of the office space in the Riverside building. What has been the cost to Government of the rental guarantee for the Riverside building, including rental paid while the building was vacant?

4. What is the current rental cost per square metre being paid by the Government for space in the Riverside building?

The Hon. R.I. LUCAS: I will refer those questions to the Treasurer and bring back replies as soon as I can.

The Hon. T. CROTHERS: I have a supplementary question. Will the Government also provide details of its involvement in the buy-out of shares formerly owned by Southern Cross Homes?

The Hon. L.H. Davis: There has been a ministerial statement on that.

The Hon. T. CROTHERS: I want the details.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: As pointed out by the Hon. Mr Davis, I can probably obtain a copy of the ministerial statement, and perhaps even get an autograph for the honourable member, if he so wishes. I will refer the honourable member's question to the Treasurer to see whether there is anything useful he can add to the ministerial statement he made on this issue some weeks or months ago.

TEACHERS' PAY

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 funding for teachers.

Leave granted.

The Hon. P. HOLLOWAY: The Government's 12 per cent pay offer to teachers, which was announced in the Minister's press release on 20 February, was costed at $93.6 million and, of that figure, the Minister's press release indicated that $70 million would be provided from Treasury as extra supplementation to the education budget. The Minister also said that most of the remaining $23.6 million will be funded by saving measures already announced in the 1995 State budget, such as the reduction in SSO numbers and above-formula teacher positions. The Opposition understands that those savings already contained in the 1995 budget still leave an $8 million shortfall in that figure of $23.6 million.

Last week the Minister chose not to answer my question without notice about the numbers of enrolments in public schools and the impact that would have on teacher numbers. I still have not received a reply to that question, although we are only two weeks from the end of the first team. My questions to the Minister are:

1. How does he propose that the missing $8 million will be funded if his wage offer were to be accepted?

2. Will he guarantee that there will be no further cuts in teacher or SSO numbers in 1996 to fund this shortfall?

3. When will he provide the information on school enrolments, given that we are now almost at the end of first term?

The Hon. R.I. LUCAS: I have a recollection for a lot of figures, but the honourable member asked me last week the exact numbers of students, in terms of the enrolment audits compared with various years, and I said that I did not have those figures with me and that I would bring back a reply as soon as I could. I can certainly assure the honourable member that a one week turnaround in answers is a standard that no previous Government, including his own Government of almost 20 years, ever subscribed to.

It is hypocrisy on the part of the Hon. Mr Holloway to expect a response within one week. The Hon. Mr Holloway believes that because he has asked a question he can demand a response within a week, and that the Government should stop to serve the interests of the Hon. Mr Holloway. I will get a reply as soon as I can to his and other questions. I will not treat the Hon. Mr Holloway any differently from the Hon. Ms

Levy, the Hon. Mr Roberts, or anyone else, and for the Hon. Mr Holloway to suggest otherwise is rank hypocrisy.

In relation to the honourable member's question for today in relation to the costing of the 12 per cent offer, the honourable member again, as with his Leader, has clearly not read the offer document I gave, on behalf of the Government, to 20 000 plus staff in South Australia. That letter made quite clear that there would be a guarantee of classroom teaching formulae, SSO formulae—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: What does the honourable member think the number of teachers is dictated by? It is the formula. It is as simple as that. It is the formula that guarantees the number of classroom teachers we have within our schools. We have a formula that stipulates the number of students and the number of teachers. Therefore, the formula is being guaranteed for two years if the agreement is accepted. Even the Hon. Mr Ron Roberts could understand that. I would have thought the Hon. Mr Holloway could have understood something as simple as clause 5 of the enterprise bargaining agreement. Clearly the Hon. Mr Holloway refuses to understand the simple logic of that offer that was made to the teachers.

In relation to the $23 million the Department for Education and Children's Services must find, as has been indicated in the press statement, the vast majority of that figure—around about $15 million—has already been achieved through the budget savings announced in the last budget. The honourable member now asks 'Where does the other $8 million come from?' Again, that is indicated in the offer document to the teachers and staff. Clause 9 of the offer document lists a range of offsets that the Government is suggesting to achieve the savings of the additional $8 million, offsets that do not result in a change in the classroom teaching formula or the SSO formula in any way.

An example of that is that the Government has suggested that Government schools in South Australia complete their school year for the summer vacation at roughly the same time as the non-government schools in South Australia. That is, our school year would be shortened by one week. South Australia has one of the longest school years of all the State and territory school systems in Australia, at 207 days. The Government has offered a shortening in the length of the school year, with the offset being that teachers and staff will undertake professional training and development within their expanded vacation time.

Teachers currently have approximately 11 weeks, and this would mean an additional week. The offset would be that teachers would spend five days of their own time in training and development. That means a potential saving to our system of almost $2 million. A shorter school year would mean that we would not need to run school buses for an extra week, we would not need cleaners at the same rate for an extra week, and we would not need to pay contract teachers for an extra week. So that all our recurrent costs of running our system would be reduced significantly by the shorter year, that is, a saving of up to $2 million.

Secondly, because teachers will be doing professional development in their own time, we do not have to pay $2 million in temporary relieving teacher days because teachers at the moment take time off during the school week to attend conferences or training sessions, and we then have to get in relief teachers and pay them to fill in for those classes while teachers undertake training and development. That has an educational benefit as well, because clearly if the classroom teacher can stay in the classroom for longer rather than having relief teachers, it is a better situation for students. And it is another saving of $2 million. So, the simple offset that the Government has suggested as part of its offer document potentially achieves almost $4 million of the $8 million about which we are talking.

I will not spend the rest of today going through every other provision of clause 9 but, as I suggested to the Leader of the Opposition, before members come into this Chamber and ask questions about the Government's wage offer, the simplest thing would be to read the document and look at clause 5, in the case of the Leader of the Opposition, and, in the case of the Hon. Mr Holloway, look at clause 9 and find out where the offsets are. I have indicated that almost half the $8 million savings are coming potentially from one relatively simple change as part of that overall package.

The Hon. P. HOLLOWAY: Does the Minister anticipate any alteration to the education budget for 1995, due to any change in student enrolments?

The Hon. R.I. LUCAS: We are in 1996. The honourable member asks me whether I anticipate any change to the education budget for 1995 because of changes in enrolments. What sort of question is that? The budget for 1995-96 was established last May-June. We are about to move into the 1996-97 budget. If the honourable member wants help in drafting his questions, I will offer the services of my staff. If that is the best the honourable member can offer by way of a question, I will offer the services of my staff. If the honourable member wants to have another go and ask another supplementary question or wants to waste Question Time with another question, please do so, but at least he should offer something reasonable by way of a question.

The Hon. P. HOLLOWAY: By way of supplementary question, given that we are near the end of this financial year, does the Minister expect any alteration to the position of the education budget due to a change in student enrolments this year?

The Hon. R.I. LUCAS: No, I do not see any significant changes.

COMMUNITY SERVICE ORDERS

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Education and Children's Services, representing the Attorney-General, a question about community service orders.

Leave granted.

The Hon. SANDRA KANCK: Earlier this week I spoke with a constituent who had been fined $105 for travelling on his motor bike at a speed of 69 km/h in a 60 km/h speed zone. This man has no quarrel with having been caught and with paying the penalty but, because of potential financial hardship he faces, he asked the police about the option of community service instead of paying the fine and was informed that, if he let the payment of the fine go past the due date, it would almost double in cost to $209, but he would then be able to go to court and plead guilty and ask for the community service option.

One also needs to know that this man was retrenched four weeks ago with three days notice, with no inkling that it was to happen after eight years of service to his company. He has since applied for a number of jobs without success. He is paying off a home mortgage plus the loan for the purchase of his motorbike, which he took out only a few months prior to his retrenchment. He is supporting a wife and two children.

Given his financial commitments, and not knowing how long he would remain unemployed, he put his retrenchment pay (which included *pro rata* long service leave) into a bank account, which he thought was a wise thing to do. Unfortunately, this deposit has now been used against him by the courts system. When he went there on Monday to fill out a form prior to a hearing, he was told that community service was not an option because of the amount of money he had in the bank.

It seems that his only alternatives are to pay double the amount he started out being fined or to go to prison. This man is very angry about this and pointed out to me that if, for instance, he had spent his money on the pokies in an effort to get a quick return and had blown it all, he would have been considered for a community service order. My questions to the Attorney-General are:

1. Is it correct that community service orders are available only to people who have small amounts in their bank accounts?

2. If it is the case, does the Attorney-General consider that the system should be changed to allow more flexibility?

3. If it is not the case, will the Attorney-General undertake to ensure that the clerical staff in our courts system are given a clearer understanding about access to community service orders?

The Hon. R.I. LUCAS: I will refer the honourable member's question to the Attorney-General and bring back a reply as soon as possible.

OVERSEAS COMPANIES

The Hon. T. CROTHERS: I seek leave to make a brief statement before asking the Minister for Education and Children's Services, representing the Treasurer, a question about overseas owned and controlled South Australian companies and industries expatriating their profits in whole or in part out of South Australia.

Leave granted.

The Hon. T. CROTHERS: Much has been said and written concerning the size of this nation's balance of payments problems. In particular, the Australian Prime Minister and the Treasurer had much to say when they were in Opposition. Whilst that statement on their comments is true, it is also asserted by some experts that the more of our locally-owned companies sold off to overseas owned and controlled companies the greater becomes our balance of payments problems, currently standing at a figure in excess of $180 000 million.

One does not have to be a Rhodes Scholar to think of many overseas purchases of formerly South Australian owned companies, either in whole or in part. Even the present State Government has been involved in selling off overseas State Government owned and controlled instrumentalities. Of course what the South Australian Government has done in respect of this matter has been done in most, if not all, other Australian States. My questions to the Minister are as follows:

1. How much in dollar terms is expatriated each year from former South Australian owned companies that have been taken over by overseas companies?

2. How much are the annual interest charges on Australia's balance of payment problems which are required to service the debt?

3. Does the State Treasurer agree that these interest service charges only serve to increase the indebtedness of Australia, the States of the Federation and their people?

4. Is he prepared to take up this issue with his Federal counterpart and bring back an answer to this House and, if not, why not?

The Hon. R.I. LUCAS: It is always a pleasure to get questions from the Hon. Mr Crothers. I will be delighted to refer the honourable member's questions to the Treasurer and bring back a reply as soon as we can.

CENTRE FOR LANGUAGES

The Hon. P. NOCELLA: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, representing the Minister for Employment, Training and Further Education, a question about the Centre for Languages.

Leave granted.

The Hon. P. NOCELLA: On 30 November last year the Minister for Employment, Training and Further Education announced in another place the establishment of the Centre for Languages. *Hansard* of the same day states:

> Today marks the commencement of a highly significant partnership between the South Australian Government and South Australia's principal tertiary teaching institution cooperative venture to promote and foster the teaching of languages.

