LEGISLATIVE COUNCIL

Wednesday 5 June 1996

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

LEGISLATIVE REVIEW COMMITTEE

The Hon. R.D. LAWSON: I bring up the twenty-sixth report of the committee.

I bring up a report of the committee on the Corporation of the City of Marion by-law No. 3 concerning council land and small-wheeled vehicles.

QUESTION TIME

EDSAS REPORT

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

Leave granted.

The Hon. CAROLYN PICKLES: On 9 April I placed a number of questions on the Notice Paper seeking advice from the Minister on the findings of a report jointly commissioned by DECS and the Principals' Association into the implementation of EDSAS into State schools. One question asked for findings of the report. The Minister has now responded (on 28 May) that the report is not available as it is still in draft form. I thought the Minister's reason for not providing the report was particularly unusual, as the report was commissioned on 12 December 1995, with a draft report required by 20 December 1995 and a final report by 7 February 1996. Accordingly, I have decided that it will be in the interests of all members to table a copy of the report as it includes 10 important recommendations. I seek leave to table the report.

Leave granted.

The Hon. CAROLYN PICKLES: Members would notice that this report is not a draft and raises serious doubts about the answers given by the Minister. Can the Minister explain his advice that the report is not yet complete? If the report is not final, which parts are being revised by his department?

The Hon. R.I. LUCAS: I understand that the draft report has been received by officers within the department. The advice provided to me was that it was still subject to discussion between officers of the department and, I think, two other bodies, the Secondary Principals Association, which is the joint co-payer of the consultancy, and the consultants involved as well. On whether further discussions involved both or one of those parties, I will need to take advice from officers within the department. I certainly asked that question myself, given the timing of the original—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: I am not sure what you have tabled. I am just saying that I asked a question, given the original suggested timing about whether or not there was a completed report. The advice provided to me was that there had not been a final and completed report.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: I do not know whether what you are tabling is the final completed report or the same copy that I have, which is a draft version. As I said, the Secondary Principals Association helped pay for this and it has copies of the various drafts which it has circulated to its members. I would need to look at the tabled copy and have officers compare the various drafts to see whether or not the Leader's copy is different from the copy provided to me at the time I provided the answer to that question, which is now some weeks ago. I will need to look at the report that the honourable member has tabled, take advice from the department and pursue that issue.

I guess the more substantive issues are the reasons why we have had to employ a consultancy in this area, as I said, jointly funded by the Secondary Principals Association. It was because there had been a view shared by the Government and the association about the EDSAS project, which was originally implemented by the Labor Government five years ago at a total cost of $16 million: whether there were any concerns about that original Labor Government decision. Certainly, the anecdotal feedback has been that primary and junior primary schools and schools of a smaller size had generally been pleased with the quality of the product provided to them after the various trials and pilots, but anecdotally it seemed that the larger secondary schools continued to have significant problems and the consultancy, together with the Secondary Principals Association, identified the fact that there are significant concerns that the Government will need to address in terms of how EDSAS, as a computer software package, is implemented in the larger secondary schools in particular.

Recently, I met with some principals who were expressing concerns about this issue regarding larger secondary schools. They further raised issues in terms of the performance in their schools and I have asked again for officers in the department, in the consideration of the consultant's information, to also consider the information that these principals have raised with me.

The Hon. Carolyn Pickles: How much longer will it—

The Hon. R.I. LUCAS: It will take as long as it will take to get it right. It was a Labor Government decision taken some five years ago. When this Government was elected, some $6 million to $8 million had been spent on this project. There were two options—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: The Leader of the Opposition says that her Government's decision was a shambles.

The Hon. Carolyn Pickles: I didn't say that—

The Hon. R.I. LUCAS: It was a decision taken by the Labor Government.

Members interjecting:

The Hon. R.I. LUCAS: It is exactly the same. It was your Government's decision and you were the Chair of the education committee and you were part and parcel of the decision taken at that time.

The Hon. Anne Levy: She's not a 'Chairman'.

The Hon. R.I. LUCAS: I said that she was the 'Chair'.

The Hon. Anne Levy: It sounded like 'Chairman' to me.

The Hon. R.I. LUCAS: You must have a hearing problem. I use non-sexist language.

Members interjecting:

The Hon. R.I. LUCAS: I said 'Chair'. I cannot be much clearer than that. This decision was taken some years ago. As I said, the new Government has reviewed the implementation of EDSAS in its two years. Substantially, the junior primary schools, the primary schools and the smaller schools are happy with the quality of information that is now being

provided by the new package—obviously after the trials and the pilot programs. Out of 650 schools, we are talking about the bigger secondary schools, which might number between 50 and 70. So, in broad terms, between 550 and 600 schools are happy with the quality of the information that is being provided. A smaller number, but nevertheless a significant number, of schools within our system have some problems and concerns, and we have to get it right.

The consultant has identified a number of issues that we have to look at: for example, the sizes of the hardware, the quality of the database engine that is driving the hardware and some further refinements of the software. All those issues have been raised, and the experts in this area, the consultants, the secondary principals and the departmental officers are working hard to try to resolve those issues. As I said, I will check to see whether we have a final copy of the report and whether it is similar, the same as or different from the version tabled by the Leader of the Opposition.

The Hon. Carolyn Pickles: Will you make it public when you do?

The Hon. R.I. LUCAS: Yes.

PARLIAMENT HOUSE SECURITY

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking you, Mr President, a question about breach of confidentiality and privilege.

Leave granted.

The Hon. R.R. ROBERTS: All members would be shocked by the revelations on the front page of today's *Advertiser* that the details of our comings and goings from this building, as recorded by the Parliament House security system, have been made available to individuals involved in some factional battle within the Liberal Party. As a member of the Legislative Council, I understood that I could enter this place on any day, at any time, to conduct my duties as a member of this Parliament. In fact, from my reading of Erskine May, it may well be contempt of this place to hinder or obstruct a member in the coming to or going from this place or in attempting to use the comings and goings of members to threaten or intimidate them.

I understand that the responsibility for security in this building rests with the Joint Parliamentary Service Committee of which you, Mr President, are a member and, as President of the Legislative Council, alternate Presiding Officer of that committee. Therefore, if the Joint Parliamentary Service Committee gave permission for security logs to be released to an individual, you, Mr President, either would be aware of it or you could ascertain who authorised its release and say why it was released.

I am aware that in another place today the Speaker issued a statement of which I have a copy, and I believe it to be authentic. However, I point out that this is a separate House and needs to be considered as such. Therefore, my questions to you, Mr President, are:

1. Has the Joint Parliamentary Service Committee authorised the release of information, including computer print-outs of the comings and goings of members and staff to any individual or group of persons and, if so, when was that authorisation given, and for what purposes was it given?

2. If no authorisation was given by the Joint Parliamentary Service Committee, will you immediately investigate the circumstances surrounding the release of this material and report back to the Legislative Council at the earliest opportunity, with the outcome of the investigation, including the names of persons who authorised the release of such material, the names of person or persons to whom material was released, and any proposed action you or the committee will undertake to protect the right of unhindered entry into these buildings?

The PRESIDENT: The answer to the first question is 'No.' With regard to the second question, I will investigate it through the JPSC, if that is the honourable member's wish, and I will bring back a response to him. However, that will be discussed: as we have a meeting tomorrow, I have no doubt we can put that on the agenda and have it discussed. I have no knowledge of anybody releasing that information, and the information to which the honourable member is referring involves, I presume, the entry to and exit from the Parliament. I am not sure how secure that is. I know that a print-out is attached to all the security doors, but those doors do not necessarily indicate who has or has not come into the Parliament, because two or three people come in on one card, as the honourable member knows. However, I will investigate it tomorrow and bring back a response.

CATCHMENT MANAGEMENT PLANS

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for the Environment and Natural Resources, a question about catchment management plans.

Leave granted.

The Hon. T.G. ROBERTS: On this auspicious occasion, World Environment Day, it is essential to raise important issues not only on this day but also on other days during Question Time. I understand that the Premier is making a statement in response to a question put by the Chair of the Environment, Resources and Development Committee on the importance of this day to this State and the Government.

I should like to raise a question in relation to catchment management plans and the Government's failure to have an integrated plan that includes the hills, hills face, plains and the marine environment. The *Hills & Valley Messenger* includes an article headlined, 'Government told to stop polluting Hills river', which states:

> More than a million litres of treated sewage effluent from the Heathfield sewage works are being poured into the Sturt River daily, while hills residents help pay for the Patawalonga clean-up further downstream.
>
> The State Government and SA Water have been labelled as hypocrites, allowing the discharges while they criticise residents for washing cars on the road and throwing out rubbish.
>
> The pollution also comes as the Government is collecting a $2 million levy from local ratepayers to help clean up the troubled waterway.
>
> The Patawalonga Catchment Management Board and the Conservation Council have criticised the Government for allowing the pollution.
>
> The Glenelg foreshore and environs environmental impact statement, released this month, said the 15-year-old plant was to blame for 'elevated levels of phosphorous and nitrogen. This is considered to be a very significant contribution to the total nutrient loads in the Patawalonga catchment.'

Other statements are made in the article, but I will keep my explanation as brief as I can. Suffice to say that the article is very critical of the Government's plan, through its catchment management boards, to clean up the Patawalonga area while allowing the hills, the hills face and the plains to be contributors to pollution problems at the other end.

It appears that the Conservation Council and other critics of the management plan are saying that the Government is doing it from the wrong end: that one cleans up from where

the problem starts rather than where it finishes. The Opposition and the Democrats have asked questions here about the priorities being set by the Government. My questions are:

1. Has the Government established a total management plan and priorities for the Adelaide Plains and marine environs?

2. If so, does the plan include hills management, foothills management and plains and marine environment management as a total management plan?

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

AUSTRALIAN NATIONAL

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Transport a question about the future of Australian National operations in South Australia.

Leave granted.

The Hon. SANDRA KANCK: There is an emerging strong view and concern that a Federal review of Australian National will result in all of AN's lines being given back to South Australia with their associated $200 million debt and without the rolling stock to make them viable.

As the Transport Minister would know, but other members may not, after the Federal election the Commonwealth Minister for Transport commissioned Mr John Brew, a former CEO of the State Rail Authority in New South Wales, to conduct a review of various matters relating to Australian National and National Rail. Of particular interest to South Australians will be the future of the railyards at Islington and Port Augusta and the operation of rural branch line services within the State. I understand that the State Government has made a submission to the review, that Mr Brew is finalising his report at the moment and that his report will be with the Federal Minister for Transport and Regional Development by 19 June. My questions to the Minister are:

1. Will the Minister table a copy of the South Australian Government's submission and any other representations to the Brew inquiry? If not, will she tell South Australians what is in it?

2. If AN's rail lines in South Australia are given back to the South Australian Government to operate, does the Minister have contingency plans in place to cope with it? Will the Minister give a commitment that the Government will take whatever steps are necessary to ensure the ongoing viability of the rail system in this State?

The Hon. DIANA LAIDLAW: It is an interesting proposition to consider railways a viable transport operation in terms of the honourable member's comment about the ongoing viability of rail. It is the debt and the current deficit problems that are the focus of the attention by Mr Brew on behalf of the Federal Government at the present time. The honourable member may be aware that AN's current deficit this financial year is predicted to be well over $100 million, of which it is alleged that NR and the non-payment of accounts for either lease of line or fuel, or for other purposes, amounts to between $40 and $50 million. It is all of these uncertainties, including, I understand, a threat that the auditor would not be able to sign-off on NR's accounts, that have led to this inquiry by Mr Brew.

As the honourable member indicated, the Federal Minister is to receive the report from Mr Brew by 19 June. I indicated in quite a detailed response to a question on the same subject from the Hon. Terry Cameron last week that South Australia would fight for the rail future in South Australia and that we would fight strongly for retention of jobs. I do not want to go over all the issues that I canvassed last week, but it is important to recognise that decisions made by National Rail in recent times for the purchase of 120 new locomotives and a 15-year maintenance contract to Goninians for the maintenance of those locomotives creates, according to NR, 1 600 jobs in New South Wales (at Broadmeadow near Newcastle) and also in Western Australia. But it comes at a potential cost of many jobs in South Australia.

So, in terms of rail future, decisions have been made by NR about the construction and maintenance contract which are of considerable concern to this Government and which for good reason are of concern to the Public Transport Union, other metals unions and to AN as a whole. They are big issues to address. I have spent several weeks speaking with many people in the preparation of a position that is to be put to the Federal Minister, John Sharp. In the meantime, I have met with John Brew at some length, as have other South Australians. A submission cannot be tabled and nor can I outline all the background at this time. I will be at a meeting as part of the South Australian Transport Minister's conference tomorrow and Friday and I thought it appropriate to have final discussions before getting endorsement of the propositions that we would be putting.