He went on to say that it was a new departure and that the teaching of languages was now well and truly in good hands. Amongst other things programs such as the hosted language programs in Russian and Arabic, introduced by the previous arrangement, the South Australian Institute of Languages, was continuing. Many of us who hold dear the teaching of languages were very delighted, and one can imagine that it gives me little pleasure to discover the situation described in the ministerial statement was quite different from the truth. Professor David Askew, the Head of Faculty of the Centre for Languages at Flinders University, in his memo to the management board, says:

> . . . it seems to me [this venture] will have little chance of achieving anything of note—let alone the ambitious goals set by the Minister in his statement to Parliament. Languages are clearly in a parlous state in the school system.

He goes on to say:

> It is depressing to think that one of our first tasks is going to be to preside over a further decline, but it should surprise nobody if the immediate consequence of the Minister withdrawing the modest funding is that Arabic and Russian will disappear.

He makes a number of other statements, saying:

> I cannot see how the centre is the vastly superior alternative promised by the Minister in Parliament.

My questions are:

1. Will the Minister confirm that Arabic and Russian will continue be taught, as he said in Parliament last year?

2. Can the Minister inform this Council what arrangements, structures and what resources—human and otherwise—have been made in order to allow this centre to carry out this institutional function?

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

PARLIAMENT, PAIRS

The Hon. ANNE LEVY: I seek leave to make a personal explanation.

Leave granted.

The Hon. ANNE LEVY: In responding to my question earlier, the Minister for Education and Children's Services implied that it was perfectly proper and usual for members of Parliament to absent themselves from Parliament, and to obtain a pair, for frivolous purposes, and suggested that he would remember this the next time I made a request for a pair. I would like to explain to the Council that, other than a pair for a period of illness—about 12 months ago, although it might be longer—and two requests for pairs to attend funerals in recent times—funerals of dear friends (and I can assure you I would have been much happier not to request pairs for such an occasion)—I have not requested pairs for other than parliamentary business. Over my years here, I have turned down hundreds of invitations from arts organisations and other community organisations, because I have always regarded my first duty as a member of Parliament to be present in Parliament when it is sitting.

STATUTORY AUTHORITIES REVIEW COMMITTEE: ELECTRICITY TRUST REVIEW

Adjourned debate on motion of Hon. L.H. Davis:

That the interim report of the Statutory Authorities Review Committee on a Review of the Electricity Trust of South Australia (ETSA's Expenditure on Energy Exploration and Research) be noted.

(Continued from 27 March. Page 1129.)

The Hon. ANNE LEVY: I am happy to support the motion. This is the fifth of a series of reports covering a very wide investigation of the ETSA Corporation, which the Statutory Authorities Review Committee has been undertaking. This report deals with expenditure on energy exploration and research. Yesterday in his contribution, the Hon. Mr Davis gave a very detailed summary of many of the findings in this report. I will be brief in my comments. The report is very readable, if anyone wishes to find out more about it. Two main points arise from this report which really need to be drawn to the attention of members of Parliament, the media and all South Australians. The first point is that the Liberal Government has broken another promise. It is not the first one it has broken, but it is a very significant one—a promise it gave to appease environmentalists and conservationists before the last election. It promised that it would take steps so that, by 2004, 20 per cent of all energy used in South Australia would come from alternative energy sources.

The Renewable Energy Working Group, which was set up by the Government, has reported that this is not feasible on a commercial basis—and no-one ever thought it would be—but, in consequence, the working group has recommended that it be a broken promise. It recommended that instead the Government should aim to reduce the overall use of energy, regardless of how it is produced. Consultations on this working group report have only just been completed. As yet, there has been no response from the Government. But it is quite clear that it was a promise made by the then Opposition, which it had no intention of ever keeping. It was totally impracticable, and to implement it would cost a great deal of money, which it was not prepared to put up.

I cannot imagine why it made such a promise initially, as it was quite obvious that, unless it was prepared to provide a great amount of money for research into alternative energy sources, it was quite impossible to achieve. We have the confirmation that it was an irresponsible promise which it had no intention of ever keeping, and we can add it to list of broken promises. This was stated very clearly in the report, which was a unanimous report. The three Liberal members on the committee were just as convinced as the two Labor members on the committee that this is a broken promise.

The other matter that is highlighted in this report relates to the great cuts that ETSA is undertaking in the research budget. In terms of general research, in the financial year 1991-92 ETSA spent $2.295 million on research. In the following year it spent $5.372 million and in 1993-94 it spent $4.953 million. The Government then changed and the following year expenditure on research in 1994-95 dropped to $1.362 million and in the current financial year expenditure on research dropped to only $1.287 million. This shows a huge drop in resources devoted to research and development from the minute this Government took office. ETSA's explanation for this catastrophic drop in research expenditure is that in a more competitive environment it cannot afford to spend this money on research. It is obvious that if two people are competing and one is spending a great deal on research and the other is not, the one making the apparent saving will have the competitive edge.

I see this as a very serious problem with possible dire consequences in the future. If one looks at any successful organisation or industry, one finds that there are considerable resources devoted to research and development. Without this, the industry or organisation will stagnate and no advances will be possible. In the long term, competitors will clearly overtake the industry or organisation that is stagnating. For ETSA to be cutting its research budget so drastically is a matter of great concern and that concern was unanimously endorsed by all members of the Statutory Authorities Review Committee. It seems to me that, if we place our public corporations such as ETSA into a situation where they can no longer afford to spend money on research and development, it then places an onus on the Government to ensure that, if ETSA is not doing research and development, someone else is: either the Government itself or through the Office of Energy, which is part of the Mines and Energy Department. Funding to other individuals or institutions should be taking place to ensure that important research does take place.

There are tertiary institutions and other bodies involved in research which, if provided with extra funds, would certainly undertake research that would be of relevance to ETSA. I always feel it is better for organisations to undertake their own research, because they are more aware of the problems they face rather than commissioning research from an outside body. Research is certainly better done by an outside body than not being done at all, which is the situation we are facing now, with a serious reduction in expenditure on research and development that can be only to the long term detriment of South Australia and electricity production in this State.

In his remarks the Hon. Mr Davis suggested that Leigh Creek had a finite life in terms of being a source of coal for energy production by ETSA in South Australia. I think he has wrongly quoted some of the information given to us. The current rate of production of Leigh Creek coal is about 3 million tonnes a year. Evidence given to the committee indicated known reserves of about 172 million tonnes and

inferred reserves of 350 million tonnes. At the current rate of production of 3 million tonnes a year, it indicates that there is at least 55 years of coal in Leigh Creek and perhaps more like 150 years at the current rate of usage. It may well be that at some stage decisions will be made to no longer use Leigh Creek coal because of its cost, low heat value, high sulphur content or for some other reason, but one cannot say that Leigh Creek will ever be closed down because it will run out of coal. The proven coal reserves would last at least 55 years and more likely 155 years. If its use ceases before then, it will not be due to lack of coal but to the cost of the extraction relative to the heat value of the resource itself.

Another matter dealt with at length in this report is a recognition that many of the studies on future coal reserves ignored environmental questions. Unfortunately, the studies into the possible use of Lochiel, Sedan and Bowmans coal and coal from elsewhere in South Australia undertaken over the past 20 years or so rarely looked at any environmental effects of mining and use of this coal. This is particularly relevant to the Lochiel deposit which, as was stressed by the Hon. Mr Davis, is close to the Clare Valley, a well known wine and tourism area. Obviously, if such coal reserves were ever to be exploited there would have to be a full environmental impact statement prepared and it could be that the environmental effects or the expense of coping with the possible environmental effects might completely alter the economics as determined by earlier studies.

In this report members will find interesting figures. There is certainly an extremely interesting map of South Australia showing the different areas where coal reserves have been proven, although admittedly often a very low grade coal. Such a map is probably familiar to geologists and those engaged in mining exploration, but I think it would be of great interest to many people just to see such a map. One aspect that comes out is the large deposits of coal near Lake Phillipson and Wintinna in the Arkaringa Basin in the North of the State. There have been suggestions that coal from Lake Phillipson could be married to the iron ore deposits which are not far away and that transport costs could be reduced by marrying together the iron ore and coal and producing pig iron in the Far North of the State.

We cannot say whether this will come to pass, but studies are proceeding along these lines. It would be a very interesting development, despite the harsh conditions in which workers would have to live so far north in this State. That is a future possibility. While the Government must be involved in any planning for such exploitation of a resource, taxpayers' funds would not be involved as all the exploration is currently being undertaken by the private sector.

However, I repeat my concern about the reduction in expenditure on research and development being conducted by ETSA. This could be disastrous in the long term and definitely put South Australia in a non-competitive situation. It would be very much to the detriment of this State if expenditure on research and development by electricity authorities is not increased soon and increased considerably. I commend the report to the Council. I hope that the responsible authorities will take note of it and ensure that we do not slip behind in research and development which is so essential for maintaining competitiveness in this as in all other industries.

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

NATIONAL PARKS AND WILDLIFE (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 March. Page 1155.)

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

New clause 3A—'Objects of this Act.'

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

Page 2, after line 4—Insert new clause as follows:

3A. The principal Act is amended by inserting the following Part after Part 1:

PART 1A
OBJECTS OF THIS ACT

Objects

5A. (1) The objects of this Act are as follows:

(a) the conservation and preservation of naturally occurring ecosystems and plants and animals indigenous to Australia;

(b) to set aside and manage land of national significance or for the purpose of conserving and preserving the land and its ecosystems and its native plants and protected animals;

(c) the reintroduction of species of plants and animals to land once inhabited by those species;

(d) to set aside and manage land for public recreation and enjoyment to the extent that that can be done consistently with the objects set out in paragraphs (a), (b) and (c).

(2) The Minister, the Council, an advisory committee and all other bodies or persons involved in the administration of this Act must act consistently with and must seek to further its objects.

When the Bill was circulated it caused a great deal of concern because its whole focus and various components related to commercial activities one way or another. The Minister said that the first reason for introducing the Bill was to establish a council and get input from commercial interests, among others. For the first time we have the deliberate introduction of commercial interests into an advisory group to advise the Minister on matters that come under the National Parks and Wildlife Act. There is an attempt here to expand to a significant degree the farming of native species and to facilitate the harvesting—which means killing—of native species. Therefore, the Bill overall is very much focused on commercial interests.

Many people in the conservation movement would not have such great concern about some of these issues if they felt that the prime objective of anything that took place under this legislation was always consistent with the conservation and preservation of ecosystems, plants and animals indigenous to Australia. They might not object to the farming of some native species if they felt convinced that the decision to farm those species would not put native stocks at risk in terms of numbers or genetic diversity and also if they felt that, recognising that we are talking about wild animals, animal welfare issues were given proper consideration, because working with wild species will create many more problems than species with which humanity has worked for thousands of years.

I believe that people would say that the first reason for a cull was clearly commercial. I suppose that there are two reasons why a cull could be called. One could be for commercial reasons, an example being the damage that some corella flocks have been doing. The question is: why are these unnaturally high numbers of certain species building up? Clearly, it is because we have interfered in the natural processes in some way. People may be prepared to accept a cull if they believed there was no other choice and were also

convinced that real attempts had been made to look at alternative solutions not only in the short term but even more so in the long term, so that culling, so far as it did occur, is genuinely unavoidable. If we do not get this legislation right, people will not be convinced that it would not be used in the wrong way. Many people believe that culling would be the easy way out rather than finding more appropriate solutions.