However, essentially it would be wrong for the State Government to pre-empt the Brew inquiry or any decisions to be made by the Federal Government. As the honourable member would know, there are some challenging questions to address. The Government sees a strong future for rail in South Australia. However, we have no equity in rail other than the suburban passenger lines over which public and private sector freight, locomotives, wagons and goods travel, but we do have the Rail Transfer Agreement which I believe is a particularly important document in terms of negotiations with the Federal Government. I have no doubt that in the discussions that I have had today and will have over the next few days the Rail Transfer Agreement will be an important part of South Australia's positioning itself for a strong future in rail.

SERCO CONTRACT

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

Leave granted.

The Hon. T.G. CAMERON: Figures released by the Minister in response to a question asked on the Serco Elizabeth bus contract show that separation packages total $7.121 million with a further $1.3 million being paid out in leave entitlements. The Minister claimed savings of $7.5 million when she made this announcement. My questions are:

1. Does the Minister now agree that the claimed savings of $7.5 million over the term of the contract are incorrect?

2. Will the Minister reveal the total costs incurred by the Government in relation to the tendering process for this contract?

3. Will the Minister also reveal the range of service initiatives which assisted Serco to win the contract?

The Hon. DIANA LAIDLAW: My answer to the first question is 'No.' With regard to the second question in

respect of revealing the total costs, I have already done that in answers provided to the honourable member last week.

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: Well, surely you cannot ask that the costs of the tendering process be considered in terms of this contract. You asked for the total costs in terms of this contract.

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: The point is that you do not seem to understand. Perhaps I can go through it with you at some length outside this place. Briefly, the savings are real, and they have been outlined. The costs come within the sensitivity analysis that was undertaken as part of the whole of Government costs. Notwithstanding the costs in terms of long service leave payouts and TSPs and things, the contract as awarded to Serco realises savings for taxpayers and the Government—and they have been outlined. So, it is not that these costs offset those savings; those savings are in addition to the costs that were associated with the award of the contract by the Public Transport Board. The board awarded that contract after a whole of Government sensitivity analysis which formed stage 2 of the evaluation of the contracts.

I have said that several times in this place in the past. I am happy to repeat it briefly today if the honourable member wants a further briefing on the way in which the contracts are being evaluated. In terms of the tender specifications, I am certainly happy to provide that information to him. In terms of the service initiatives, I am sure the honourable member has already applauded the fact that Serco has introduced extensive new services within the outer north area of Adelaide, and further initiatives are proposed as part of its commitment to introduce new initiatives after six months' operation of that contract. The six months is not yet up.

Lonsdale in the outer south, as part of TransAdelaide's operation, also has this same provision of the introduction of certain service initiatives, which were outlined in the tender specifications, as one of the commitments it must reach in its contractual commitment to the PTB. It will also be introducing new service initiatives. The six-month deadline for doing so is due earlier than that for Elizabeth because it was awarded the contract and started its new operation at an earlier date.

The Hon. T.G. CAMERON: I have a supplementary question. I thank the Minister for her offer of a briefing, but at no time has the Minister revealed the total costs associated with the tendering out process. Governments cannot do this for nothing, and that is what I am interested to know from the Minister.

The Hon. DIANA LAIDLAW: That is not what the honourable member asked. I was asked to reveal the total costs in relation to this contract. The honourable member is asking a new question compared with that—

The Hon. T.G. Cameron: I am not. It is the same question; I read it out. It is the same one.

The Hon. DIANA LAIDLAW: Then it is not a supplementary question.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: It is not a new question, if the honourable member asked it before; it is not a supplementary question.

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: As I understood the question, I was asked to reveal the total costs of the contract. I have indicated that those costs have been outlined to the honourable member in my answer to the question, and if it is not the question the honourable member asked in terms of the whole contracting out process I can provide him with the costs of the evaluation process, which I suspect is what he is actually seeking but did not express it in the correct terms.

TRAFFIC BLACK SPOTS

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Transport a question about black spot road projects.

Leave granted.

The Hon. A.J. REDFORD: Today the new Commonwealth Minister for Transport and Regional Development, the Hon. John Sharp, MHR, announced funding for community-based black spot road projects. It was announced that local communities were, for the first time, to be given a greater say in how black spot road funding is allocated and to help identify and fix Australia's most dangerous roads. It was announced that the Federal Government will spend $108 million over three years to fund the most urgent roadworks. The project is to begin on 1 July. Communities and groups representing motorists and the transport industry will be able to nominate dangerous sites for treatment, with grants totalling $36 million a year over three years.

Indeed, I understand that road fatalities and accidents cost Australia $6.1 billion *per annum*, and that for every death 15 other people suffer life-altering injuries. The Minister called on communities, through service clubs, road user groups and local councillors to start identifying unsafe sections of road. I will be writing to the Millicent, Penola and Kalangadoo Apex clubs to identify all those black spots on the Mount Burr to Kalangadoo road, across which the Hon. Terry Roberts would have meandered on many occasions. No doubt we will probably find 100 black spots on that road. The announcement from the Hon. John Sharp further states:

> No matter how small or remote a proposed project may be it will be considered for black spot funding, as relatively low cost projects can often lead to significant safety improvements.

I believe that the Mount Burr to Kalangadoo road would fall into that category. In the light of that announcement, I ask the Minister what role the State Government can play in assisting the community in identifying black spots, and what will be the State Government's response in ensuring that we receive our fair share of money to be paid towards these black spots?

The Hon. DIANA LAIDLAW: I thank the honourable member for his question and it is a good question. It is also a question which confirms that, early in the life of the new Coalition Government, promises made prior to the election are being kept. This promise was particularly important, and Transport Ministers generally and particularly me, as this State's Minister for Transport, have argued very strongly for the re-introduction of this black spot road program. The former Federal Government cancelled this program. That was seen as a retrograde road safety step, because it had been estimated by the Federal Office of Road Safety that one life was saved every year for every $500 000 spent on the black spot road program.

In terms of the Mount Burr to Kalangadoo road, I respect that it is an important road. I recently travelled over that road at the request of the District Council of Beachport. In the South-East, as anywhere in the State, whenever I go to the country I seem to be required to bounce over rough roads, and always in an empty truck so that one bounces about five times as much, when I know that most people, in normal circum-

stances, would be travelling in a full truck and the experience would be not as bad. Nevertheless, I suffer in silence and tell people that I see there is good reason for them to be concerned about the condition of particular roads.

While I fully respect the concern of the honourable member for this particular road, it would eat up all of the black spot funding that South Australia would hope to achieve under this program—some $3.6 million a year for each of the next three years. I do not think the Federal Government is interested in taking over the funding of a complete road but is rather looking at engineering treatments, and the like. Certainly I think one could look creatively at a range of black spots along roads and make it a more comfortable experience in the meantime while consideration is given to when and what other resources can be given to upgrading this road.

Members would know that, in country areas, many initiatives can be sponsored and developed by country communities because, in South Australia, about two-thirds of road deaths in the year to date occur on country roads. Attention is being given to this dreadful circumstance by the Road Safety Consultative Council and the Government, in terms of advertising and other campaigns that will be launched in the near future.

This black spot funding will be an important part of the South Australian effort, now with the Commonwealth, to reduce road deaths and accidents on South Australian country roads. A host of other initiatives can be taken. For instance, I have a few examples of traffic lights in the metropolitan area, at Eastern Parade and Bedford Street in the Port Adelaide region; and in Hectorville traffic lights are certainly necessary at Montacute Road. There is a major problem at the roundabout at Grange Road and Seaview Road, Grange. There are median strip improvements at Gorge Road and Silkes Road. The Berri turn-off from the Sturt Highway is a notorious road accident site and improvements to road shoulders are definitely needed there. That is a list of just a few programs and there will certainly be a number promoted by the State Government and the community at large to the Federal Government as part of our share and as part of the Federal Government's assessment of the allocation of these important new black spot funds.

PARLIAMENT HOUSE SECURITY

The Hon. P. HOLLOWAY: My question is directed to the Attorney-General. Does the unauthorised extraction of documents from members' mail boxes in Parliament House, as was alluded to in this morning's *Advertiser*, constitute a criminal offence? Will the Attorney take action to see that any possible infringements of civil or criminal law are investigated in relation to this matter? Will the Attorney say when he first became aware of allegations that the member for Florey extracted documents out of members' mail boxes and received confidential security records? Finally, who provided the Attorney with this information?

The Hon. K.T. GRIFFIN: I am not aware that there was any unauthorised removal of documents from members' boxes. I did not spend a lot of time reading the *Advertiser* this morning, making a fairly early start to work on most mornings. I scanned it to see if there was anything of great interest and there did not seem to be much in the *Advertiser* this morning.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: That is all right. I speak frankly to all my parliamentary colleagues on whatever side of the parliamentary fence they may stand or sit. I am not aware of any of the facts with which the honourable member believes he is familiar. It is not for me to deal with issues of access to computers within Parliament House. The information is presumably under the authority of the President and the Speaker. Behaviour that occurs within this House is presumably initially the responsibility of the Presiding Officer. Members will know that when we passed the Workers Compensation and Rehabilitation Act under the previous Government we specifically removed the authority of inspectors to come into Parliament House to gain access to information dealing with workers compensation. We particularly removed members of Parliament from the coverage of that Act because of the peculiar status of members of Parliament. The precincts of this Council are under the authority of the President and the precincts of the House of Assembly are under the authority of the Speaker. Issues which might relate to access to information ought to be directed to the Presiding Officers.

The Hon. P. HOLLOWAY: Mr President, I desire to ask a supplementary question. Given the Attorney's answer, will he investigate whether police resources were misused in relation to this matter?

The Hon. K.T. GRIFFIN: My understanding is that the Minister for Police has already told the House of Assembly that he has an assurance from the Commissioner of Police that no police resources were used for any purpose associated with the matter to which the honourable member refers. I am not responsible for the police, but I understand that the Minister for Police has made that clear in a statement in the other House.

The PRESIDENT: I notice that an honourable member has brought some yellow gloves into the Parliament. This is not a circus, and I suggest that he removes them from the Chamber as soon as possible.

STATE BUDGET

The Hon. T. CROTHERS: It was not me, Mr President. I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, representing the Deputy Premier, some questions about the State budget handed down last week.

Leave granted.

The Hon. T. CROTHERS: The State budget handed down last Thursday caused much public comment. For instance, some public commentators opined that it was a bland budget designed to put as much public daylight as possible between the Brown-led Liberals and the Howard-led Liberals. The budget for the coming year shows a slight surplus and this again led to public statements about what might happen after the Howard budget next August, which the Howard-led Liberals, after having constantly talked up the so-called $8 billion black hole, had predicted to be an absolute horror, in so much as the Howard-led Liberals say that they will be slashing cash outlays everywhere. For instance, according to the media, the Federal Minister for Education, Senator Amanda Vanstone, herself a member of the South Australian Liberal Party division, has by some injudicious comments about cuts to education grants caused the biggest rallies by university students and their tutors against the Liberal Party since the Vietnam War moratorium.

Other aspects of the State budget which have elicited public comment include $5 million less for the Police Force this year than last year. This caused the President of the Police Association, Detective Sergeant Alexander, to observe that the attrition rate of our Police Force is some 100 officers a year, yet at the moment there are only some 28 cadet officers being trained at Fort Largs as replacements. Another observer opined that, with the recent wage increase to our Police Force, it will ensure that the $5 million cut will in effect be much more, as no account has been given of the impact of the recent wage increases on police funding resources. Another budget aspect to cause comment was the 6 per cent allowance made in the education budget for future increases to teachers' wages which many experts have predicted will be nowhere near enough to compensate for future teacher wage increases. Much has also been said that no allowance is contained in the budget for funding cuts to be made by the Howard-led Liberals in their August budget. I could go on and on.

An honourable member: Don't!

The Hon. T. CROTHERS: This is an important question, comrade: it is not about Peter Pan having his funds cut at the playhouse.

Members interjecting:

The PRESIDENT: Order!

The Hon. T. CROTHERS: Interjectors must face the wrath of the member they are interjecting against. As I said, one could go on and on. I ask members to bear with me. Some commentators have also suggested that Treasurer Baker will have to introduce a mini budget or a fresh financial statement after the Howard budget has been handed down.