The reason for inserting an objects section in this Act is to make quite plain that the reason for the existence of the principal Act in the first place is for the purposes of conservation and preservation and, in so far as commercial interests are involved with ecosystems for individual plant and animal species, that they will be consistent with those goals of conservation and preservation. I think the vast majority of the public would be most concerned if the National Parks and Wildlife Act had as its principal focus: 'How do we make a buck out of our wildlife?' Some people would read the current legislation with a great deal of scepticism and say, 'That is all this seems to be about: how to make a buck out of our animals or to reduce animal numbers so that we can make an extra buck.'

If the Government does not want that sort of cynicism to continue, it must ensure that this Act contains objects, which would provide direction to the Minister, the department and committees established under this Act, and the behaviour of all people acting under this Act would be consistent with those objects. If we do not have an objects section in the Act, especially without the instruction that I suggest in part 2—that the Minister, the council, the advisory committees and all other bodies and persons involved in the Act must act consistently—we then have an Act which talks in part about conservation, in part about farming and in part about culling but does not set out clearly what is the precedence.

If there is a conflict between different sections, where do our priorities lie? The objects of the Act should seek do that, and I believe that this Act is deficient without them. In fact, I must say that even in drafting the objects we could have some argument about their wording, but at this stage I am simply debating the principle. Having thought again about what the objects of the Act should comprise, the sorts of amendments proposed are that much more obvious, because we would seek to amend the Act in such a way that the clauses would be consistent with the objects. I urge all members to support this clause.

The Hon. DIANA LAIDLAW: The Government does not support the initiative taken by the honourable member, in particular, what it considers to be the restrictive nature of the objects that the honourable member has defined. In the process of negotiating the passage of this Bill, the Minister in the other place has accommodated many issues that have been raised by the community and other parties. They are presented in the Bill before us and in the amendments that are to be moved shortly.

In terms of the objects proposed by the Democrats, the Minister and the Government are not able to accept them in the way in which they are worded. We do not consider that they are sufficiently comprehensive—as I have indicated, we consider them to be restrictive—and we feel that they do not reflect the full scope of the National Parks and Wildlife Act. Before objects can be added to the Act, the Government believes strongly that extensive community consultation needs to take place to ensure that all issues are canvassed and that there is broad community support for any proposed changes. In particular, the extensive friends and the very broadly represented consultative committee network should be given the opportunity to participate.

The Minister has undertaken to consider this matter, so it is not off the agenda, but it is the nature of the proposal before us that we cannot accommodate. The Minister has undertaken to consider this matter in conjunction with the Hon. Mr Elliott and the Hon. Terry Roberts (the shadow Minister for the Environment) before referring the matter to the council which is to be established under this Bill to work on the objects and undertake what we consider to be the appropriate consultation before such objects are adopted. Therefore, the Government does not support this amendment at this time.

The Hon. T.G. ROBERTS: The Opposition supports the initial set of objects drafted by the Democrats, if only to give the process a bit of a crank start. I think they became necessary when the Democrats approached us to look at their aims, including putting objects into the Bill. The Government has done a good job of pulling together some of the changed concerns that have been determined through consultation since the Bill was put on the table prior to Christmas, but the consultation processes have left much to be desired in being able to pull together all the parties that have a vested interest in the final outcome of this Bill.

Most of us have learnt something from the whole process. I think I can confidently predict that the contacts we have made during the process of pulling together this Bill will enable us to put together a good negotiating team to ensure that all matters relating to the environment, if they come before us in this Council in the form of amendments or changes to the Act, will go a bit more smoothly than the consultation processes on this one. Having said that, I think there are a number of varying degrees of positions in relation to many aspects of this Act that make it hard for negotiators to achieve outcomes with which people feel completely satisfied.

This Bill brings broad-scale philosophical change to the way in which national parks are managed and viewed by communities. At this point, it is timely in that a demand has built up in the community for some of our wildlife species to become commercially managed, and there are certainly markets for a number of our wildlife species and flora. The Joint Committee on Living Resources, which looked into all aspects of commercialisation of our species, found that there was a growing interest locally, nationally and internationally in being able commercially to use our flora and fauna to the advantage of the State and the nation as a whole.

It was inevitable that, if legislation was not set up, there would be (and indeed was) meat substitution, the taking of wildlife (both bird life and meat products) unlawfully for sale and transport, and unlawful trade in some of our fauna. So, the Government rightfully looked at the circumstances and said that the commercial harvesting of our flora and fauna should be covered by an Act of Parliament, and it went about pulling the objects of that exercise into amendments to the Act.

We have a Bill before us that did not include any objects. The Government's position was that the consultation processes that were to be set up by the structures included in the Bill would bring about the process of determining objectives. The criticism made by the Hon. Diana Laidlaw that the objects in the Act were restrictive and not all embracing, and perhaps not covering the field enough are probably accurate. The first job of the new management committee and the advisory committees could be to pull

together the objects of the Act so that they have a starting point as to how they see the Act finally applying and what the objectives should be.

There is a fine line between supporting the Parliament's right to set some objectives on behalf of the people of South Australia and whether it should be left to a committee to make recommendations to the Minister. In this case the Democrats and the Opposition are supporting at least some initial objectives being included in the Act. If the advisory committees through to the Minister determine further objects that might be included at a later date, then certainly the Democrats and the Labor Opposition will enthusiastically sit down with the Government to broaden the objects of the Act, if that is required. New section 5A(2) of the Hon. Mr Elliott's amendment provides:

The Minister, the Council, an advisory committee and all other bodies or persons involved in the administration Act must act consistently with and must seek to further its objects.

I am confident that the two can be married together. The other consideration is that if the Government sees that the four objects of the Act do not have majority support, or do not have popular support within the community, or if they are too restrictive or detrimental to the objects the advisory committee sees as forming a part of their objects, then we can look at making some amendments. The other point concerns the administration of the Act in relation to those clauses. We are all fairly practical people and we know that the Act will be introduced in 1996; that 250 years of settlement has disturbed the natural balance of our environment; and that we just cannot bring in a set of proposals that will immediately solve all the problems.

Incorporating the objects will be a gradualist approach, but at least it will spell out the objects to which the Government can aim its policies and to correct some of the problems that exist in a totally managed environment. Hopefully we can come away with a better balanced and better managed environmental outcome.

New clause inserted.

Clauses 4 and 5 passed.

Clause 6—'Substitution of Part 2 Division 2.'

The Hon. DIANA LAIDLAW: I move:

Page 2, line 33—Leave out 'seven members six' and insert 'eight members seven'.

This is the first of a series of amendments relating to the size of the council. The Government's initial proposal was for seven members; it has, however, seen the wisdom of the Labor Party's arguments that the council should also include a person selected by the Minister from a panel of two men and two women nominated by the Conservation Council of South Australia Incorporated. Further, the Labor Party argued that another must have qualifications or experience in the field of science that is relevant to the conservation of ecosystems and to the relationship of wildlife with its environment. A council that would include these two additional areas of expertise or representation would have increased the size of the council to nine, which the Government considered to be too large.

We have therefore made the decision to remove from amendments, which I will move shortly, the provision for a person with qualifications or experience in the management of reserves under this Act, or of land set aside for the same purposes of reserves under this Act in another State or territory of the Commonwealth or in another country. The Government believes that the reference to a person with qualifications or experience in the management of reserves can well be accommodated through the expertise of the Chief Executive Officer, who is a member of the council, although not a voting member. The amendment I move now is to leave out the reference to seven members, six of whom will be appointed by the Governor and to insert eight members, seven of whom will be appointed by the Governor.

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

Page 2, lines 33 and 34, page 3, lines 1 to 19—Leave out subsections (2), (3) and (4) and insert subsections as follows:

(2) The Council consists of seven members appointed by the Governor and the following non-voting members—

(a) the Director; and

(b) the presiding member of the Tourism and Recreation Advisory Committee; and

(c) the presiding member of the Aboriginal Advisory Committee; and

(d) the presiding member of the Natural Resources Advisory Committee.

(3) All of the appointed members must have qualifications or experience in the conservation of animals, plants and ecosystems and at least two of the appointed members must also have qualifications or experience in the management of reserves under this Act or of land set aside for the same purposes as reserves under this Act in another State or Territory of the Commonwealth or in another country.

(4) One of the appointed members must be a person nominated by the Conservation Council of South Australia.

My amendment covers subsections (2), (3) and (4) as a whole. The council, which is being created by the Minister as first proposed within the Bill, has a significant element of commercial interest in that new section 15(4)(e) requires that at least two members must have qualifications or experience in ecologically-based tourism, or business management, or financial management, or marketing. I believe it is quite likely that those two people will have a potential commercial interest in decisions and advice given by this council. Those two people have a very clear likelihood of being such people. I must say, looking at some of the other positions, a person having qualifications or experience in the management of natural resources could be a minor or a farmer, but again it is someone with clear commercial interests or potential for clear commercial interests.

If we look at people with qualifications or experience in the conservation of animals, plants and ecosystems a person could be appointed, for instance, such as Dr Walmsley who has a commercial interest as well as having qualifications and experience in the conservation of animals and plants. It is very easy to have a structure that at least has a majority of people with a commercial interest. I do not knock any of those as being legitimate interests, but it does worry me that, potentially, we have structured here a committee to give advice to the Minister on national parks and wildlife generally that could have a majority interest centred on commercial interests, that is, if you like, the peak bodies of all the other structures. Below the council is then a tier of advisory committees and a tier of consultative committees, but here the most senior of the bodies is one which has a very heavy commercial interest. I understand the Minister wants more feedback from commercial interests, but to have his peak advisory body structured in this way, I see as positively unhealthy.

We have a real potential of having perhaps only three or four people with a real understanding of the issues on which they are being asked to give advice. Worse, we have to contemplate that legislation will work under a wide variety of Ministers with a wide variety of commitment. If we had a Minister who decided to rape and pillage the environment,

all the Minister need to do is appoint people who are prepared to do so, and it would not be hard to find such people. The Minister could then say that acting on the advice of counsel he was doing X, Y and Z. I am not ascribing that motivation to the current Minister, but whenever we pass legislation we must think about how it may be used at some future time. Unfortunately, there are too many cases of legislation being used in ways that people who initially supported and passed it never intended.

It is my view that it is perfectly right and proper for the Minister to structure committees to give him advice about commercial interests in relation to our fauna and flora. I have no problems with his having advisory committees on tourism or on the interrelationship between wildlife and farming or wildlife and mining, and so on. However, I have significant concern about the peak body's not being guaranteed to be structured in such a way that it has the level of knowledge and understanding of ecosystems and individual species to be able to give sound advice that puts those as a first priority. For what other purpose do we have a National Parks and Wildlife Act if that is not its chief priority? A failure to have a peak advisory body reflecting that is grossly irresponsible.