There is one another comment which I just must get into *Hansard*, and that concerns the feeling expressed by some of the commentators about the daylight which the Brown-led Liberals are trying to put between themselves and the Howard-led Liberals. The commentators again opined that, as there are 14 members of the Howard-led Liberals, including four Cabinet Ministers who are members of the South Australian division of the Liberal Party, that this new approach to daylight saving could possibly lead to a third faction of the South Australian Liberals other than what we already have—the traditional wets and the dries. Now they are suggesting that we may well have a third faction emerge, that is, the Howard-led Liberal faction of the South Australian Liberal division. My questions—and they are not exhaustive by any means; I will follow up this matter again tomorrow—to the Minister are—

Members interjecting:

The Hon. T. CROTHERS: I'll defend your right to answer, assuming that I get an answer.

Members interjecting:

The PRESIDENT: Order! I suggest that the questioner get on with his question.

The Hon. T. CROTHERS: My questions are:

1. How much will the recently awarded pay increases to our long-suffering police officers add to police outlays for this financial year?

2. Does the fact contained in question 1 mean that, in money terms, the Police Force budget for the year will have been cut by more than $5 million?

3. Will the Treasurer acknowledge that the probability is that, after the Howard August budget, he will have to introduce a mini budget?

4. Does Treasurer Baker consider that the 6 per cent being allowed for pay increases to teachers will be enough to cover such an increase and, if not, why did he not make a larger percentage allowance? Finally, but by no means exhaustively, I ask this question:

5. In the budget, the Government made allowances for the refurbishment of approximately 850 Housing Trust homes and the building of approximately 350 new homes. Does he consider that, after the Howard budget, this program can be sustained?

The Hon. R.I. LUCAS: It might take me about seven minutes to answer this.

Members interjecting:

The Hon. R.I. LUCAS: Well, it was a very important question.

Members interjecting:

The Hon. R.I. LUCAS: Exactly! I wasn't rude to the Hon. Mr Crothers, as the Hon. Anne Levy was by way of interjection. Certainly, members on this side, whilst we do not agree with the Hon. Mr Crothers, will defend his right to ask his questions without being slagged on by one of his colleagues on the back bench opposite. Obviously, for some of the detail of the questions, I will need to refer to the Treasurer and bring back a reply.

The honourable member has raised some important issues about the State budget, and some of them need to be responded to immediately, lest he leave this Chamber with a misapprehension about the true impact and effect of the State budget and its impact on the State community.

First, the commentators—unnamed—to whom Mr Crothers has referred clearly were not in the majority of commentators in both the printed and electronic media and the community generally. The State budget, as brought down by the Treasurer last week, has generally met with a very favourable reception from the majority of the South Australian community, almost without exception. Even the head of the UTLC marked it at four or five out of 10, which was a marked improvement on previous marks out of 10 that Mr Lesses has given to it. Even the head of the Public Service Association marked it at four or five out of 10, which again—

Members interjecting:

The Hon. R.I. LUCAS: Well, if it was only a half-yearly mark, we might have eight or nine out of 10 by the end of year. Even the self-professed representatives of the workers, in terms of their judgment compared to previous budgets, basically have broadly supported the major thrust of the Government's announcements in the State budget. They have disagreed with some. Mr Lesses and Ms McMahon disagreed with some aspects, but certainly the response that the Government has received in the past week or so generally has been very supportive of the thrust of the State budget. I know that the Hon. Mr Crothers did not have time to refer to all the press clippings, but let me refresh his memory on a couple. Certainly, some of the major features—

Members interjecting:

The Hon. R.I. LUCAS: Exactly—and I only hope to get up early for the Hon. Ms Levy as well! Some of the major features of the State budget that the Hon. Mr Crothers did not mention were that the Government in 1994 outlined a four year deficit and debt reduction strategy. We inherited a financial mess from the previous Labor Government of annual overspending of some $350 million a year when we inherited the 1993-94 State budget. In its first budget in 1994, the Government indicated that in a four year parliamentary term we would seek to balance the State budget, and to reduce that level of annual overspending. The Treasurer was delighted to say—and I am sure even the Hon. Mr Crothers,

with an ounce of fairness in his being would also welcome this—that we were on track and that a small surplus would be announced by the Liberal Government in its final budget prior to the State election due late next year.

Secondly, in 1994 the Government promised to reduce by almost $2 billion the level of the State debt. Again the Treasurer indicated last week that that level of State debt in terms of asset sales had been reduced in the order of $1.6 to $1.8 billion and was some 12 to 18 months ahead of schedule. The Hon. Mr Crothers indicates that he acknowledges that, and that is important. When the Hon. Mr Crothers then went on to refer to the fact that the budget included only a 6 per cent salary increase for teachers, he talked of unnamed commentators. Let me say who the unnamed commentators were: they were his own parliamentary Leader, Mike Rann, and, secondly, the Leader of the Institute of Teachers, Janet Giles.

The Hon. Diana Laidlaw: Are they both single?

The Hon. R.I. LUCAS: No, they're not. They were the unnamed commentators. No other commentator referred to that issue—

Members interjecting:

The Hon. R.I. LUCAS: Cliff Walsh did not refer to the 6 per cent. Cliff Walsh, Graham Scott and no other commentator referred to that 6 per cent figure, because that figure is wrong.

Members interjecting:

The Hon. R.I. LUCAS: George Apap may have mentioned it over the front bar at the Colac with the Hon. Mr Roberts. What the State budget incorporates—

Members interjecting:

The Hon. R.I. LUCAS: I am just about to; I was diverted by a reference to Mr Apap as some sort of credible economic commentator on the State budget—in terms of Education and Children's Services staff salary increase is the nature of the offer that we have already made, that is, 12 per cent over two years. The first part of that would be payable if accepted on 1 July, which is 8 per cent, including the two $8 safety nets, which is broadly the equivalent of the 6 per cent, and a second 2 per cent payable in March next year, which is within this financial year. So, the claims made by Janet Giles—

Members interjecting:

The Hon. R.I. LUCAS: In the coming year, there are 8 per cent and 2 per cent, but the 8 per cent does include two $8 safety nets that have already been paid. So, one could discount that to about 6 per cent, but there is 6 per cent and 2 per cent or 8 per cent and 2 per cent, depending on what you are talking about. It is not 6 per cent, as claimed by the Leader of the Labor Party or the Institute of Teachers. So, the facts about these unnamed commentators, whom I have now outed, Rann and Giles, and maybe Apap, who has been outed by the Hon. Terry Roberts, are indeed wrong. I will refer the detail of the rest of these important questions to the Treasurer and endeavour to bring back a reply as expeditiously as possible.

MATTERS OF INTEREST

DAIRY INDUSTRY

The Hon. R.R. ROBERTS: I wish to raise a matter of importance to people in South Australia, especially those who operate in the dairy industry and who are interested in public health. This is a sad story about a hard-working rural family battling against a national milk company, which I do not intend to name at this stage. However, the story has been brought to my attention and it has caused me great concern.

My constituent is a dairy operator at Bordertown who has been supplying milk from a farm that she was able to acquire after many years of work in the industry. For the benefit of members, I point out that my constituent is well versed in animal husbandry, especially within the dairy industry. In 1992-93, in a mastitis competition across 200 herds in the South-East, she received first prize. We are talking not about someone who is sloppy in their operations but about someone who is a hard-working small operator.

This lady was operating very well until March 1995, when a field officer from the company concerned suggested that she ought to expand and that there was some untidiness in the dairy precincts. Whilst the precincts were old, there was new equipment, and everything that was suggested by the field officer was undertaken. However, the milk was downgraded on 10 September 1995 from manufacturing milk to market quality milk. Mr President, as a person with rural experience, you will understand that there is a vast difference in price.

The worrying thing from the point of view of public health was that when the truck came to pick up the milk, the sampling was done and the milk was poured into the same vat as the manufacturing milk. My constituent found that she was getting continually high readings and, therefore, a downgrading in milk quality, and she was issued with a red ticket.

On 8 October 1995 she took two samples, one from another operator, and sent them to a competing laboratory in the industry. The difference in test results was astounding. There were 92 000 bacteria colonies per millilitre of milk which came from the supplier and from the alternate one the reading was 37 000 bacteria colonies per millilitre. My constituent was particularly concerned and continued to make every effort to produce manufacturing quality milk.

I am advised that at some stage, because of the pressure that was being put upon her, she was reduced to tears and her financial situation was deteriorating. In an act of frustration she was forced to take independent veterinary advice, and she did so. I have in my possession copies of the certification from the Department of Veterinary Science and Medvet Sciences. I am advised that an operator conducts two tests on each sample. Again, we find astounding results.

For instance, on 15 December 1995 the official reading from the manufacturer was 185 000 and on the Government's two samples it was 16 000. On 17 December the reading was 300 000 on the part of the manufacturer and 43 000 by Vetlab. I could go down this list for some time. Clearly there are vast discrepancies which have contributed to the financial ruin of my constituent.

This matter was raised with the local member, whose comment was that he believed that a criminal offence had been perpetrated. In fact, he undertook some inquiries and had a Mr Robert Mugford attend a meeting in his place. There are some worrying things about this matter. I am

concerned, as I think most South Australians would be, that, if those figures of 300 000 parts of bacteria per millilitre were correct, the milk was put into the same vat as the milk that was being processed for human consumption. It also raises the spectre as to whether a fraud has taken place, because, if those figures are right, somebody is being robbed. I ask the Minister for Primary Industries to undertake an investigation of these matters for the benefit of my constituent and the health and wellbeing of South Australians.

STATE BUDGET

The Hon. A.J. REDFORD: I wish to speak about the State economy and budget. It is pleasing to see that the budget that was announced last week confirmed that South Australia had been the subject of a financial turnaround. It was reported, and it is pleasing to note, that State debt is now headed to being the lowest on record by the end of the century.

The annual $350 million deficit inherited by the Government will be eliminated by June 1998. The Government's five-year target to reduce public sector employment by 12 500 has been accomplished. Indeed, the annual value of contracts undertaken by the private sector in consequence of contracting out is about $230 million. It is pleasing to see that this State is pioneering the contracting out of services to the private sector, thus leading to great efficiency changes.

One of the other great challenges that this Government has confronted is the restructuring of the State's economy. Whilst that is not an easy task, issues such as value-adding primary and mineral products, high technology and the emphasis on that and on information and communication services are all to be commended.

We have also implemented one of the lowest taxation regimes in this country in order to improve our competitive position. Our taxes are 23 per cent lower per capita than Victoria and 26 per cent below New South Wales. We have the second lowest payroll tax rate of all States and we have the most competitive payroll tax for exporters, with a 50 per cent rebate.

We are embarking on a process of local government reform. We are changing our infrastructure, with particular emphasis on electricity and gas for which the real prices for small business have fallen by 33 per cent. Our water costs are also down. We have improved our transport services. We have introduced enterprise agreements and streamlined business regulation. Also, we are about to embark upon a review of the Commonwealth-State Housing Agreement. Indeed, the emphasis on shipping and waterfront reform which will be led by the new Federal Government should ensure that we have a bright and positive future.

I have often heard in some business circles this Government being compared unfavourably with the Kennett Government. I have to say that on any close analysis of the figures we have embarked upon a reform process at a much greater pace and scale than the Kennett Government in Victoria.

The effect of this is interesting. The *Small Business Index*, published by Yellow Pages Australia, shows that South Australia, in terms of confidence concerning the future—and this is a small business outlook—is the second highest in the country. Indeed, looking at other indicators, one sees that since the Federal election the attitude of small business towards the Federal Government has improved dramatically, and its attitude towards any negative impact that the Federal Government might have has dropped quite significantly.

In comparing our position with Victoria it is important to note that we are 1 per cent more positive in our confidence than the Victorians. In terms of confidence we expect, by 1 per cent, to have a greater work force next year than the Victorians. We expect our wages paid out of our enterprises to be at a greater rate than Victorians. Indeed, our small business expectation in respect of capital expenditure is some 8 per cent higher than that which exists in Victoria. I suggest that our Government has adopted a very positive and constructive approach. In any comparison with Jeffrey Kennett we come out favourably. To that extent, given the legacy that we inherited from the former mates of the Hon. Terry Cameron, this Government has done an outstanding job.

PATHOLOGY SERVICES

The Hon. SANDRA KANCK: I refer to the privatisation of pathology services in South Australia. The increasing levels of privatisation of pathology services is yet another area where South Australians are seeing a change in the traditional role of Government in its provision of public goods. Public pathology is cost-effective, equitable and ensures that the community is protected from disease. But despite these benefits the Government's privatisation agenda holds sway, and pathology services are slowly being turned over to private hands. Of further concern to the Democrats is the fact that, when privatisation goes to an international or multinational company, profits end up going overseas. When pathology services at Modbury Hospital were first contracted out to a private pathology company, Gribbles, it was then a locally-owned Adelaide-based company, which meant that at least the profits stayed in this State. However, at the beginning of this year 50 per cent of Gribbles was sold to a large Malaysian company, the Berjaya group, which we are told has extensive interests in the Asian leisure, private hospital and health care industries.

South Australians have been promised that this joint venture, the term by which this buy-out has euphemistically been referred, will bring export income into this State together with job opportunities for local pathologists, scientists, information technologists and laboratory technicians. However, in an *Advertiser* article it was stated that there are many sufficiently qualified science graduates in these Asian countries. So, it begs the question: on what basis will this joint venture provide South Australia with such attractive export income? According to the *Advertiser*, the answer lies in the fact that Malaysia, Indonesia and the Philippines have large populations, some 281 million people, which will make up the potential client base. But, sadly, the vast majority of people living in those countries will not be able to afford pathology services. The poorest Asian people are so poor that they do not even have clean water. Thus, no amount of pathology testing could be of benefit to them. This, of course, leads to other ethical questions concerning the profiteering from such poor communities.

As with all privatisation, the most profitable parts of an industry are privatised first. In pathology in South Australia the private sector is taking over the routine and relatively simple tests, because they are more profitable. The increasingly underfunded public sector is being left with the more difficult and more expensive work. Needless to say, the very important work of public pathology will be threatened in an

environment of reduced funding. If we continue going down the American path with our health system, pathology services, as with health services generally, will soon be available only to those who can afford to pay private health insurance.

The Hon. T.G. Roberts interjecting:

The Hon. SANDRA KANCK: Exactly. A recent edition of the magazine *New Doctor* gives us some idea as to what we could expect as we move toward a private health system. I quote from that article as follows:

> We await, in the city of Los Angeles, a dreadful day. October 1, 1995 has been chosen by city officials as the day when the First World officially meets the Third. For on that day the city will take a gigantic leap into the unknown. It will cease providing even rudimentary health treatment for millions of citizens. Epidemics of deadly communicable diseases are not predicted by public health officials. They are guaranteed. Even treatment of leprosy is threatened. Outbreaks of measles, diphtheria, cholera, meningitis, TB are expected.
>
> Death and disease, some argue, know nothing of race, and social status. Microbes and bacteria are the most democratic of things. But they do like to travel. Of late, however, they have found they like white middle class people more than the grimy poor. They especially have developed a liking for rich white kids. Rich white kids take lots of antibiotics and that's what smart viruses like—kids whose immune systems have been weakened by dumb rich parents who feed them antibiotics for coughs and colds.

We should learn from the US experience that reliance upon the private sector to undertake our health care not only marks a major shift from our traditional Australian egalitarian values but could also result in disastrous health outcomes for the entire community.

DEAF-BLINDNESS DISABILITY

The Hon. P. NOCELLA: I draw members' attention to the sad state of affairs that exists in this State for people who have contracted at birth or later in life the deaf-blindness disability. The position is that no services in this State are being offered, provided or delivered explicitly for people who are deaf-blind. Rather, organisations, including genetic agencies, are attempting to meet their needs through the range of services they provide for people with sensory loss. The fact is that deaf-blindness is a unique disability, because it robs people of the basic tools that we take for granted in our lives. Children are especially vulnerable, because this disability diminishes opportunities to acquire the skills needed to lead meaningful and rewarding lives.

This is a problem that has long been side-stepped in Australia where services are still very primitive, and in some cases have been reported as contravening basic human rights. Most deaf-blind people find themselves in programs and facilities set up for the mentally ill or those with one major disability such as deafness or blindness. Overseas experience has shown that effective education and support services can improve the quality of life for deaf-blind people. For example, research at the University of Birmingham and at the Helen Keller National Centre in the United States of America, for example, prove that effective early intervention and appropriate independent living facilities are essential for the achievement of the most fundamental quality of life outcomes for the deaf-blind. Two important first steps that can be taken are, first, to send a South Australian teacher to the University of Birmingham in the UK for training in the development of early intervention programs for deaf-blind children. The highly specialised training needed by professionals in this area is not available in Australia. Secondly, we can build independent living facilities that enable deaf-blind people who achieve adequate levels of autonomy through the early intervention programs to establish a life that enables them to take a greater degree of responsibility in meeting their own needs.

In Australia, we value the right of everyone to have access to basic education; but because of their special needs we cannot yet offer this to deaf-blind children. One properly trained teacher will start to redress this program and, combined with access to independent living facilities, we can start to build a bridge between the deaf-blind and the seeing-hearing community, helping create lives characterised by self-respect and enjoyment. I mention in this Chamber that perhaps the very first step would be to take stock of the number of individuals who will be clients of a possible new program.

However, on 26 and 27 June the Deaf-Blind Society will conduct special days in order to attract attention to the plight of this group of people. There will be the launch of the national deaf-blind awareness campaign, and that occasion will also be used to launch an appeal for funds which are required to educate a teacher in the needs of deaf-blind children. I draw the attention of members to the plight of the deaf-blind.

PSYCHIATRIC FACILITIES

The Hon. R.D. LAWSON: I wish to comment on a proposal for the establishment of a community visitors' program for psychiatric facilities in South Australia. This proposal emanates from a research report prepared by Ms Judy Clisby, a student of the School of Social Work and Social Policy at the University of South Australia (Magill Campus). The report was prepared late last year as part of Ms Clisby's participation in the Parliamentary Internship Scheme. I had the honour to be Judy Clisby's supervisor, Mr President, although you will be gratified to know that to describe my role as one of supervision would be a considerable exaggeration.

Ms Clisby's report notes the findings of the Inquiry into Human Rights of People with Mental Illness undertaken by the Human Rights and Equal Opportunity Commission, which culminated in its report of 1993. That inquiry found that people with mental illness while in-patients in psychiatric facilities throughout Australia are subject to abuse of the right to treatment with dignity, humanity and respect. The inquiry found that accommodation for people with mental illness comprises mainly boarding houses, shelters and refuges and that conditions in these facilities are disgraceful. The inquiry recommended the institution of a system of monitoring, advocacy and investigation of complaints in hospitals offering in-patient psychiatric services and in State-funded residential facilities offering personal care.

In this State, there is the Supported Residential Facilities Act 1992, which applies to residential facilities which are privately owned and which provide personal care for more than two people either on a profit or non-profit basis. The Act has as its primary objectives the recognition and protection of the rights of people residing in residential facilities and ensuring the accountability of service providers. The Supported Residential Facilities Act establishes an advisory committee. Under section 21, it provides for authorised officers appointed by the Minister or relevant local council and empowers them to enter facilities and inspect them and, where necessary, to break into or open any part of land or

premises. It authorises visits on the occasion of applications for licences and other events including complaints or requests for help.

There are a number of difficulties with the present Supported Residential Facilities Scheme, not the least of which is the fact that the inspectors appointed under it are council employees who also serve as general environmental health officers trained in the investigation of physical standards rather than the more nebulous and harder to detect standards of personal care and rights of protection. These difficulties are identified in Ms Clisby's report. She describes the mechanisms available through the Public Advocate and the Health Commission as other avenues for complaint.

Ms Clisby recommends the adoption in South Australia of a community visitors' program similar to that which operates in Victoria. In that State, community visitors are representative of all ages with a wide variety of backgrounds and occupations. They are volunteers appointed by the Government on the recommendation of the Public Advocate. They visit large residential institutions and small community residential units of people with an intellectual disability. They visit psychiatric in-patient services at community health services. Their function is to oversee the wellbeing of residents and clients and to talk to them about issues such as the adequacy of the services provided to them, the standard of facilities and the care and treatment being received. Wherever possible, the visitors are required to resolve disputes at a local level. This scheme has worked well. I must say that I congratulate Ms Clisby on the excellent report that she prepared. I also congratulate the convenor of the Parliamentary Internship Scheme, Dr Clement McIntyre of the Politics Department of the University of Adelaide, for running a very well-operated and successful program last year. I hope it continues.

NATIONAL ELECTRICITY (SOUTH AUSTRALIA) BILL

The Hon. T.G. CAMERON: I listened with interest yesterday to the contribution by the Hon. Legh Davis on the National Electricity (South Australia) Bill. I always listen with great interest to the honourable member's contributions on matters financial. Whilst I do not always agree with him, particularly in relation to the Flower Farm, one cannot help but be impressed by his financial and analytical skills. The honourable member is wasted on the back bench, but that is a matter for the Liberal Party to sort out. One only has to look at the last two budgets to realise that the Government needs all the help it can get on matters financial. The Hon. Legh Davis correctly pointed out the significant productivity improvements that have been made by ETSA over the past 10 years resulting in lower prices—

The Hon. Sandra Kanck interjecting:

The Hon. T.G. CAMERON: Your turn's coming—for both domestic and business users in South Australia. In his speech, the Hon. Legh Davis referred to the fact that South Australia is acting as the lead legislator. Whilst this was criticised by the Hon. Sandra Kanck, who stated that the Opposition has been conned by snake oil merchants, I fail to see why the Government or the Opposition is being criticised for taking the lead on such a critical issue.

What we are talking about here is coming to grips with the challenge of improving the effectiveness and efficiency of generating electricity which will lead to further reductions in the price of electricity, particularly for businesses, in order to improve our competitiveness with industry interstate. I asked the Minister for Mines and Energy a question in relation to this matter. In his response, which I welcome, he states:

> The Government is committed through the Council of Australian Governments (COAG) agreement of February 1994 to create, in concert with other Australian Governments, a more competitive gas market.

He went on to say:

> The Government has already repealed Petroleum Regulation 244 to remove restrictions on the sale of gas for non-fuel purposes and is also currently reviewing the Natural Gas (Interim Supply) Act to determine if part or all of this Act should be repealed to ensure that legislative barriers to free and fair trade in gas are eliminated.

I also support his initiatives in that area. So that I am not accused of plagiarising, I refer to a document published by Bain and Company, in particular, the Bain Securities Division, which talks about gas market deregulation in Australia. It states:

> The primary objectives of market reform are to promote gas market growth to increase industry efficiency and, most importantly, to achieve lower gas prices for consumers.

It goes on to state:

> Following a three to four-year transition phase, commencing from July 1996, the gas market will have all legislative and regulatory barriers to free and fair trade abolished. Major structural changes will ensue, including greater upstream supply competition, third party access to gas processing and transmission facilities. . .

The document further states that this will mean that there will be more flexibility in selling agreements and that there will be pressure for existing producers, notably the Cooper Basin joint ventures, to enter into a much more competitive environment when selling the gas.

In conclusion, the passing of the National Electricity (South Australia) Bill is only the first step towards reducing power costs in South Australia. Until such time as the Cooper Basin producers of natural gas are opened up to competition, we will have done only part of the job in relation to reducing power costs in South Australia.

Natural gas is used to generate electricity at Torrens Island. Obviously the job is still incomplete. I look forward to this Government again taking the lead to deregulate the South Australian gas market, and I trust that the Hon. Legh Davis will press his Minister to ensure that once again South Australia is the first cab off the rank.

FIREARMS

The Hon. CAROLINE SCHAEFER: It seems a shame that the new firearms laws have been agreed to as a result of the great tragedy which was the Port Arthur massacre, because those who argue that no amount of gun control will alleviate that sort of insanity are, of course, correct. The real shame is that it has taken a tragedy of this magnitude to participate broad-based agreement across the States and the Parties for the regulation of gun control. It seems to me that those who argue that such controls are a limitation to their basic human rights are arguing from a philosophical rather than a practical point of view.

In other words, do we take the American point of view that all people have a right to carry arms, or do we take the attitude that, while firearms have a place in the Australian society, their use should be controlled? Historically Australia, and particularly South Australia, have always taken a regulated approach, and I see no reason for that to change

now. This leads me to the situation as it is now. Clearly, South Australia and Western Australia have some of the fairest and most appropriate gun control laws in Australia and, as such, I do not expect that we will see many changes in this State.

Certainly there is a great deal of anxiety as to what the new laws will mean to those honest and *bona fide* firearm owners in this State who have already registered their guns and who now see themselves as disadvantaged against those firearm owners of other States who have never had to register. Also, much of the anxiety is purported to be coming from the rural constituency. I say at the outset that very little of the lobbying I am receiving is coming from rural voters, and it is my belief that much of the lobbying has very little to do with gun control. I think most people in this Chamber know that I would be the first to complain if I believed that the proposed laws would adversely affect genuine users.

My understanding is as follows: no Government is confiscating all guns, but only semiautomatic and automatic loading rifles, and then the owners will be compensated at market value; primary producers with a genuine need will be able to keep a semiautomatic or an automatic loading rifle; sporting shooters, for example, feral goat shooters, with a *bona fide* letter from the primary producer on whose property they shoot, will be able to keep a semiautomatic or an automatic loading rifle; sporting shooters who belong to a registered club with pre-Olympic code will be accommodated; single shot firearms regulations will remain the same as they are now; and a Federal task force is looking into adapting five shot automatic loading rifles to two shot automatic loading rifles and allowing them to remain legal.