My amendment seeks to set up a peak body that would have seven members, only one of whom would have been a representative of the Conservation Council. All the others would have been appointed at the Minister's discretion, except that those seven people would all have qualifications and experience in the conservation of animals, plants and ecosystems and two would also have qualifications or experience in the management of reserves: in other words, experts in the field on which this Act is centred.

I would then have had three additional non-voting members representing what I think are the three groups that interrelate with parks. One would be a person representing tourism and recreational activities; one would represent natural resources groups, which would be farming, fishing and mining; and, one would represent Aboriginal groups, who also have a clear interest in the way this Act is administered. At the end of the day they would have been non-voting members and would be there to ensure that the views of the people whom they represent are being put but that the advice that goes to the Minister at the end of the day is being put by people who are qualified to give advice on national parks and wildlife, as distinct from being qualified to give advice on issues which are not unimportant but rather are secondary within this Act.

I had further consequential amendments that would have set up a natural resources advisory committee to advise on the interrelationship of natural resources and their use—mining, farming and so on—an advisory committee on tourism and recreation and an advisory committee on Aboriginal matters. They could provide detailed advice about what their sectors believed in relation to national parks and wildlife issues, with the one proviso that any advice they provided to the Minister would go via the council—a council that is qualified to say, 'Here is the advice you have on tourism, but the Minister needs to take these matters into account.'

The Minister has avoided creating such a constructive filter in the way he has gone. He has a narrow committee giving advice on a wide range of matters and often giving advice outside its own expertise. If one cares to look at the functions of the council in clause 19(c), one can see that it will be asked to give advice on a wide range of subjects, and I doubt that a committee with only a small number of wildlife experts, at most probably four, will be capable of giving advice across the broad range of issues that are encompassed within clause 19(c). The issue has not been well throughout through. I do not think the Minister has thought through the ramifications of this.

The Hon. Diana Laidlaw: I assure you he has. I think the majority of members in this place have.

The Hon. M.J. ELLIOTT: It is probably a question of whether or not they have throughout them through in terms of what is ultimately to be achieved and whether conservation and preservation is the key objective or whether it is just one of the equal objectives. It seems that it is structured as a committee that has it as one of the objectives without its being a priority. If that is the case, having a National Parks and Wildlife Act is virtually a waste of time—if all of these things are of equal consideration within this Act.

We have many other pieces of legislation that directly sit. It is like suggesting that the Mining Act should have on its governing body a majority of people with no understanding of mining. The Minister would resist having even one conservation representative on such a body, let alone finding that he has potentially a majority of members with no direct interest or understanding in the principal issues. I have covered the key areas, but will comment in relation to consequential amendments later.

The Hon. T.G. ROBERTS: The Opposition supports the Government's position on the formation of the council and would hope that the criticisms that the honourable member has levelled will be taken on board. If the qualifications of those individuals nominated onto the advisory committees and the three tiered levels are not adequate, and they certainly either look, call or search for the best available scientific evidence to make their assessments, I will be extremely disappointed if key critical conservation, preservation or heritage issues were not explored or examined if the rush for commercialisation were to take place.

The Hon. M.J. Elliott: Check the appointments on the Native Vegetation Board.

The Hon. T.G. ROBERTS: I am making a plea to the Government to ensure that the honourable member's criticisms do not take flower and fruit, because if they do a lot of people in this State and nationally will be let down. Other States will be look at the outcome and, if our native species are over exploited and commercialisation takes the form that it has in other fields, the confidence of many people will be let down and many people will be banging on the doors of members opposite and the Minister.

There has to be a starting point, and the Government, with some final consultation with the Opposition, has put together a proposal that increased the original proposition from seven to eight. The proposal included one nominated member from the Conservation Council, who I would hope would act as a hunter and gatherer of information and agendas and make considered reports without breaking the confidentiality of any Minister's proposal and decision. That member would keep that information flow going between those who have a primary interest of conservation preservation, to balance those of commercial interests, which may or may not be the drivers of the proposals that are a basis for the recommendations going through to the Ministers.

The starting point that has been developed has come from the position of the Government wanting to represent the interests of all those people who have a vested interest in outcomes, including those of Aboriginal people who do not have a nominee on the committee. However, at a later date, I am sure that there will be some call for input from

Aboriginal communities and groups, as a lot of the balancing acts that the Government will have to perform in relation to pastoral, conservation preservation and wildlife interests relate to issues in those lands where Aboriginal people tend to live and where they have maintained their links with the land and their traditional behaviours. That information will be of considerable value to those people making those determinations in giving advice to the Minister.

As this is the starting point, I would hope that the honourable member's criticisms and those concerns we raised in discussions with the Government can be overcome by the balance being provided. If commercial interests tend to override those of good sense and balance in being able to manage the ecosystems as well as the commercial considerations of farming and genetic stock and if there is over exploitation, then I am sure that the conservation movement has the avenues to alert their membership and the people of South Australia that problems are emerging. We would then like to knock on the Minister's door and tell the Government that problems are emerging; that he is not getting the best information; that he ought to look at a committee of a different form and structure; and that the local community consultation processes need to be changed. We do need a starting point, and the Opposition is confident that the starting point that has been indicated is as good as any starting point.

The Hon. M.J. ELLIOTT: There is no doubt that the inclusion of one more person on the council—that being a representative of the Conservation Council—is an improvement to the original Bill. I want to put that on the record. However, there are still problems with the council overall.

The Hon. Diana Laidlaw's amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 3, lines 2 to 19—Leave out subsection (4) and insert subsection as follows:

(4) Of the appointed members—

(a) one must have qualifications or experience in the conservation of animals, plants and ecosystems;

(b) another must be a person selected by the Minister from a panel of two men and two women nominated by the Conservation Council of South Australia Incorporated;

(c) another must have qualifications or experience in the management of natural resources;

(d) another must have qualifications or experience in organising community involvement in the conservation of animals, plants or other natural resources;

(e) another must have qualifications or experience in a field of science that is relevant to the conservation of ecosystems and to the relationship of wildlife with its environment.

(f) each of the remaining two must have qualifications or experience in at least one of the following:

(i) ecologically based tourism; or

(ii) business management; or

(iii) financial management; or

(iv) marketing,

being an area in which the other does not have qualifications or experience.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 3, line 20—Leave out 'have' and insert 'be a person who, in the opinion of the Minister, has'.

This amendment simply reinforces the commitment that has already been made by the Government in terms of the appointment of members to the council. Subclause (5) provides:

Each of the appointed members of the council must have a commitment to the conservation of animals, plants and other natural resources.

I am seeking to add to that the words 'each of the appointed members of the committee be a person, who in the opinion of the Minister' must have such a commitment. It is just reinforcing the values and the sentiments expressed in the subclause.

The Hon. T.G. ROBERTS: The Opposition indicates support for this amendment. We would also like to add that we raised in discussions the fact that local knowledge is important, relevant and part of the commitment which, hopefully, we can get from local interest groups who have an interest in balancing animal and plant ecosystems. We also expressed a wish that expert and the best scientific knowledge be available, or the best information be available, on any given subject. There is no point in having local consultative committees that have limited access to the best scientific or available information. We can have a very democratically-based committee, but it may not be operating on the best informed information to make considered and informed opinions. I hope that the Government would provide updated information for those consultative groups and the best scientific information that is available to add to the lay knowledge that may be considered relevant in those consultative committees.

Amendment carried.

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

Page 3, line 22—Leave out 'the members' and insert 'the appointed members'.

This deletes the clause whereby the council is subject to the direction and control of the Minister. We have a council established, and the only functions that it has are advisory. It does say 'other functions set out in the Act' but I do not think any other functions are set out in the Act at this stage. The functions are purely advisory. When I discussed whether or not the Government found it acceptable that its proceedings should be in public, it said that, no, it did not want the public to know what it was talking about. When I asked whether the minutes should be available to the public, it answered 'No.' When I asked whether the advice given to the Minister should be public, the response was 'No.'

We have an advisory body and no-one will ever see what it is doing or what advice it is giving and, even then, it is going to be totally subject to the direction and control of the Minister. At the end of the day people end up saying, 'What's the point?' What is the point of setting up an advisory body that has to do everything it is told and where its proceedings and everything it does are totally out of the public eye? Why do we go to the trouble of setting it up under the Act? Why does the Minister not pick five or six people and form his own committee? The situation gets a bit farcical and this is the cream on top of the farce. The council is subject to the direction and control of the Minister. What is it going to do that he would not want it to do? What instructions does he want to give it? The whole thing becomes a bit of nonsense.

The Hon. DIANA LAIDLAW: I oppose the amendment.

The Hon. M.J. Elliott: Why?

The Hon. DIANA LAIDLAW: We see the provision being appropriate, otherwise we would not have put it in in the first place. While members are conferring, such a provision is proposed for more and more Acts passed by this Council and elsewhere in Australia. It reinforces the Westminster system of ministerial accountability for a situation; it does not demean the advice, the encouragement to receive that advice or the advice itself. The provision would be hardly ever used and, having seen the TAB affair and a few other

things that have gone on in recent times, it is a precaution in the public interest.

Amendment negatived.

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

Page 4, lines 11 and 12—Leave out section 18.

We have argued this already.

Amendment negatived.

The Hon. DIANA LAIDLAW: I move:

Page 4, line 14—Leave out 'Four' and insert 'Five'.

The amendment is consequential on the composition of the board and relates to the quorum.

Amendment carried.

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

Page 5, after line 7—Insert section as follows:

Meetings to be held in public subject to certain exceptions

19AAA. (1) Subject to this section, a meeting of the council must be conducted in a place open to the public.

(2) The council must, by notice in a newspaper circulating generally throughout the State, give at least 14 days notice of its intention to hold a meeting that will be open to the public.

(3) The notice must state the time and place at which the meeting will be held.

(4) 14 days notice is not required if a meeting needs to be held to deal with an emergency but, in that event, the council must give as much notice under subsection (2) as is practicable or, if no notice can be given before the meeting is held, the council must give notice under subsection (2) of the date on which the meeting was held and of the emergency that it dealt with.

(5) The council may order that the public be excluded from attendance at a meeting in order to enable the meeting to consider in confidence—

(a) legal advice; or

(b) information given to the council on the explicit understanding that it would be treated by the council as confidential; or

(c) matters relating to actual or possible litigation; or

(d) any matter of a class prescribed by regulation.

(6) Where the matters to be considered at a meeting of the council include matters referred to in subsection (5) but include other matters as well, the council can only order the exclusion of the public during that part or those parts of the meeting when a matter referred to in subsection (5) is being considered.

(7) A member of the public who, knowing that an order is in force under subsection (5), enters or remains in a room in which a meeting of the council is being held is guilty of an offence.

Maximum penalty: $750

(8) If a person referred to in subsection (7) fails to leave the room on request it is lawful for a member of the council or a member of the police force forcibly to remove him or her from the room.

(9) Where an order is made under subsection (5), a note must be made in the minutes of the making of the order and of the grounds on which it was made.