I wonder why there is so much anxiety in the wider community. Certainly the very reasonable and sound people who have contacted me are worried until they see just how the laws are implemented and, if my interpretation is wrong, then I will need to stand up in this place and say so, but I sincerely believe that much of the worry is unfounded. As I have previously said, stricter firearms control will not stop massacres and it will not stop guns being bought on the black market by criminals. It will, however, make them harder and more expensive to obtain.

It will reduce the needlessly high number of suicides with guns and it will lessen the tragic accidents with which we are all familiar; there would be few people in this Chamber who do not know of at least one person who has been killed by throwing into the back of a ute a gun which they thought was unloaded but which was loaded. Responsible gun owners, I believe, have nothing to fear; rather, what we should all fear is the far right-wing activists who are attempting to hijack this debate and drag responsible gun owners along with them. So far it has been gratifying to see that all the major Parties have retained a unified stance, in spite of the many threats they are receiving. Now is the time for individual members of Parliament, both State and Federal, to keep their nerve and hold firm.

HOUSING TRUST WATER LIMITS

The Hon. R.R. ROBERTS: I move:

That the regulations made under the South Australian Housing Trust Act 1936 concerning water limits, made on 28 March 1996 and laid on the table of this Council on 2 April 1996, be disallowed.

In considering this motion for disallowance, members will need to go back to the *Hansard* of 14 February 1995, and the dates in this contribution are reasonably important when considering what tack members will take in respect of this matter. On 14 February 1995, the Hon. J.K.G. Oswald, then Minister for Housing, Urban Development and Local Government Relations, made a ministerial statement in another place in respect of Housing Trust water rates, and said:

The trust has the option of absorbing the water consumption charges which its tenants incur and which will cost the trust approximately $5.84 million in 1995-96, or the trust could pass on a percentage of those costs to its tenants.

Clearly it was the trust's intention at that time to pass on some of the costs. The Minister further stated to members in another place:

Currently within the Housing Trust all tenants receive a 136 kilolitre allowance and, in addition, approximately 32 000 rent rebate tenants receive a further 64 kilolitres for which the trust meets the annual cost of $1.8 million.

The statement continues:

As the trust is not in a position to carry the $5.84 million cost of water, it is intended to introduce amendments into Parliament without delay to recover water charges from 1 July 1995. This means that all water consumed from 1 January 1995 will be under the new system as with the rest of the community under the EWS policy.

Further in his contribution, the Minister stated:

The trust will pay the access charge of $113 relating to their property and the first 136 kilolitres consumed by the tenant.

The Minister again clearly mentions 136 kilolitres. The statement continues:

It is important to note that full rent payers will notice no change from the current arrangement if their water consumption does not increase; that is, they currently pay for water consumption above 136 kilolitres, and this will remain the case. Rebated rent payers will pay slightly more as they will in future be required to pay for their consumption above 136 kilolitres whereas currently [as at 14 February 1995] they pay only for the consumption in excess of 200 kilolitres. If a rebated tenant uses the full 200 kilolitres a year they will pay an extra $56.32 or about $1 a week.

Clearly the proposition put to the other place, as at 14 February 1995, was an intention to change the water rating system within the Housing Trust and that clearly tenants would be expected to pick up a part of the cost.

One needs to look at a minute forming an enclosure, No. 493, to the Secretary of the Legislative Review Committee dated 21 March 1993, which states:

These regulations set the limit up to which the South Australian Housing Trust will bear rates and charges for the supply of water to premises subject to an agreement under paragraph (b) of section 30 of the Act. They are necessary to amend the effect of the South Australian Housing Trust (Water Rates) Amendment Act to reflect the Government's policy to set the limit to which the South Australian Housing Trust will pay for water supply of 125 kilolitres per annum.

The South Australian Housing Trust will absorb the whole cost of the increase of water charges up to that limit for all of its tenants and will not recover any charges for water from tenants in premises that are not separately metered.

It is interesting to note that much has happened since the authors of this correspondence placed these matters before the Legislative Review Committee. Indeed, apparently it did not

come before the Legislative Review Committee until 28 March 1996. Clearly, the proposition had changed dramatically in that the minimum allowance was no longer to be 136 kilolitres per housing tenant but only 125 kilolitres. Proportionately, it represents a significant reduction in the threshold allowance and obviously the effect of that is that increased charges and costs will be passed on to trust tenants. It is the clear view of the Opposition that this is a breach of the arrangements. It cuts across the proposition that was put by the Hon. Mr Oswald and I believe that, when he made his contribution, it was an honourable contribution and it was his intention to honour that contribution.

Much has happened, not the least being the untimely sacking of the Hon. Mr Oswald and clearly, since his sacking, the honourable position that he had taken has been amended in a somewhat clandestine fashion and an attempt has been made to try to slip this through Parliament without coming under the scrutiny and recognition of both Houses of the Parliament. The Government has done a pea and thimble trick that ought to be revealed. Consequently, as we have no power to amend the regulation to reflect the original proposition, I believe there is no alternative but for this Council to reject the regulation on the basis that it is not a reflection of the understanding and clear commitment given by the Government to Housing Trust tenants in 1995. Therefore, I call on all members to support this motion for disallowance.

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

FIREARMS (PENALTIES) AMENDMENT BILL

The Hon. SANDRA KANCK obtained leave and introduced a Bill for an Act to amend the Firearms Act 1977. Read a first time.

The Hon. SANDRA KANCK: I move:

That this Bill be now read a second time.

It seeks to stiffen the penalties for many aspects of gun running in this State. It proposes that specific penalties applying to the illegal sale, purchase, lending and giving of firearms be increased, as well as the penalties for gun owners who remain in possession of firearms after their licence has lapsed. My motivation for introducing this Bill arose following representations made to me a few weeks before the Port Arthur massacre. The concerns raised with me at that time related to the levels of frustration our police officers must experience when they expose a gun running racket, only to see ridiculous penalties applied. With the current penalties, it is hardly worth the effort for our police to bother apprehending such offenders. Trade in guns is one of the most immediate threats to Australians and South Australians, and South Australia's gun laws are woefully inadequate, despite the fact that many have said that they are the best in the country, considering the nature of the crimes and the potential for damage to people in our society.

The Port Arthur tragedy has led to unprecedented calls for gun law reform as well as unprecedented political promises to tighten gun laws and, although it will provide little solace to the families and friends of the victims of the Port Arthur tragedy, it does present us with an opportunity to consolidate national firearms legislation. But while the Port Arthur massacre has focused the attention of Australians in general and Australian politicians in particular on the need to restrict the legal trade and ownership of firearms, the problem of illegal trafficking in guns, which has long been ignored by our Parliaments, remains untackled. On 6 February this year the *Advertiser* reported that a cache of 58 firearms, including a sub-machine gun, semi-automatic pistols and assault rifles, was seized by the South Australian Police in several city raids. The *Advertiser* reported that one of the four people charged in relation to the offences was a participant in at least one National Action rally. According to that article, Michael Brander, the Leader of National Action, admitted he knew who the men were, but denied they were paid up members of the organisation.

The *Advertiser* published alongside the article a photograph of all the guns seized and, in particular, a photograph of one of the confiscated rifle cases with a National Action sticker on it. Given the extremist right wing ideas of National Action and the nature of some of the people who are members of the group, it is alarming that such a large quantity of guns was being traded. Not only are the numbers of weapons a cause for concern but also the types, which included a 9mm sub-machine gun with a silencer and a number of 7.62mm calibre semi-automatic assault rifles. Under current South Australian legislation the penalty for a first offence is a pathetically low $500 maximum fine, no matter how many guns or what sort of guns are traded. Thus, the law as it stands effectively classifies gun trafficking as only a minor offence. In this case it will mean that, for the four people who have been charged, the worst that will happen to them is a $500 fine each.

Whilst Australia's heads of Government have agreed to tighten the laws for legal gun trade, hundreds of thousands of illegal firearms remain in Australia and the illegal trade in these weapons must be clamped down on if another Port Arthur is to be prevented. Under my Bill, people found guilty of covertly buying or selling a firearm will incur a fine of up to $5 000 or imprisonment for one year. The same penalty will apply to people who traffic in firearms without a licence or give or lend a weapon to another person. While the courts may decide on lesser penalties—these are of course maximum penalties for the giving or lending of firearms—it is important to see this offence in the context of the promised new nationally consistent gun laws where only people with a genuine need for a firearm will be able to obtain a licence for one. My Bill proposes that such penalties apply to the trading of any quantity of 'dangerous firearms', which is the wording in the Act, while the buying or selling of more than three 'restricted firearms' will also be classified as trafficking.

I understand that the reason for the present low penalties for the illegal trade in guns is that, when the 1977 Firearms Act was passed through Parliament, it was envisaged that the Act was designed to cover the type of offence where, for example, someone sells a gun to a next door neighbour because he or she no longer needs it. But, again, in this new political environment with an emphasis on gun control, this type of transaction between neighbours can no longer be treated with the same leniency, especially given the enormous publicity given to the proposed uniform national gun laws.

One only has to look at the claims being made by the gun lobby that a black market will emerge and is emerging as a result of impending uniform national gun laws to realise how important it is to increase the penalties. I am not a person who favours the deterrence theory about penalties but, once someone has been apprehended, the punishment should fit the crime, and a $500 fine for a first offence in gun trafficking does not fit the crime.

While I understand the Government's legislation which comprises its promise to play its part in implementing uniform national gun laws is due to be introduced in July, I ask members to examine this Bill in the context of stamping out illegal trade in firearms. This is distinctly different from, although related to, the debate about nationally consistent legislation concerning gun related matters which are currently legal.

I would not normally signal my fall back position but, because of the importance of this issue and the fact that we probably will not get to tackle it too often again in the near future, I am suggesting to the Government that, if it is not prepared to support this Bill because it is a Democrat initiative, it should consider its contents and include it in its legislation in July. I commend the Bill to the Council.

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

LEGISLATIVE REVIEW COMMITTEE: MEMBERS' CONDUCT

Adjourned debate on motion of Hon. R.D. Lawson:

That the discussion paper of the Legislative Review Committee on a code of conduct for members of Parliament be noted.

(Continued from 29 May. Page 1442.)

The Hon. P. HOLLOWAY: In discussing this motion to note the Legislative Review Committee's discussion paper on a code of conduct, I did not realise that such an issue would be so pertinent as it is, given the extraordinary events of the past 24 hours in this Parliament. I have been completely amazed by the revelations in this morning's *Advertiser* about what has allegedly occurred within this Parliament in terms of members' documents being extracted from their boxes and being fingerprinted, security records being shown to other members, and so on. It is very pertinent that we should be looking at some of these issues of the ethical conduct of members.

I also note that in the last few weeks some extraordinary allegations have come out of Victoria in relation to Jeff Kennett, the Premier of that State, and some associated share dealings. At least in this State we have a Declaration of Pecuniary Interest Register, which has been in operation for some years now, and I believe it is reasonably successful. The Victorian Premier said that he did not believe he needed to declare shares being held in the name of his wife because they were really none of his business. To me, that shows an absolutely extraordinary contempt for appropriate behaviour. If ever a code of conduct for members of Parliament was needed, that situation in Victoria and the events of today certainly show it.

The declaration of pecuniary interest is a matter with which this Parliament has dealt. It was not the substance of the code of conduct discussion paper which was put forward by the Legislative Review Committee. The Hon. Robert Lawson has set out in some detail the case for and against a code of conduct. I do not really feel the need to go through that in great detail. I commend the Secretary of the Legislative Review Committee (Mr David Pegram), the Research Officer (Mr Peter Blencowe) and also the Chair of the committee (the Hon. Robert Lawson) for the work they have done in preparation of the discussion paper. Clearly, the committee will have to do a lot more work, and it will be an interesting task to come down with the final recommendations.

I note that in some of the remarks made by the Hon. Rob Lawson last week the sorts of principles the committee would envisage in a draft were as follows:

> The requirement of the primacy of public interest are—
> - that members must carry out their official duties and arrange their private financial affairs in a manner which protects the public interest;
> - requirements for integrity—that members act at all times honestly, striving to maintain the public trust and advance the public good;
> - respect for the dignity and privacy of others;
> - not to misuse confidential information entrusted to them—to safeguard such information; and
> - to exercise responsibly their duties and privileges as members.

As I said, how prophetic were those words just last week, given the extraordinary allegations that have been made in this place with respect to the dignity and privacy of others, and the misuse of confidential information. It is rather regrettable that those events have shown that, unfortunately, the behaviour of some members of Parliament cannot be taken for granted.

I will give my general views on the question of ethics education. One of the problems we have nowadays is that the level of history teaching in schools is not as comprehensive as it used to be, particularly in relation to the development of Parliament. One of the positive things about being brought up with maps that had the British Empire in pink, and so on, is that at least you had a good grounding in the history of the Westminster system and the English Parliament. It is perhaps with a newer generation of politician that the development and the history of the privileges of Parliament are not as well understood as they might be. Perhaps some newer members are not as aware as they could be not just of the history and the development but also the importance of it. I am sure that any honourable member who understands the development of parliamentary democracy, particularly in the first half of the Seventeenth Century and beyond, would be aware of the important principles that were developed over a long and a hard period of time.

As was mentioned by the Hon. Robert Lawson, there is a need to consider some wider educative dialogue about parliamentary ethics and the importance of parliamentary privilege. Again, I just note that some of the behaviour both in Victoria and in this Parliament in recent days gives us ample cause for such education.

I do not wish to detain the Council much longer. This discussion paper needs to go out into the community because we need as much response as possible. I hope that members of both Houses will consider the recommendations and have an input into them.

As was pointed out by the Hon. Robert Lawson, a number of Parliaments in this country and around the world are coming to grips with this matter. Regardless of what one thinks as to whether there should be a code of behaviour for members of Parliament, it appears that this is the way that things are moving around the world. Therefore, it is important that we should keep up with this issue and make sure that we do not get left behind. I commend the report of the Legislative Review Committee and look forward to the ongoing work that will come through the committee in relation to this code of conduct.

The Hon. BERNICE PFITZNER secured the adjournment of the debate.

JOINT COMMITTEE ON WOMEN IN PARLIAMENT

Adjourned debate on motion of Hon. A.J.Redford:

That the final report of the committee be noted.

(Continued from 29 May. Page 1446.)

The Hon. CAROLYN PICKLES: I am happy to support the motion. As a member of the committee, I think that members should read the report from cover to cover because I believe it should act as a model for the reasons why we do not have many women in Parliament and contains suggestions for some solutions to the problem and how we can move forward and work together in our various political Parties to try to ensure that this place is representative of the community that it serves.

I should like to go through some of the committee's recommendations and make some comments. The first recommendation was that there should be some political education. Recommendation 7.1 states:

> The committee acknowledges that many in the community do not fully understand the workings of Parliament and fail to perceive themselves as empowered by the democratic process.

We believe that one way of overcoming that difficulty is to use the school system to introduce a gender neutral non-partisan program of civics and citizenship. To that end we supported recommendations 6 and 7 of the Civics Expert Group, which are:

> 6. All Australian school children should be assisted to develop the knowledge, skills and attitudes that will provide a firm foundation for them to participate as informed Australian citizens.
>
> 7. All States and Territories should make provision for a sequential program of civics education across the compulsory years of schooling as part of the key learning area of studies of society and environment.

It is interesting to note that the former Federal Government had $25 million in its budget over three years to promote civics and citizenship education in schools in the wider community. I was rather disturbed to note that the Howard Government is looking to cut that program and has ordered that all work on the civics and citizenship education project should cease. I know that the Minister for Education and Children's Services, as part of the ministerial meetings that have taken place, has supported the civics education program, so I hope that he will take note of the committee's recommendation in that area.

The committee also commended the current practice in some schools of holding elections for office among the student population and using the proper process by way of ballot boxes, how to vote cards, and the like, and having a mock election. I believe that is an important way for students to learn how the process works. I commend those schools which have started that process. I have attended on a couple of occasions, as has the Minister for Education and Children's Services, when they have been holding such elections, so obviously there will be bipartisan support for this idea.

The committee also commended the Youth Parliament initiative whereby we have mock Parliaments held within Parliament House. These are run by education officers from the Commonwealth Parliament. I have attended a number of those meetings over the past few years. They are an excellent way of keeping youth in touch with the procedures of Parliament. Having viewed those debates by young people, I can say that by and large they are far better behaved than we are.

The second area of our recommendations related to Government action to promote women as parliamentary candidates. We felt it was important that the Office for the Status of Women should give evidence and talk about some of the work that it had been doing. We felt that we should recommend to the Government that it should direct the Office for the Status of Women to develop initiatives to encourage women to stand for election at Federal, State and local government levels. Clearly, that would help to promote the whole issue relating to women standing for Parliament. We believe that the Office for the Status of Women is the appropriate area to develop that kind of initiative. I am sure that the Hon. Ms Laidlaw, as Minister for the Status of Women, would be happy to take that concept forward and to progress it.

The data bank that is currently used by the Government, which was set up under the former Government, to appoint women to office is not very widely known. We feel that should have better advertising in the community so that people know that they can put women, or indeed themselves, on the data bank. Therefore, we are recommending that it be more widely publicised.

A more controversial recommendation, which is not for this Government but is more for the Federal Government, is that we would urge the Treasurer in this State to take up with the Federal Treasurer, Mr Costello, the issue of child care as a fully tax deductible campaign expense.

The Hon. A.J. Redford interjecting:

The Hon. CAROLYN PICKLES: The cost of child care as a fully tax deductible campaign expense was our recommendation. The area where we feel that the most work needs to be done—and I think both the Liberal and Labor Parties agreed on this point—is within our own political Parties. This involves the preselection process, campaigning and training. The committee made recommendations in all three areas, and we noted that both the Liberal and Labor Parties have various training programs. Evidence was given by both political Parties as to the types of training programs that take place. We believe that it is within the political Party itself that one can actually change the system. I note—and I place on the record—the record number of women who went into the Federal House of Representatives following the Federal election. I also note—and this is a serious comment—that those women who were elected in that big swing may well be in marginal seats where, with another big swing, they may well go out again. That is what happens with elections, in that women have traditionally been appointed to either non-winnable seats or to marginal seats. You win some, you lose some, and that is what happens.

As members would be aware, the Labor Party has introduced a rule to provide a quota system. I am pleased to say that for our round of preselections so far we have exceeded the quota of 35 per cent. Our women candidates for the next State election will probably be in the region of 40 per cent of candidates. That is a credible step forward. It has not been an easy process. It has certainly not been an easy process in the Labor Party. There are women in the Party, with the assistance of some men, who have fought for affirmative action rules for many years. We have fought for about 12 years for those rules to be implemented. We expect and hope that they will be accepted in good faith by all States

and that progress will take place, particularly in the Federal arena. One has only to visit the Federal Parliament to see the lack of women there, albeit that that was somewhat changed after the Federal election. However, it is still not good enough.

The costs associated with preselection and political campaigning can be prohibitive for women. We have recommended—and this is something that the Parties can take up—that special funds be established to assist women candidates. We have also recommended that candidate training should be offered by political Parties for those selected to run as candidates. I know that some of this takes place, but it was in evidence from both major political Parties that not enough of it takes place.

In the area of electoral reform, we examined the issue of how one could go about achieving an equal number of men and women as elected representatives. Various people gave evidence to the committee. It is interesting to note that the Hon. Mr Elliott, in his somewhat hasty contribution last week, jumped in and spoke before his Deputy Leader, who was actually a member of the committee. It is customary in this place to allow the Opposition to speak first on matters; however, he jumped in with some haste. In my experience the Hon. Sandra Kanck is well able to speak for herself and does not really need his assistance.

The Hon. Sandra Kanck has put in a dissenting report on the issue of electoral reform. The majority report recommended that community debate on electoral reform be encouraged with a view to achieving equal numbers of men and women as elected representatives. The Hon. Sandra Kanck's dissenting report recommends that the Government encourage community debate on electoral reform, including the best structure for a system of proportional representation for the House of Assembly with a view to achieving equal numbers of men and women in that Parliament. One might say, as did occur, that we divided on Party lines. In his statement to the Council last week, the Hon. Mr Elliott said:

> The Hon. Angus Redford tries to argue that the Upper House is less important and that that is why more women are more likely to be able to get preselection. He argues that that is why that result occurs.

I do recall, in interjections, that I pointed out that it was his former Federal Leader, Senator Janine Haines, who made that statement to the committee. In answer to the question: 'It seems to me that Upper Houses have greater representation from women than Lower Houses,' Janine Haines replied:

> That is because they are not as important as Lower Houses, and you only have to look at the United States to see that that is true. In Westminster-style Parliaments the majority of women are in Upper Houses. In the United States the majority of women are in Lower Houses, because the United States Parliament is quite different from Westminster Parliament in that the Upper House is the important Chamber.

Further, in response to the question: 'Are you saying that is the only reason for that, that there are no other factors associated with it?' she replied:

> When power is an issue the people who have the greatest opportunity to take advantage of getting hold of that power will get most of the power. It is a circle: you can call it vicious or otherwise depending on your perspective, but certainly that is the case.

Later on in her submission to the committee, in answer to the question: 'You do not believe it is an Upper House thing with proportional representation?' Janine Haines replied:

> As we have already discussed, there are two sorts of Houses in which you will find more women.

Further, to the question: 'Those with the lesser power?' she replied:

> And those that use proportional representation as their form of election. That means the Democrats themselves are benefited by the proportional representation system that operates for the Senate and for the Legislative Council here in South Australia and New South Wales.

It is clear that the former Senator Janine Haines was somewhat at odds with the comments made by the Hon. Mr Elliott who—

The Hon. A.J. Redford: Some would say they have deteriorated a great deal since she left politics.

The Hon. CAROLYN PICKLES: Yes, some would. Janine Haines had a very distinguished career in the Parliament, and she held the view that the reason more women are elected to the Upper Houses of this nation is because they are considered to be less important. We would not agree—

The Hon. M.J. Elliott: Explain Tasmania.

The Hon. CAROLYN PICKLES: They have a different voting system. They have the Hare-Clark system. We would not agree with the assumption that we are of less importance. I think the Upper House is very important.

The Hon. M.J. Elliott interjecting:

The Hon. CAROLYN PICKLES: Well, Mr Elliott, you have had your opportunity. You jumped in rather prematurely for your opportunity to speak, and I am having my say now.

The Hon. M.J. Elliott: The numbers do not suit your argument.

The Hon. CAROLYN PICKLES: Yes, they do.

The Hon. M.J. Elliott interjecting:

The Hon. CAROLYN PICKLES: The evidence from your former Leader—

The Hon. M.J. Elliott: I think she is wrong.

The Hon. CAROLYN PICKLES: I note that the honourable member thinks that the former Senator Janine Haines is wrong.

The Hon. L.H. Davis: Would Cheryl Kernot agree with her?

The Hon. M.J. Elliott: I do not think she would.

The Hon. CAROLYN PICKLES: This is a big split in the Democrats as well as the Liberal Party today; this is quite interesting.

The Hon. Sandra Kanck interjecting:

The Hon. CAROLYN PICKLES: Mr Acting President, I think we have more serious matters to consider here. The committee also addressed the issue of parliamentary procedures, and one of its important recommendations—

Members interjecting:

The PRESIDENT (Hon. T. Crothers): Order!

The Hon. CAROLYN PICKLES: Thank you, Mr Acting President. It is nice to actually hear the call for order.

The Hon. L.H. Davis interjecting:

The ACTING PRESIDENT: Order! Mr Davis! The honourable Leader.

The Hon. L.H. Davis: The Democrats are egging me on.

The ACTING PRESIDENT: Yes, it doesn't take much. Order!

The Hon. CAROLYN PICKLES: Let's hope the Hon. Mr Davis is replaced by a woman—she might behave a bit better. The committee recommends that the Standing Orders Committee of the Legislative Council revise its Standing Orders so that the language used is gender neutral. Some years ago, a former Speaker of the House of Assembly and members of the Standing Orders Committee of that House actually changed the Standing Orders of the House of

Assembly to make them more contemporary and gender neutral. We have not done that over this side, and I think it is high time that we did. I hope that the Minister for the Status of Women will take up that issue with her Party. I am sure that members on this side will be happy to support an update of the Standing Orders. There is a very curious Standing Order which says that one must stand in one's place uncovered. I am not quite sure what that means, but the mind boggles a bit.

The Hon. R.R. Roberts interjecting:

The Hon. CAROLYN PICKLES: Well, we already have it here. I recall that, when Susan Lenehan stood in her place on her first day in Parliament to ask a question with her hat on, she was asked to remove it. So, presumably it refers to one's headdress, which of course is somewhat archaic.