Agenda and minutes of meeting to be publicly available

(1) The council must make available to members of the public copies of the agenda for, and the minutes of, each meeting, or the part of each meeting, of the council that is open to members of the public.

(2) An agenda must be available at least three days before the meeting to which it relates is held.

(3) A fee charged by the council for copies of agendas or minutes must not exceed the fee prescribed by regulation.

(4) The council must, provide the Minister with a copy of the agenda and the minutes of each meeting, or the part of each meeting, of the council that is closed to members of the public.

If we are to set up a statutory body to give advice, its proceedings should be public. In my discussions with the Government I have been told that it is not happening with other bodies at this stage, but I have been running into that argument for the last five or six years. In terms of accountability, the Government should seek to open up processes to the public so far as is possible. The Government, having talked about accountability before the election, has done everything possible to resist it since being elected. I believe that processes should be open and accessible to the public.

The Hon. DIANA LAIDLAW: The Government does not support this initiative. The council and advisory committees are advisory to the Minister. They are not management bodies and, as such, it is inappropriate for the meetings to be open to the public and for the agenda or minutes to be available publicly. Nor should the advice that the council gives to the Minister be made available to the public or the Environment, Resources and Development Committee. To do so would limit debate and hence the quality of the advice provided to the Minister on behalf of the community.

The Hon. T.G. ROBERTS: The Opposition looked closely at this. In the first instance we had some sympathy for the amendment's inclusion but, when we closely examined the other layers of the advisory committee bodies, we believed that, if the public were involved at any level, it was a meaningful level for them to be involved at. If there is to be a layered system at Executive level, that is, if the Government were to hold meetings away from the final advisory body and then bring decisions back for ratification, we would have much concern about that process. We can only give the Government the trust that this advisory body will act in concert with the other layers of the advisory committees. If that faith is not held, then we would share the concerns of the Democrats, which I understand perhaps from previous experiences. On this occasion we are giving the Government the trust to set up a body, which will be subject to further scrutiny in a later amendment through referral to the Environment, Resources and Development Committee regarding recommendations, and we are prepared to allow the Government to have the right for the council to meet, deliberate and make its decisions, given that its composition now includes a better balance. I hope it will operate in a democratic way in the interests of all the people who have an interest in the outcome.

The Hon. M.J. ELLIOTT: I must pick up the words used by the Minister: 'advice given by the Council on behalf of the community'. How can they act on behalf of the community when the community, except via the Conservation Council representative, has no involvement in appointing them, when they are doing precisely what they have been told to do by the Minister and when the community does not know what they are discussing by reason of attending meetings or seeing the minutes or the advice that has been given to the Minister? We cannot claim that it is being done on behalf of the community.

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: The words used were 'on behalf of the community'. It is a group of people appointed by the Minister to give him advice.

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: Certainly not 'on behalf of the community,' and those were the words that I picked up. We cannot pretend that is what it is doing. The comment I made earlier, that the Minister might as well set up his own committee, seems to be all the more true when we look at the Government's response to this amendment.

Amendment negatived.

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

Page 6, after line 9—Insert subsection as follows:

(3) All advice provided by the Council to the Minister must be in writing.

The Hon. DIANA LAIDLAW: The Government supports the amendment.

Amendment carried.

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

Page 6, after line 9—Insert sections as follows:

Council's advice to be publicly available

19CA. (1) Subject to subsection (2), the Council must make copies of advice given by it to the Minister available to members of the public for inspection (without charge) or purchase at a price prescribed by regulation.

(2) The Council may withhold advice, or the relevant parts of advice, from public scrutiny if—

(a) the advice deals with matters discussed at a meeting of the Council that was not open to the public; or

(b) disclosure of the advice would be contrary to any Act or other law.

(3) The Council must, within seven days after providing advice to the Minister, cause to be published in the *Gazette* a notice stating the place or places at which copies of the advice may be inspected or purchased.

The Government may want to argue that having the public sitting in on meetings will mean that people will feel constrained in what they can argue. We are talking about the formulated advice which has been prepared by the committee after argument which, after the defeat of my previous amendment, means that the argument might be available to the public. I am saying that at least the advice being given to the Minister should be available to the public and that advice is not attributable to individual members. If we are to have a body set up by statute to give the Minister advice, as distinct from his own personal advisory committee outside statute, it is not unreasonable for the public to be aware of the advice that has been given. I understand that this body will be resourced out of the public purse to an extent, even if it is not hugely expensive.

The Hon. DIANA LAIDLAW: I remind the honourable member that this is an advisory committee; it does not have executive powers. We do not want to restrict the advice that is provided through this forum. I will not go into all the grounds again. We believe that this would restrict the capacity of the committee to consider some issues and provide such advice to the Minister. I argued that case earlier and the honourable member's amendment did not succeed. I use the same argument now.

The Hon. T.G. ROBERTS: The Opposition does not support the amendment moved by the Democrats on this occasion. If the Minister is to pick up the advice that is to be provided and take responsibility for it, he would require some reference points when explaining to the community why decisions have been made.

The Hon. M.J. Elliott interjecting:

The Hon. T.G. ROBERTS: I guess all committees will have internal divisions within their own ranks about whose advice is being accepted and whose is being pushed aside or not considered. That is when the internal political processes of committees start to work and people get leaked information. People who are perhaps dissatisfied with their role and who are being ignored may also start to make public statements away from committee. The fact that the advice cannot be made public does not mean that it will not be made public.

I hope that the Minister, when making recommendations, will make datum points available for the scientific or other evidence being given by him through his advisers to his information base so that the community may endorse or reject the arguments. If the Minister decides not to take reference points for his information base and makes press releases or bland statements to people who have expert knowledge in those areas, I am sure political actions and reactions will emanate from that. We support the Government's position on setting up the council, the make-up of the council and its role and responsibilities on the basis that the Government will keep the public informed. There will be a reactionary public political dynamic if that does not occur.

Amendment negatived.

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

Page 6, after line 9—Insert new section as follows:

Copy of advice to Environment, Resources and Development Committee

19CA. The Council must, within seven days after providing advice to the Minister provide the Environment, Resources and Development Committee of Parliament with a copy of the advice.

This is the fourth in the suite of amendments. In descending order, less and less information is being made available. In this case, information is going to only one place and that is to the Environment, Resources and Development Committee. In the first place, I do not believe that advice would be public advice. It would be before the Environment, Resources and Development Committee as correspondence and would not become a public document. I believe that, at least in this case, it ensures that the Parliamentary standing committee has a clear understanding of the issues that are being debated and the advice that is being given. It is most likely that advice is being sought on issues which will be of vital importance to that committee and that it will fall within the ambit of its responsibilities.

The Hon. T.G. ROBERTS: I support this amendment on the basis that consideration has been given as to how to obtain the information that rests within the responsibility and province of that advisory committee. One way it can be dealt with is through the Standing Committee of Environment, Resources and Development. The amendment is not intrusive. It does not trigger any actions or activity to take place around that information. It is a matter of having that information available to a responsible committee of the Parliament. That should then take into account the responsibilities and roles that we have given to the committee. It makes some considered overlay of safety valve for the removal of all the other considerations of the previous amendments.

The Hon. DIANA LAIDLAW: I oppose the amendment. We have already recognised that this body is established for the purpose of advising the Minister at the Minister's request or on his own initiative on any matter relating to the administration of the Act and such other functions as are set out under this Act. The Environment, Resources and Development Committee has its own agenda which has already been considered by this Parliament. I do not consider that the advice of the advisory committee to the member should be referred to a standing committee of the Parliament. They have different roles and different functions.

The Hon. M.J. ELLIOTT: I make the point that, if an Act such as the National Parks and Wildlife Act, particularly in the light of the amendments under this Bill—which involve interaction between resources (the development of natural resources, in particular) and the environment—is not relevant to the Environment, Resources and Development Committee, I do not know what is.

Amendment carried.

The Hon. M.J. ELLIOTT: The only amendment that I will move within the proposed amendments is proposed new section 19JJ; otherwise, I will not move any of my other amendments up to 19JL on page 11. I therefore move:

Insert clause 19JJ.

This is similar to the amendment that was just passed.

An honourable member interjecting:

The Hon. M.J. ELLIOTT: Well, it is the same, except that we are talking not about the council but about advisory committees now. This simply ensures that, where committees are providing advice, that advice would be provided to the Environment, Resources and Development Committee. The other amendments with which I am not proceeding are essentially the same as whose on which I failed to succeed in relation to the council. I have received indications from the Government and the Labor Party that they will not support those other amendments.

The Hon. CAROLINE SCHAEFER: I must protest about this. I am a member of the Environment, Resources and Development Committee, and certainly these subjects would interest me. I assume that these advisory committees are there to advise the Minister, that they do not have any powers in their own right, and that their advice would be taken by the Minister through the council. I can imagine every little advisory board throughout the State having to submit their report in writing to the Environment, Resources and Development Committee. I should have thought that that committee would be busy enough receiving the reports of the council and the Minister.

The Hon. M.J. ELLIOTT: I had clearly misunderstood the Labor Party's position. It was prepared to support the amendments from proposed new section 19JF. I therefore withdraw my previous amendment and move:

Meetings to be held in public subject to certain exceptions

19JF. (1) Subject to this section, a meeting of a committee must be conducted in a place open to the public.

(2) A committee must, by notice in a newspaper circulating generally throughout the State, give at least 14 days notice of its intention to hold a meeting that will be open to the public.

(3) The notice must state the time and place at which the meeting will be held.

(4) Fourteen days notice is not required if a meeting needs to be held to deal with an emergency but, in that event, the committee must give as much notice under subsection (2) as is practicable or, if no notice can be given before the meeting is held the committee must give notice under subsection (2) of the date on which the meeting was held and of the emergency that it dealt with.

(5) A committee may order that the public be excluded from attendance at a meeting in order to enable the meeting to consider in confidence—

(a) legal advice; or

(b) information given to the committee on the explicit understanding that it would be treated by the committee as confidential; or

(c) matters relating to actual or possible litigation; or

(d) any matter of a class prescribed by regulation.

(6) Where the matters to be considered at a meeting of a committee include matters referred to in subsection (5) but include other matters as well, the committee can only order the exclusions of the public during that part or those parts of the meeting when a matter referred to in subsection (5) is being considered.

(7) A member of the public who, knowing that an order is in force under subsection (5), enters or remains in a room in which a meeting of the committee is being held is guilty of an offence. Maximum penalty: $750

(8) If a person referred to in subsection (7) fails to leave the room on request it is lawful for a member of the committee or a member of the police force forcibly to remove him or her from the room.

(9) Where an order is made under subsection (5), a note must be made in the minutes of the making of the order and of the grounds on which it was made.

Agenda and minutes of meeting to be publicly available

19JG.(1) A committee must make available to members of the public copies of the agenda for, and the minutes of, each meeting, or the part of each meeting, of the committee that is open to members of the public.

(2) An agenda must be available at least three days before the meeting to which it relates is held.

(3) A fee charged by a committee for copies of agendas or minutes must not exceed the fee prescribed by regulation.

(4) A committee must, provide the Minister with a copy of the agenda and the minutes of each meeting, or the part of each meeting, of the committee that is closed to members of the public.

Advice to be in writing

19JH.(1) All advice provided by a committee to the Minister or to the Council must be in writing.

(2) Where a committee provides advice to the Minister it must provide a copy of the advice to the Council and where a committee provides advice to the Council it must provide a copy of the advice to the Minister.

Copy of advice to Environment, Resources and Development Committee

19JJ. A committee must, within seven days after providing advice to the Minister, provide the Environment, Resources and Development Committee of Parliament with a copy of the advice.

We can probably do all those together, because we have already discussed the issues, the only difference being that we are no longer talking about the council but about advisory committees and the next tier down. I do not think the Minister can put up the same defence (with which I did not agree) that she put up in relation to the advisory committees as she put up in relation the council in terms of keeping its proceedings closed.

The ACTING CHAIRMAN: The honourable member is not endeavouring to further amend but is offering an explanation?

The Hon. M.J. ELLIOTT: The particular provisions that are being inserted do not replace any existing clause but are additional thereto and simply relate to the proceedings of the committee and, in particular, to the openness of the committee's proceedings, as well as to the availability of information emanating therefrom, whether it be minutes or the actual advice that is ultimately given. Those proposed new sections are being inserted; otherwise, all other questions relating to quorum, conflict of interest and allowances and expenses are as in the Government's original Bill. These additional provisions relate purely to those questions.

The Hon. DIANA LAIDLAW: I appreciate that the proposed new sections moved by the honourable member, namely, 19JF, 19JG, 19JH and 19JJ have the support of the Labor Party and therefore the majority of members. I will not argue the case for long in those circumstances, but I place on record that the Government does not consider that these proposals, other than advice to be in writing (proposed new section 19JH), are appropriate to the nature of these advisory committees. They are advisory to the Minister: they are not management bodies and, as such, it is inappropriate for the meetings to be open to the public, or for the agendas and minutes to be made available publicly. Nor should the advice which the council provides to the Minister be made available to the public or to the Environment, Resources and Development Committee.

It is entirely possible that these advisory committees, which have been set up for specific purposes, will be dealing with highly sensitive and contentious issues and, without the committees having reached a final conclusion, people could jump to conclusions by just picking up little bits and pieces about what is happening. The meetings could involve commercial information and a whole range of issues. We consider that the proposals are entirely inappropriate and unwarranted in respect of the nature of these advisory committees. However, I indicate that proposed new section 19JH is a matter that the Government can support.

The Hon. T.G. ROBERTS: I indicate support for the amendments put forward in relation to the committees. At this

level of committee structure, which will probably be the level of most interest to the public, if the public are admitted—and I do not think there will be large turnouts with many of the meetings—it prevents the rumour and innuendo from running. We have seen in local government that, if there are closed committees, the issues being discussed will take a life of their own, regardless of whether the meetings are closed or open.

The Hon. M.J. Elliott: It gets out, but it is not necessarily accurate.

The Hon. T.G. ROBERTS: That is right. In the end, the Government will be glad that we have moved this amendment, because it will save the information gap that arises from the collection of local information at that level being passed onto the next stage of the committee deliberations which we protected. The Opposition protected the integrity of that level of information and assessment so that it would be a clearing house for the information provided through the committee stages where the public are involved. Hopefully, those committees will respect the final deliberations of the committee that passes the information onto the Minister.

It was with that in mind that the Opposition decided to allow the community to play a hand, provide input, turn up to meetings and be enthusiastic about the representatives on those meetings and give them support and encouragement. A number of those advisory committees are already operating in Friends of National Parks and are starting to work very well. The local politics start to work their way out, in some cases, after two years. The issues work their way up and are then reported on in the local press, and the discussions and arguments run. It is a good cover for the press as well. There is balancing information through the public's attending, and it stops that cross-fertilisation of ideas.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 8, lines 18 to 20—Leave out subsection (2) and insert subjection as follows:

(2) The members of a consultative committee must be persons who, in the opinion of the Minister, have local knowledge that is relevant to, or who are interested in, the management of reserves or the conservation of animals, plants and ecosystems in the part of the State in relation to which the consultative committee is established.

It expands the scope of the appointments to the consultative committee in respect of the advice sought for the management of parks. I understand that this amendment was one advocated by the Labor Party during the second reading debate, and it is one embraced by the Government at this time, hopefully still with the support of the Labor Party.

The Hon. M.J. ELLIOTT: The Democrats support the amendment.

Amendment carried; clause as amended passed.

Clauses 7 to 9 passed.

Clause 10—'Management plans.'

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

Page 10, after line 10—Insert paragraph as follows:

(aa) by striking out from subjection (3) 'to be published in the *Gazette* that the plan of management, or the amendment, has been prepared to be published in the *Gazette* and in a newspaper circulating generally throughout the State'.

The effect of it is such that, where a plan of management is prepared or an amendment made, it will be published not only in the *Gazette* as required under the current Act but also in a newspaper circulating generally throughout the State.

The Hon. DIANA LAIDLAW: The Government supports the amendment.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 10, after line 17—Insert paragraph as follows:

(e) by inserting the following subsection after subsection 10:

(10a) A plan of management must not provide for the culling of protected animals from the reserve unless—

(a) the Minister is of the opinion that the culling of those animals is the only practicable option for controlling an overpopulation of animals of that species in the reserve; and

(b) the plan sets out the Minister's reasons for that opinion.

This amendment relates to management plans. We think that it is reasonable and that even the Democrats should support it.

The Hon. M.J. ELLIOTT: As I understand it, management plans already can address questions such as culling: this, I suppose, is putting in a little more detail. It appears to me that the consequence of passing this amendment will be that the consideration of options other than culling will need to occur. When we talk about the consideration of other options, we are not only talking about the short term, about the current overpopulation of a particular species and the problems that may cause, but also future options to try to ensure that culling might be avoided in the long term, even where it may not be avoided in the short term. The vast majority of people in the conservation movement accept that there are times when culling may be necessary, but they would qualify that by saying that it should be a last resort; that we should do something to address the causes of the overpopulation rather than trying to attack the overpopulation itself.

If there are imbalances that are capable of being fixed, that should be the first approach. When the question of koala culling came up, I know that the Minister found himself a little confused when he said, 'They have been expressing concern about culling under the Bill, yet many people said it may be necessary to cull the koalas on Kangaroo Island.' I do not think that there is a contradiction there: people are saying that they recognise culling may be necessary, but they will stress absolutely that it must be a last resort and that the causes of the overpopulation must be addressed so that culling does not become an ongoing solution rather than a one-off, temporary solution.

I might add that, in relation to Kangaroo Island, it now appears that the whole issue was blown out of all proportion by the *Advertiser* and the *Sunday Mail*. I am told that nobody in the department had ever suggested a need to remove 2 000 koalas. I am told that they were thinking about removing 80, and I also understand that they have been removing them from the island for some time.

The public have not been aware of it, but koalas have been removed from the island for some time. There was a proposal to remove another 80 but, somehow or other, we have now had this tabloid approach to the issue, which has done a great deal of damage to a debate which is necessary and which must take place. It put people into corners in which they should not be, including, in this case, the Minister, who said, 'Under no circumstances would we consider a cull' even though that may be necessary in some cases. However, as I said, I for one—and most conservationists would agree—believe that it must be an absolute last resort. The amendment addresses the issues surrounding that reasonably well, and the Democrats will support it.

The Hon. T.G. ROBERTS: The Opposition supports the amendment for all the reasons outlined by both the Minister and the honourable member—

An honourable member interjecting:

The Hon. T.G. ROBERTS: They're supporting it. The public would like to see the Government, the Opposition and the Democrats reach consensus on this matter for another reason, that is, they like to become involved in the options. If there is an unnatural build up of our native wildlife to a level where they become pests, the first option for some is to destroy. Others look for more humane ways such as resettlement or artificially hand-feeding. In some cases, in rural areas, there were rabbits drives and such. They were perhaps less humane in the end but, in some cases, they got rid of the appropriate pest which, in any event, is an introduced species.

In relation to our own native wildlife, we have to look at all possible options, including resettlement. I agree with the honourable member, who said that a very misleading campaign was run and that it was based on a lot of false information. The *Advertiser* indicated that the last resettlement of Kangaroo Island koalas occurred in 1966. I indicated in a contribution to the Council that the Millicent Golf Course resettled a small number of families as recently as this year. So, the *Advertiser* is not following what the Opposition, the Democrats and the Government are saying.

The Hon. M.J. Elliott interjecting:

The Hon. T.G. ROBERTS: That's right. It is a good example of the parliamentary process achieving consensus and moving towards the drafting and presentation of Bills in conjunction with vested interests, including environmentalists, pastoralists and others. The best thing to do is sit around a table and talk about it so that you can proceed without interference.

Amendment carried.

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

Page 10, after line 17—Insert new clause as follows:

Insertion of s. 40B

10A. The following section is inserted in Part 3 Division 5 after section 10A of the principal Act:

Contribution for mining or other commercial activities

40B (1) Where a person exercises or proposes to exercise rights of entry, prospecting, exploration or mining in relation to a reserve or undertakes any other activity of a commercial nature on a reserve the following provisions apply:

(a) the council must assess—

(i) the adverse impact (if any) that the exercise of those rights or the undertaking of that activity is having or will have on the animal and plant habitats and wildlife in the reserve; and

(ii) the monetary contribution that, in the opinion of the council, should be made by the person exercising those rights or undertaking that activity by way of compensation for that impact;

(b) the council must advise the Minister of its assessment under paragraph (a);

(c) after considering the council's advice the Minister may by notice in writing served on the person, require him or her to pay to the Minister an amount (that may be more or less than the amount recommended by the council) as compensation for the impact on the reserve;

(d) the amount is recoverable as a debt and, if it is not paid within one month after the notice is served, the Minister may by further notice served on the person terminate his or her right to exercise rights of entry, prospecting, exploration or mining or to undertake any other activity of a commercial nature on the reserve;

(e) money paid to the Minister under this section must be applied in the administration of the reserve for the purpose of compensating for the impact of the exercise of those rights or the undertaking of that activity—

(i) by restoring, or creating new, plant and animal habitats; or

(ii) by assisting plant and animal species to cope with that impact; or

(iii) in any other way.

(2) Subsection (1) does not apply to any activity undertaken by the Minister, the Director or a development trust.

(3) The termination of a right under subsection (1)(d) has effect despite any other Act or law to the contrary.

I wish to make quite plain that this amendment does not express a view about whether or not commercial activities should take place in parks. Under the current Act, commercial activities already occur in parks. Our regional reserves have been set up from the outset to allow that. Certainly, tourists activities and other things already occur in national parks. This amendment recognises that it is already happening. It seeks to ensure that, where a person exercises or proposes to exercise rights of entry, prospecting—and prospecting is allowed in a large number of our parks, not just regional reserves—exploration or mining in relation to a reserve, or undertakes or proposes to undertake any activity of a commercial nature, which, as I said, could be tourism or some other activity, the council must assess the adverse impact, if any, of that exercise of those rights on the animal and plant habitats, and the wildlife generally in the reserve.