The Hon. A.J. Redford interjecting:

The Hon. CAROLYN PICKLES: Yes, other headgear, but that was more difficult. The other issue that we looked at was the issue of behaviour in the Parliament, particularly in the Federal Parliament which is televised and where behaviour is quite unseemly at times, and that must be extremely off-putting for women. The committee noted that the parliamentary committee system is a good one. Having worked on many committees of this Chamber and on joint parliamentary committees, I think that, generally, people behave in a much more seemly fashion on committees—not always, but in general.

The committee also noted that the Government has initiated a family impact statement, which we have never seen. It would be nice if we could see family impact statements, because we believe they have relevance for women in this place. We also believe that the Parliament itself should lead by example. We recommended that Parliament should adopt measures to redress the imbalance of men and women in senior staff positions in the Parliament until such time as there is equal representation of men and women in these positions. I find it quite curious that this has not already occurred. I would have thought that was a very simple step forward, and that, when vacancies occur—and obviously all these positions are filled on merit and I assume advertised (if they are not they should be)—an opportunity is provided to have more women take their place in parliamentary positions.

The committee looked at the whole vexed question of sexual harassment. It heard some rather conflicting evidence, and it was difficult to sort through the process of who was right and who was wrong. It seems from the body of evidence that the Equal Opportunity Act does not apply to sexual harassment of members of Parliament by fellow members. Another body of evidence maintains that local government representatives and State members of Parliament are exempt from sexual harassment provisions. So, on the one hand, one witness said that it does apply while, on the other hand, the committee heard evidence that it does not apply.

The committee felt that elected representatives at all levels of Government should be offered the same protection and have the same obligations as other members of the community. It recommends that the Attorney-General should seek advice to clarify this matter and, if it does transpire that elected representatives are not protected under the Act, the committee recommends that legislation should be amended to ensure that they are.

The committee also had the opportunity at the end of its deliberations of having a meeting with the Editor of the *Advertiser*. We discussed with him the issue of the role of the media in shaping public opinion on Parliament and parliamentary personalities. It was pointed out to him by some of the members of the committee that sometimes the media's portrayal, particularly of women members of Parliament, is less than complimentary or certainly is gender specific and sometimes downright sexist.

We were also very disappointed that none of the recommendations made in our interim report of March 1995 have been adopted, particularly the recommendation that during the refurbishment of Parliament House urgent consideration be given to the allocation of a space within the parliamentary building for a room or suite of rooms in which members could meet with their family. Those recommendations have not been adopted, neither have we received a report from the President or the Speaker about what is going to happen in respect of those recommendations. I can only urge the President and the Speaker to re-read these recommendations and, perhaps, report to the Parliament at some stage as to what will be done about them, because the committee feels that some action should have taken place by now, particularly in the light of the refurbishments going ahead at quite a steady pace.

Contained in this report in very great detail are the issues of the barriers to why women do not go into Parliament and the fact that it is an alien forum for many women. The fact that some of us are here and have stuck it out seems to me to show that it is certainly a forum in which women can take their place, but it is not always easy. It is certainly a difficult position to hold when one has young children. It was noted that the majority of women members of Parliament at the time this evidence was collected, certainly in the Federal Parliament, did not have young children or had no children at all, their family having grown up. It is certainly becoming an increasingly difficult problem for young men who go into Parliament and who also have young children. No consideration is given to the family structure in the light of the long sitting hours of Parliament.

It is also very evident that, when one is juggling one's career, it is much more likely for the woman in the family structure rather than the man to say, 'I will be the one to stay home and look after the kids until they are old enough for me to go back to work.' That has been part of our society. It is changing very slowly in respect of a small number of men, but not very many.

Clearly, parliamentary life, which is so demanding, is not likely to attract women until they are in their later years. My family was grown up by the time I came into Parliament. I am not quite sure how I would have juggled my parliamentary life and my family life, because I would have wanted to give the best to both jobs. I recall former Senator Jean Meltzer saying that every good member of Parliament needs a wife. Some of us are not so fortunate although, speaking for myself, I have a very supportive family structure behind me.

The committee looked at a range of issues, including the structure of power in our society and how, traditionally, it has been male oriented. This is changing very slowly. We are now seeing women starting to take their equal place in the work force, but parliamentary life is one area in which that equality is not borne out by the numbers. There are certainly many ways in which Parties, as I have previously addressed, can support the concept of having more women in Parliament, and I believe for my own part that the Australian Labor Party—a Party to which I have belonged for well over 30 years—has taken a very bold step forward. It was not an easy process for the Party. I believe that the rule change on a quota

system is a great change for our Party, and I am quite sure that it will produce some good results.

I commend the report to members. I thank the research officer and other committee members. At all times we worked well together. Very serious attention was put to the issues by all committee members at all times. One of the pleasures of being a member of a parliamentary committee is that sometimes we address the issue rather than personalities. I conclude this contribution with a quote the committee decided should appear on the front cover of its report. There were many good quotes and we have used them throughout the report. They have not been sourced but I will source this quote because it was made by a very dear friend of mine, the former Senator, Susan Ryan. Senator Ryan said:

> By opening up the Parliament to women, you are making the Parliament more representative of the community, which seems to sit very well with the democratic philosophy. The other sorts of hopes and expectations that are often expressed—that women will bring to the Parliament a different way of managing conflict and a closer understanding of what happens in the community and family life . . . you can't prove them. I think the fundamental thing that will change for the better is that Parliaments will be more representative.

I believe that quote echoes the sentiments of the committee in bringing down its report, and I urge members to read and act on it in whatever forum they can.

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

MARION LAND

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

> That Corporation of Marion by-law No. 3 concerning council land, made on 18 December 1995 and laid on the table of this Council on 6 February 1996, be disallowed.

Earlier today I brought up the report of the Legislative Review Committee on this by-law. It is a reasonably extensive report containing some 16 pages of text and a number of appendices explaining, not only to this Chamber but to the wider community, the reasons why the Legislative Review Committee took the view that it took, namely, that this by-law should be disallowed by the Parliament. The by-law itself relates to council land. However, the offensive part of the by-law is that part which relates to the regulation and control of small-wheeled vehicles within the municipality of Marion.

The by-law follows the conventional pattern of by-laws relating to council land. It defines council land as all parklands, reserves, streets, roads, public places, etc., vested in or under the control of the council. The by-law goes on in clause 2 to regulate activities conducted on council land and provides that no person shall, without permission, on council land drive or park vehicles, conduct trading activities, place beehives, remove soil, flora and fauna, play games, camp, etc. Subclause (4) of the by-law provides:

> Subject to the Road Traffic Act and the Local Government Act no person shall, without the permission of the council, on a public road or street ride a skateboard or use roller-skates or blades.

It is the wide generality of that prohibition which excited the attention of the Legislative Review Committee and which meant that a number of persons, and at least one organisation, registered a complaint to the committee. In the report that the council prepared and submitted to the Legislative Review Committee concerning this by-law, the council explained that, through the granting of permission, either specifically or generally, it is possible for the council to allow the use of skateboards, roller-blades and skates, etc., on specific streets. The report further stated that it generally envisioned that this would not occur because of the nuisance and danger factor to pedestrians and the danger to users on the carriageway.

Accordingly, the committee was informed that it was the intention of council, generally speaking, not to grant permission within its municipality for the use of skateboards. It is no part of the function of the Legislative Review Committee to second guess local government authorities on the way in which they exercise the powers granted to them under legislation. Policy is a matter from which the Legislative Review Committee distances itself. It is a long-standing tradition, not only of this committee in this State but similar committees in other Parliaments, that policy matters not be examined or reviewed.

The committee, however, took the view that because of amendments to the Road Traffic Act a close examination of this matter was warranted. In order to explain that I should therefore mention the amendments to the Road Traffic Act which occurred in 1995 and which specifically introduce into that Act the notion of small-wheeled vehicles, namely, in-line skates, skateboards and roller-skates. When that legislation was introduced into the Parliament, it was explained by the Minister that it was introduced for the purpose of clarifying the law as it related to those vehicles. It was noted that the Road Traffic Act banned the use of these devices on the carriageway of public roads, and the Road Traffic Act also provided that vehicles, however defined, are banned on public footpaths. Accordingly, there was no legislative mandate for the use of small wheel vehicles, nor was there any manner in which they could be controlled. On that occasion the Minister went on to say:

> Advice from Crown Law and the police was that small wheel vehicles are not defined as vehicles or as pedestrians in the Road Traffic Act.

It was said that the legal situation for their use was not clear and, for that reason, the police had been reluctant to prosecute offensive behaviour in relation to the use of small wheel vehicles because of the uncertainties surrounding them. The legislative scheme which was introduced in 1995 in the Road Traffic (Small Wheel Vehicles) Amendment Act prohibits the rider of a small wheel vehicle from riding on a designated road, as defined, and in general terms these vehicles or devices cannot be used on roads which have a continuous or broken centre line or a dividing strip, nor can they be used on roads divided into marked lanes for traffic proceeding in the same direction nor alongside bicycle lanes. There are other restrictions on the use of small wheel vehicles on roads between sunset and sunrise. However, apart from those restrictions, if a user complies with the law, he or she is free to use these devices.

The Road Traffic Act as now amended does provide two regulatory mechanisms for councils wishing to control small wheel vehicles. First, a council can apply to the Minister for Transport for approval to install signs and pavement markings prohibiting the vehicles on those roads and footpaths that are considered unsafe for their use. The second mechanism available to councils wishing to control these vehicles is to secure the passage of a regulation under section 176 of the Road Traffic Act. Such a regulation can only be made by the Governor in Council, and the Minister advised all local councils in South Australia of proposals for the manner in which her power to invoke these controls would be exercised. This was done by letter of 17 December 1995. As I have already mentioned, the letter states that there are two methods

whereby councils can apply for control. The first method relates to the installation of traffic control devices, and suggestions were made that such control devices could be utilised to prohibit the use of small wheel vehicles by identifying small areas, such as the length of a road up to 500 metres. The letter states:

> Councils must include in any application reasons why such areas are considered unsafe.

On that occasion the Minister stated that each application would be considered on merit.

The second method, as I have mentioned, is by regulation and the Minister, in her letter to which I have referred, said that this method may be utilised by councils to prohibit the use of small wheel vehicles in larger areas such as a single length of road exceeding 500 metres or in some defined geographic area containing a number of roads. The method of application is the same as with traffic control devices. The Minister said:

> In addition to providing reasons why such areas are considered unsafe, it will be necessary for councils to provide a map defining the relevant geographic areas.

Thus, as a result of the amendment to the Road Traffic Act in 1995 a comprehensive scheme for the regulation and control of small wheel vehicles was enacted.

The Marion council chose not to exercise the powers given to it under the Road Traffic Act. Rather, in making the by-law it chose to impose a blanket prohibition on any form of skate-boarding in any public street or road within the whole of the municipality. The Legislative Review Committee heard evidence from a councillor and staff of the city of Marion. The justification for this is included in the report but, briefly, one councillor said that these skateboards and roller blades and the like were a mere fad and would soon not be used at all. They were highly dangerous to members of the public and there was no real demand for their use within the municipality. It was also said that the cost of complying with the scheme now laid down in the Road Traffic Act was prohibitive. It was suggested that the figure of $100 000 would be required in the city of Marion to erect the signs required under the statutory regime.

The council sought to justify its by-law on the grounds that under the Local Government Act—leaving quite aside the Road Traffic Act—it had the power to make by-laws for preventing and suppressing nuisances. Further, it had the general power to make by-laws for regulating or controlling the use of council land, and to make by-laws regulating the conduct of persons frequenting public squares, parks and the like. Further, it had general powers to make by-laws for the proper management, control and preservation of roads and footpaths and generally to make by-laws for the good rule and government of the area and for the convenience, comfort and safety of its inhabitants. The Legislative Review Committee was generally of the view that councils ought not rely on general powers when there exist specific powers in relation to by-laws. The specific subsumes the general, and it is a more appropriate approach to regulation making to base by-laws and other subordinate legislation on specific rather than general powers.

Ultimately, that was not the reason that motivated the committee in recommending to the council that this by-law be disallowed. Section 668 of the Local Government Act lays down certain principles in relation to by-laws. That section provides, amongst other things, that by-laws must not:

> . . . duplicate, overlap or conflict with other statutory rules or legislation.

Furthermore, by-laws must not:

> . . . unreasonably interfere with the rights and liberties of a person established by law.

It was the view of the Legislative Review Committee that this by-law does duplicate, overlap or conflict with statutory rules and legislation dealing with the same subject matter, namely, small wheel vehicles. The Road Traffic Act enables a council to control and regulate the use of these vehicles within its area. The committee believes that it is not open to a council to bypass the procedures laid down in the Road Traffic Act by relying upon general by-law making powers in the Local Government Act. To do so offends the principle embodied in section 668 of the Local Government Act.