It must assess the monetary contribution that an opinion of the council should be made by the person exercising those rights and undertaking that activity by way of compensation for impact. It will be providing that advice to the Minister and then, of course, such amounts will be recoverable as debts. It is important that the council is in a position to look at the impact of these activities. There must be very clear consideration as to the impacts on the biota and also consideration as to what contributions should be demanded of those activities.

The Hon. T.G. ROBERTS: Although the Opposition agrees with some of the logic included in the contribution it does not agree with the inclusion of this amendment in this Bill.

The Hon. DIANA LAIDLAW: The Government does not support the amendment, but I give an undertaking that it is prepared to consider options for resourcing parks through the application of fees, charges and royalties, which, we believe, should be applied to these activities when these activities are of a commercial nature and occur within the reserve system. The issues raised by the honourable member are important to explore and the Government is keen to do so.

Amendment negatived.

The Hon. M.J. ELLIOTT: I take this opportunity to raise a question that relates back to the principal Act, in particular in relation to section 51 of the Act, which refers to the taking of protected animals. Does the Minister consider the penalties are sufficiently severe—for example, a penalty of $10 000 for an endangered species. I am sure some endangered species would be worth more than $10 000. In those circumstances, if the potential profit is much bigger than the potential risk, then one has to question whether or not the penalties are sufficient. I am simply posing the question to the Minister. I have raised it outside this place and I would appreciate if the Minister would respond to whether or not that question will be further addressed.

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources (the Hon. David Wotton) has given a commitment, I understand, to consider further amendments to the National Parks and Wildlife Act in three areas. I have already mentioned two of those: first, the issue of resourcing of parks through application fees, charges and royalties; and secondly, the issue of objectives, although that has passed through this place in a form with which no-one is satisfied so it will definitely be a subject of further discussion. The third issue is the examination of penalties for offences.

At the moment they are considered to be satisfactory, otherwise the Government would have taken the opportunity to amend them in the Bill. There is mounting evidence and suggestion that we should again be undertaking an assessment of the appropriate level of penalty and that will be undertaken.

Clause as amended passed.

Clauses 11 to 13 passed.

Clause 14—'Permits for commercial purposes.'

The Hon. T.G. ROBERTS: I move:

Page 11, line 4—After '*Gazette*' insert 'and in a newspaper circulating generally throughout the State'.

The Hon. DIANA LAIDLAW: The Government supports the amendment.

Amendment carried.

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

Page 11, line 19—After '*Gazette*' insert 'and in a newspaper circulating generally throughout the State'.

The amendment ensures that, where the Minister adopts the recommendation in relation to permits for commercial purposes, they will also be advertised throughout the State in the newspaper.

The Hon. DIANA LAIDLAW: The Government supports the amendment.

Amendment carried; clause as amended passed.

Clause 15—'Taking of certain protected animals.'

The Hon. T.G. ROBERTS: I move:

Page 12, line 6—After '*Gazette*' insert 'and in a newspaper circulating generally throughout the State'.

The Hon. DIANA LAIDLAW: I support the amendment.

Amendment carried.

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

Page 12, line 7—Leave out 'taken' and insert 'killed'.

It is recognised that 'taken' does not mean 'taken alive'. The issue as to whether animals may be captured and sold or on-sold needs to be debated much further and I would certainly want a commercial profit motive being removed from this new section.

The Hon. DIANA LAIDLAW: I support the amendment.

Amendment carried.

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

Page 15, after line 7—Insert subsection as follows:

(1a) The Minister must not make a declaration under subsection (1) unless he or she has first sought and considered advice from the council in relation to the proposed declaration.

The amendment provides that before the Minister allows the taking of protected animals, he or she would first seek and consider advice from the council.

The Hon. T.G. ROBERTS: The Opposition supports the amendment.

The Hon. DIANA LAIDLAW: The Government supports the amendment.

Amendment carried.

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

Page 12—

Line 11—Leave out 'taken' and insert 'killed'.

Line 12—Leave out 'take' and insert 'kill'.

Line 14—Leave out 'taken' and insert 'killed'.

Line 16—Leave out 'taken' and insert 'killed'.

These amendments are consequential.

The Hon. DIANA LAIDLAW: The Government supports the amendments.

Amendments carried.

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

Page 12, after line 16—Insert subparagraph as follows:

(iv) the period for which the notice will remain in force; and.

The effect of this amendment and a consequential amendment will be that the Minister, in issuing a notice which allows the taking of protected animals, can do so only for the period specified in the notice, and the consequential amendment puts the maximum period at 12 months. In other words, the Minister cannot simply say that a certain species can be taken for ever more. The issue would have to be revisited. People in the conservation movement are prepared to accept the notion of culling, but they see it as a last resort. If it is happening, it has to be justified and all other alternatives properly and duly considered.

The Hon. DIANA LAIDLAW: The Government agrees with the conservation movement.

Amendment carried.

The Hon. T.G. ROBERTS: I move:

Page 12, line 18—After '*Gazette*' insert 'and in a newspaper circulating generally throughout the State.'

Amendment carried.

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

Page 12, after line 18—Insert subsection as follows:

(3a) A notice under this section must not remain in force for more than 12 months.

This is consequential.

The Hon. DIANA LAIDLAW: The Government supports the amendment.

Amendment carried.

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

Page 12, line 19—Leave out 'take' and insert 'kill'.

This is consequential.

The Hon. DIANA LAIDLAW: The Government supports the amendment.

Amendment carried.

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

Page 12, after line 20—Insert subsection as follows:

(5) This section expires on the second anniversary of its commencement.

At this stage the Parliament is accepting a quite significant change in the way that permission is granted for the taking of protected animals. At present it involves individual permits for people and a great deal of paper work, but all that bureaucracy puts in a great amount of protection. The Parliament is now saying that it is prepared to accept a radical change in the way that it happens, and that is what we are doing by accepting new section 51A. However, I should like to see whether it works in the way that we are told it will work and that there will not be some unintended consequences. This amendment effectively inserts a sunset clause. If on the second anniversary of this legislation coming into force everything is working fine, this issue can come back to the Parliament and it can extend it.

The Hon. DIANA LAIDLAW: The Government opposes the amendment. It seeks to impose a sunset clause on the taking of certain protected animals. I think that everybody in this place has agreed with the principles and practices, and if changes are required they can be dealt with by the provisions in this clause.

The Hon. T.G. ROBERTS: We support the clause on the basis that it is a radical change to how we see our parks and wildlife and we would like that included as safety link.

Amendment carried; clause as amended passed.

Clauses 16 and 17 passed.

Clause 18—'Export and import of protected animals and native plants.'

The Hon. M.J. ELLIOTT: I first want to raise a question with the Minister. Section 59, which has been deleted from the principal Act, included a penalty in relation to the illegal export and import of animals. This clause does not include that penalty and I have presumed that it was an oversight.

The Hon. DIANA LAIDLAW: It is an oversight. I move:

Page 13, after line 8—Insert 'maximum penalty $2 000, expiation fee $200'.

The Hon. M.J. ELLIOTT: I thank the Minister for addressing this issue. It seems to me that if there is an expiation fee of $200 and someone thinks that by going to court they are likely to hit $2 000 they will take the $200 every time. The current penalty is $2 000. I do not think that expiation occurs elsewhere in this Act, and I would therefore ask the Minister to reconsider the expiation fee. Let us keep the current penalty of $2 000 which is in the current Act and leave the question of expiation aside.

The Hon. Diana Laidlaw: You do not want an expiation fee included?

The Hon. M.J. ELLIOTT: No, just the $2 000 which is what is contained in the current Act. I would like to address the issue of penalties later.

The Hon. DIANA LAIDLAW: You are quite persuasive. The Hon. Caroline Schaefer has whispered in my ear and I have also been told that the current Act provides for an expiation fee of $200. As the Hon. Caroline Schaefer and you are basically correct, we might again look at the penalties later.

Amendment carried; clause as amended passed.

Clauses 19 and 20 passed.

Clause 21—'Declaration of species for trial farming.'

The Hon. T.G. ROBERTS: I move:

Page 14, line 4—After 'Gazette' insert 'and in a newspaper circulating generally throughout the State'.

The Hon. M.J. ELLIOTT: These amendments are on quite different matters. In fact, I am not sure whether the Hon. Terry Roberts will proceed with his amendment. It depends on the stand he takes with my amendment in relation to regulation. I will move my amendment in parts, because I will not proceed with all of it. At this stage I want to consider new sections 60 BA(1) and (2)(a) and (b). I move:

Page 14, lines 4 to 7—Leave out section 60BA and insert the following section:

60BA.(1) The Governor may, by regulation, declare that a species of protected animal is a species for the purposes of trial farming under this division.

(2) A regulation referred to in subsection (1) cannot come into force unless—

(a) 14 sitting days of the House of Assembly have passed since the regulation was laid before the House of Assembly and 14 sitting days of the Legislative Council have passed since the regulation was laid before the Legislative Council; and

(b) either—

(i) a notice of motion for a resolution disallowing the regulation has not been given in either House; or

(ii) if such a notice has been given, it has been withdrawn or lapsed or the motion has been put to a vote and lost.

The Hon. DIANA LAIDLAW: I am supporting the amendment of the Hon. Mr Roberts.

The Hon. M.J. ELLIOTT: The question of trial farming is an issue that is new to us. The Parliament on a previous occasion agreed to the farming of native species and one animal, the emu, was included under schedule 12. In the Parliament's agreeing to the farming of emus—which I believe the Parliament did unanimously—it expressed very strong concern that issues of animal welfare and biodiversity and so on be very carefully addressed. As such, there is a requirement that there be plans and management and those sorts of things in place regarding emus.

The Minister is now proposing that, with no checks or balances at all, at least at the legislative level, he can choose any species and declare it to be a species for trial farming, saying there will be some sort of permit system, but Parliament will be simply handing over to the Minister the right to choose any species and impose any level of protection that he deems necessary.

I have made the point previously that we are now working with wild species, not species that have been domesticated for thousands of years. It is appropriate that there should be some protections. The simplest protection is that, on a species by species basis, the Minister by regulation says that he allows this particular species to be trial farmed for a period of time. I expect, so long as proper measures have been put in place at the same time in terms of the way the permits would work, that Parliament would agree with it as it agreed with the farming of emus. All this is about is the Parliament's being satisfied that proper protections will be in place.

By doing it on a species by species basis, by regulation, there is not a lot of paperwork involved, certainly not the amount that would have been involved under the later amendments I had on file which are quite comprehensive, but as a very minimum condition we should be requiring species to be trial farmed following the passage of a regulation.

The Hon. DIANA LAIDLAW: The Government contends that there needs to be a process whereby opportunities are provided to explore the potential for species of native animals to be trial farmed. The amendments opposed by the Government ensure that a *Gazette* notice to declare a species for trial farming will also set out the conditions that will apply to the farming of species. Notwithstanding this provision, other provisions of the principal Act apply enabling conditions, restrictions or limitations to be applied to trial farming permits.

The process for developing a code of management is exhaustive and open to the public, and this is a more formal process that will be applied once the potential to progress farming of a species has been determined. One must remember that these provisions relate to trial farming and that a number of other existing statutes, such as the Prevention of Cruelty to Animals Act and the Development Act, would be relevant to trial farming of protected animals.

The CHAIRMAN: The question is that all the words in line 4 down to and including '*Gazette*' stand as printed.

The Committee divided on the question:

AYES (13)

Cameron, T. G.	Davis, L. H.
Holloway, P.	Irwin, J. C.
Lawson, R. D.	Levy, J. A. W.
Lucas, R. I.	Nocella, P.
Pfitzner, B. S. L.	Roberts, T. G. (teller)
Schaefer, C. V.	Stefani, J. F.
Weatherill, G.	

NOES (2)

Elliott, M. J. (teller)	Kanck, S. M.

Majority of 11 for the Ayes.

Question thus carried.

The Hon. T.G. ROBERTS: I move:

Page 14, line 6—After '*Gazette*' insert 'and in a newspaper circulating generally throughout the State'.

Amendment carried.

The Hon. T.G. ROBERTS: I move:

Page 14, after line 7—Insert subsections as follows:

(3) A notice under subsection (1) must set out conditions to which a permit granted under this division in relation to animals of the species referred to in the notice will be subject.

(4) A notice under subsection (1) remains in force for four years (unless it is revoked under subsection (2)) and cannot be remade in relation to the same species of animal.

The Hon. DIANA LAIDLAW: The Government supports this amendment.

Amendment carried; clause as amended passed.

Clause 22—'Permit for farming protected animals.'

The Hon. T.G. ROBERTS: I move:

Page 14, lines 14 to 21—Leave out paragraph (c) and insert paragraphs as follows:

(c) by striking out subsection (4) and substituting the following subsection:

(4) A permit for the trial farming of protected animals of a particular species expires at the expiration of the term for which it was granted or when the declaration under section 60BA in relation to that species expires whichever occurs first.;

(d) by inserting after 'section 69' in subsection (6) 'or by a notice under section 60BA'.

The Hon. DIANA LAIDLAW: I support the amendment.

Amendment carried; clause as amended passed.

Clause 23—'Code of management.'

The Hon. T.G. ROBERTS: I move:

Page 14, after line 27—Insert paragraph as follows:

(ab) by striking out subsection (5) and substituting the following subsections:

(5) The Minister must, by notice published in the Gazette and in a newspaper circulating generally throughout the State—

(a) state the place or places at which copies of the draft code can be inspected or purchased; and

(b) invite interested persons to provide the Minister with written comments in relation to the draft code.

(5a) A draft code must be made available for public comment for at least three months before adoption by the Minister.

The Hon. DIANA LAIDLAW: I support the amendment.

Amendment carried; clause as amended passed.

Clause 24—'Insertion of Division 4B in Part 5.'

The Hon. T.G. ROBERTS: I move:

Page 15, lines 5 to 8—Leave out section 60G and insert section as follows:

60G.(1) The Minister may, by notice published in the Gazette, declare that this Division applies to, and in relation to, animals of one or more of the following species:

(a) red kangaroo—*macropus rufus*;

(b) western grey kangaroo—*macropus fuliginosus melanops*;

(c) euro (wallaroo) (hill kangaroo)—*macropus robustus*.

(2) The Minister may, by subsequent notice published in the Gazette, vary or revoke a notice under subsection (1).

(3) The Governor may, by regulation made on the recommendation of the Minister, declare that this Division applies to, and in relation to, protected animals of a species (not being a species referred to in subsection (1) named in the regulation.

(4) The Minister must not make a recommendation under subsection (3) unless he or she is satisfied that there is sufficient scientific knowledge available in relation to the species concerned to enable the matters referred to in section 60I(2)(a), (b), (c) and (d) to be addressed adequately.

This amendment seeks to be prescriptive to apply only to those varieties of kangaroos to which the Act applies, and that no other animals are taken. The foregoing three species are those most widely accepted as problems in particular areas.

The Hon. DIANA LAIDLAW: I support the amendment.

Amendment carried

The Hon. T.G. ROBERTS: I move:

Page 15, lines 17 and 18—Leave out 'named in a notice published under section 60G(1)' and insert 'to which this Division applies'.

The Hon. DIANA LAIDLAW: I support the amendment.

Amendment carried.

The Hon. T.G. ROBERTS: I move:

Page 15, after line 22—Insert subparagraph as follows:

(iia) on the ability of the species to maintain natural genetic diversity throughout its population; and

The Hon. DIANA LAIDLAW: I support the amendment.

Amendment carried.

The Hon. T.G. ROBERTS: I move:

Page 15, lines 31 to 33—Leave out paragraph (e) and insert paragraph as follows:

(e) specify humane methods and procedures for the killing, capturing and killing and treatment after capture of animals pursuant to a permit under this Division; and

The Hon. DIANA LAIDLAW: I support the amendment.

Amendment carried.

The Hon. T.G. ROBERTS: I move:

Page 16, lines 5 and 6—Leave out subsection (4) and insert the following subsections:

(4) The Minister must, by notice published in the gazette and in a newspaper circulating generally throughout the State—

(a) state the place or places at which copies of the draft plan can be inspected or purchased; and

(b) invite interested persons to provide the Minister with written comments in relation to the draft plan.

(4a) A draft plan must be made available for public comment for at least three months before adoption by the Minister.

The Hon. DIANA LAIDLAW: I support the amendment.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 16, lines 20 to 28—Leave out subsection (2) and insert subsection as follows:

(2) The Minister must not grant a permit under subsection (1) to take animals on a reserve except animals of the following species:

(a) red kangaroo—*macropus rufus*;

(b) western grey kangaroo—*macropus fuliginosus melanops*;

(c) euro (wallaroo) (hill kangaroo)—*macropus robustus*,

and then only if—

(d) the Minister has adopted a plan of management under section 38 in relation to the reserve; and

(e) the plan of management provides for the culling of animals of the species to which the permit relates in order to preserve animal or plant habitats or wildlife; and

(f) the permit only authorises the harvesting of animals that would otherwise be culled from the reserve pursuant to the plan of management.

This amendment addresses the plan of management and provides that the Minister must not grant a permit under subsection (1) to take animals on a reserve except animals of the species already identified in an earlier amendment moved by the Hon. Terry Roberts.

Amendment carried.

The Hon. T.G. ROBERTS: I move:

Page 17, line 3—Leave out 'or the capture and killing' and insert 'the capture and killing and the treatment after capture'.

The Hon. DIANA LAIDLAW: I support this amendment.

Amendment carried; clause as amended passed.

Clauses 25 to 30 passed.

Title passed.

Bill recommitted.

Clause 21—'Insertion of s. 60BA.'

The Hon. T.G. ROBERTS: When the two amendments in the same place came up the Opposition's amendment was put first. I was operating on the basis that the Democrats' amendment would be put first and ours would be lost. The amendment to which I refer relates to regulation: page 14, line 4. I apologise to the Committee for that.

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

Page 14, lines 4 to 7—Leave out section 60BA and insert the following section:

60BA. (1) The Governor may, by regulation, declare that a species of protected animal is a species for the purposes of trial farming under this Division.

(2) A regulation referred to in subsection (1) cannot come into force unless—

(a) 14 sitting days of the House of Assembly have passed since the regulation was laid before the House of Assembly and 14 sitting days of the Legislative Council have passed since the regulation was laid before the Legislative Council; and

(b) either—

(i) a notice of motion for a resolution disallowing the regulation has not been given in either House; or

(ii) if such a notice has been given, it has been withdrawn or lapsed or the motion has been put to a vote and lost.

(3) A regulation made under subsection (1) expires on the fourth anniversary of its commencement.

I argued the amendment before. I understand that there has been a misunderstanding about the way the vote went. So, I do not think we need to debate the issue further.

The Hon. DIANA LAIDLAW: The Government is not persuaded by the change of heart from the Hon. Terry Roberts and still opposes the amendment.

The Hon. T.G. ROBERTS: I apologise for not entering the debate. I did put on my notes that we supported the Democrats' position, but I did not indicate that clearly enough at the appropriate time. The Opposition supports species declaration by regulation rather than by gazettal or circulation within newspapers. I move:

Page 14, line 1—Leave out section 60BA and insert section as follows:

60BA (1) The Governor may, by regulation, declare that a species of protected animal as a species for the purpose of trial farming under this provision.

(2) A regulation under subsection (1) must set out conditions to which a permit granted under this division in relation to animals of the species referred to in the regulation will be subject.

(3) A regulation under subsection (1) expires on the fourth anniversary of its commencement and cannot be remade in relation to the same species of animal.

The Hon. M.J. ELLIOTT: The amendment moved by the honourable member would enable a permit to be granted immediately on the regulation being promulgated and before Parliament has a chance to review it and then the permit would be able to stand for three years. It would be a gross abuse of the regulatory process. It is not unlike the use of interim development approvals, which I have seen under Ministers of both past and present Governments, where the developer immediately obtains the application, which establishes their right, and then cannot be stopped because the permit has already been granted. It would make a total farce of the regulatory process, although there are examples of similar abuses occurring. It appears unreasonable that a permit could be granted to allow something to happen that Parliament later might deem should not be occurring. To that extent, a loophole exists in the amendment as it now stands and I would like the honourable member to say whether or not he concedes that there is a potential loophole.

The Hon. T.G. ROBERTS: There is a potential for abuse, but that would destroy the intention of the regulation. As to what the honourable member points out could occur, I would expect that that should not occur. What I am trying to avoid are the delays that the regulatory process would have on applications if they had to go through the full process of disallowance. It facilitates the process and prevents unnecessary delay. It provides the protection of the regulations but, as the honourable member points out, it could be abused by unscrupulous people who would take legal advice to get around the legislation and its wording. When the Minister saw the management plans or when the approval process was going through, I would hope that those sorts of questions would be asked and taken into consideration.

The Hon. M.J. ELLIOTT: A final point is that the regulatory process can take a long time, but my amendment really limited it to a total of 28 sitting days. The motion had to be moved within 14 sitting days and had to be acted on within 14 sitting days, otherwise the regulation stood. I certainly sought to ensure that there were not significant delays in the whole process and at the same time ensure that a loophole open to abuse was not there. It would not do anything for the credibility of a Minister who tried it, just as it has not done anything for the credibility of a few Ministers who abused the Development Act with interim control; nevertheless, there are some who have been prepared to abuse it on a somewhat regular basis in the past and, unfortunately, at some time in the future there will be Ministers who will abuse this loophole, too.

Hon. M.J. Elliott's proposed new section negatived; Hon. T.G. Roberts' proposed new section inserted.

Clause 21, as further amended, passed.

Bill read a third time and passed.

ADJOURNMENT

At 6.37 p.m. the Council adjourned until Tuesday 2 April at 2.15 p.m.