Furthermore, the council sought to argue that no-one has a right to use a small wheel vehicle and therefore the by-law does not interfere with any established rights. The committee took a different view, namely, the position that following the enactment of the Road Traffic Act dealing with small-wheeled vehicles members of the public do have an entitlement to use those vehicles, provided that they comply with the provisions of that Act.

The committee heard a great deal of evidence about issues of safety and cost and the liability of the council. It included discussion of those matters in its report, because it wished to give to members a complete picture of the relevant issues. I must say that some members of the committee had reservations about the efficacy of the legislative scheme. However, the committee is not called upon to resolve policy issues arising from the arguments of the proponents and the opponents of the by-law or, indeed, of the legislation itself.

The unanimous recommendation of the committee, as contained in section 7.2 of the report, is that the by-laws be disallowed. Unfortunately, as I mentioned, this by-law deals with a number of matters with respect to which the committee has no comment. That part of the by-law which excited the attention of the Legislative Review Committee is very small. However, neither the committee nor the Parliament has power to disallow part of a by-law and, accordingly, it is necessary for the whole of the by-law to be disallowed if the Parliament accepts the recommendation of the committee. This is doubly unfortunate because a previous by-law of this Council made in July 1995 was also disallowed by this Legislative Council, because it contained offensive provisions. However, on the last occasion when the by-law was laid before the Parliament, it did not contain the offensive provisions relating to small-wheeled vehicles. So, it is with some regret that it is once again necessary to disallow a by-law of this council.

In conclusion, I commend the members of the committee for their interest and assistance in this matter. I encourage members who may have an interest in this subject to read the report. This is the first of the small-wheeled vehicle by-laws that have come before the Legislative Review Committee. I express my thanks and those of the committee to the Secretary (David Pegram) for his work, and also the Research Officer (Peter Blencowe) for his assistance. I commend the motion.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

PARLIAMENTARY SECRETARIES

Adjourned debate on motion of Hon. P. Holloway:

1. That the Legislative Council notes the creation of 16 parliamentary secretaries by the Premier.

2. That this Council further notes that parliamentary secretaries represent their respective Ministers at designated functions and in meetings with companies and other organisations on behalf of Ministers.

3. Consequently, that this Council resolves that questions without notice be permitted to parliamentary secretaries on 'any Bill, motion, or other public matter connected with the business of the Council' in which the parliamentary secretaries may be specially concerned.

4. That this Council also calls upon the parliamentary secretaries to resign forthwith from standing committees constituted in either House because of potential ministerial conflicts of interest.

(Continued from 10 April. Page 1294.)

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I rise to oppose the motion, which in essence, whilst in notes the creation of parliamentary secretaries and some of their functions, seeks to indicate that this Council takes the view that parliamentary secretaries be permitted to answer questions on notice on any Bill, motion or other public matter connected with the business of the Council in which the parliamentary secretary may be especially concerned.

I do not intend to go over all the detail of functions of parliamentary secretaries, but suffice to say that they do not undertake an executive function of Government, as Ministers are charged with responsibilities of undertaking. As the Premier has indicated—and the Attorney-General might have indicated this in response to questions some time earlier—parliamentary secretaries are essentially there to provide advice and assistance to their Ministers. Certainly, on occasions, they will undertake representative functions, as the Hon. Julian Stefani has done for more than two years now, representing the Premier—and the Government I guess—at a good number of multicultural and ethnic affairs related functions, and he has done so with great distinction. Other parliamentary secretaries will take on similar roles for their respective Ministers in terms of representing them at a number of functions. As members will know, some portfolios are what one might term high-function workload portfolios; for example, ethnic affairs, arts, recreation and sport, and a number of others spring readily to mind. Such portfolios involve the Minister's attending a large number of functions—

The Hon. R.D. Lawson: Information technology.

The Hon. R.I. LUCAS: Right. I am getting some advice here. However, it is not possible for the Minister to attend all functions. The parliamentary secretaries will obviously take on an important role in terms of representing their Minister and, of course, the Government at a number of these functions. Some of the other possible duties may be meeting with some delegations. Again, Ministers cannot meet with all groups or individuals that wish to put a personal submission to them. In some instances they would prefer to make a submission not to a Chief Executive Officer of a department but to the Minister, or sometimes the parliamentary secretary, who in some cases may also receive submissions and delegations. The parliamentary secretary will also be part of an advisory group to the Minister by way of policy and general direction, bearing in mind all along that the executive function and responsibility rests solely with the Minister. The parliamentary secretary has no executive function at all in terms of his or her responsibilities.

In considering this motion, it is important to see what precedents there are in other jurisdictions and whether this suggested precedent put forward by the Hon. Mr Holloway and the Labor Party was being followed by Labor or Liberal Governments in the States or the Commonwealth. That is not to say that we must slavishly follow precedent everywhere else, but it is an indication of established practice in the other jurisdictions.

I have had some research done in the past couple of weeks regarding what occurs in other States and the Federal Parliament, and I want to move through those precedents for the information of the Hon. Mr Holloway, who obviously did not have the opportunity to carry out that study and research.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Well, it's not really the number. It is a question of principle, isn't it? There is a good one-liner in relation to that, but I will not use it in the dignity of this Chamber. We are haggling not about the price or quantity but about the principle whether parliamentary secretaries ought to be subjected to questions without notice on a regular basis on 'any Bill, motion or other public matter connected with the business of the Council'.

I am advised that in the Federal Parliament, under the previous Labor Government and under the new Liberal Government, no questions are allowed to be put to parliamentary secretaries in either the House of Representatives or the Senate. I am advised that in New South Wales, under the Labor Government under the leadership of a close factional colleague of the Hon. Mr Holloway, Bob Carr (he of the right, as the Hon. Mr Holloway is he of the right in South Australia), parliamentary secretaries are not able to be questioned during Question Time. This is the case in both Houses. Their role is administrative rather than parliamentary. I understand that under the Labor Administration in New South Wales parliamentary secretaries receive a salary of office and have access to a car and additional staff, although that is dependent on the Minister. This is under a Labor Administration, which is obviously more free and easy in terms of handing out largesse to parliamentary secretaries.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: Again, we are talking not about numbers but about the principle. Under the Labor Government in New South Wales we have a procedure which clearly states that in both the Lower House and the Upper House there shall not be questioning of parliamentary secretaries. I am also advised that the practice in Victoria and in Queensland is that questions are not asked of parliamentary secretaries. I am informed that in Queensland they merely assist Ministers and are not answerable in the House.

Whilst I have not had a chance to pull out the parliamentary record, I am advised that in the other place the Speaker has ruled that questions shall not be directed to parliamentary secretaries. As I said, I did not have the opportunity of pulling out that *Hansard* record, but that is my understanding of the position in the House of Assembly.

I am not sure what the Standing Orders provide in the other Houses of Parliament, but under Standing Order 107 we have the opportunity in the Legislative Council for questions to be put to other members. Indeed, that Standing Order has been used in the past to put questions to Opposition members. I am not sure whether that has been the case in this Chamber, but that Standing Order has been used to put questions to backbench members under the previous Labor Government and the present Liberal Government. I do not know whether that is the established practice in any of the other Chambers. I am advised that it probably is not and that we are a little

different in the Legislative Council here in allowing those questions to be put to members.

Under Standing Order 107, as it has been interpreted, we would appear to have greater flexibility in terms of being able to put questions to members other than Ministers. I guess one could say that of Ministers, too. However, in relation to other members I recall that under the Labor Government one or two Labor backbenchers, when asked a question, basically refused to answer it. They uttered one or two sentences and then sat down, refusing to answer the rest of the question.

The Hon. P. Holloway: Like some Ministers.

The Hon. R.I. LUCAS: That is not the complaint generally. The complaint generally is that Ministers speak for too long. Now the Hon. Mr Holloway says that after one or two sentences they sit down and do not speak for long enough. The Hon. Mr Holloway wants to have his cake and eat it, too. He complains that the answers are too long, and now he complains that they are too short. He complains all the time that they do not give him the answers he wants. Obviously in most cases he has not done the research and most of his questions leave him wide open for a cuff across the ears in a verbal, rather than a physical, sense.

The Government notes the first part of the motion about the creation of parliamentary secretaries, and I suppose that is unexceptional. The Government's position basically is that the import of this motion is in terms of paragraph 3, which seeks a change to our understanding of the practice in this Chamber. In essence, it wants parliamentary secretaries, together with those Cabinet Ministers who have executive responsibility, to be part of the normal procedures of run of the mill questions without notice each day. Instead of asking questions of three Ministers, questions could be asked of perhaps six members of the Government.

The other issue relates to practicality. If we were being sensible about this rather than taking up the time of the Chamber and playing politics, which, sadly, Opposition members seem to want to do too much these days—

Members interjecting:

The Hon. R.I. LUCAS: No, never. In Opposition we were indeed responsible, and we were rewarded by the people of South Australia for being responsible with a 60 per cent to 40 per cent majority. We think that degree of responsibility that the then Opposition demonstrated—

The Hon. T.G. Roberts: Did they all read *Hansard*?

The Hon. R.I. LUCAS: Those who did obviously spoke widely to lots of other people, because that degree of responsibility shown by the then Opposition was obviously widely publicised. As I said, it is a bit sad to see Opposition members in this Chamber taking up an inordinate amount of our time in terms of seeking to make a political point. But that is an option for members. If they want to use the time of the Chamber in that way, so be it; there is not much the Government can do. If one wants to be sensible about this, one needs to think that, given that parliamentary secretaries do not have executive responsibility and given that they spend a relatively small proportion of their overall working week—and I readily concede that this would vary—in the ministerial office being aware of the ministerial decisions and views on a whole range of matters, it does not make much sense at all to direct questions to, for example, a parliamentary secretary on Education and Children's Services. I say this because given the fact that the parliamentary secretary is not the Minister and is not spending the vast majority of their time in the ministerial office, they are not in a well-placed position to provide responses to members.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: Well, members and parliamentary secretaries have the opportunity through Question Time or grievance debates, and a range of other opportunities, to express a personal view if they wish. But Question Time is for Oppositions and for members to elicit responses from the Government of the day. Those persons in both Chambers who represent the Government, with Executive responsibility, stand up on behalf of the Government and give responses. The Ministers are responsible for that. Parliamentary secretaries are not in a position to be responsible for that and are, by the nature of their appointment, not in a position to answer questions about the day-to-day Government and Executive responsibility of Government.

I refer to the fourth point, which calls upon parliamentary secretaries to resign forthwith from standing committees. There would be an interesting position in this Chamber, because we were struggling to get enough Labor members to sit on all of the standing committees, anyway. I challenge the Hon. Mr Holloway in his reply to explain how he sees the standing committees operating. I guess he believes that some members should sit on two or three standing committees—

The Hon. P. Holloway: If you have enough.

The Hon. R.I. LUCAS: We do not have enough if you take off—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Holloway has to look at the make-up of these and not just give a glib response.

An honourable member interjecting:

The Hon. R.I. LUCAS: I guess he can give a glib response if he wants to. In terms of the Legislative Council it was a very difficult task to find enough Labor members in particular, as well as enough Liberal members, to fill all of the standing committee positions. One issue that was debated at one stage, particularly in relation to the Labor Party, was whether or not a member could serve on a couple of standing committees and draw the pay for a couple of standing committees. That would be an issue for Liberal members in the Legislative Council. If the Hon. Mr Holloway's position were to prevail, at least three members would be disqualified from standing committee positions and, therefore, the Liberal members left either would have to sit on the extra standing committees or I presume—and this might be the import of the Hon. Mr Holloway's question—the Labor Party would then by default in effect gain a majority on the standing committees of the Parliament.

Alternatively, the Hon. Mr Holloway may well be saying that if we cannot fill them with Legislative Council members we will sacrifice the independence of the Upper House and fill the vacancies with Lower House members, so we would have more House of Assembly members. Given that the Hon. Mr Holloway comes from another Chamber in the first instance, perhaps that is his secret agenda. Perhaps his secret agenda is to get more House of Assembly members on these standing committees and to get Legislative Council members off them. Maybe the Hon. Mr Holloway has been sent here as a Trojan horse to, in effect, weaken the independence of the Legislative Council.

The Hon. L.H. Davis: I wouldn't give him a rap like that. I think the white ants have got to him already.

The Hon. R.I. LUCAS: My colleague suggests that the white ants have got to him already. I would have thought—

The Hon. P. Holloway: What about the principle?

The Hon. R.I. LUCAS: We are talking about the principle of clause 4 of your motion which provides that all

parliamentary secretaries should resign forthwith. If that is the case, with whom will the parliamentary secretaries be replaced? Who will replace the parliamentary secretaries on the standing committees? The Hon. Mr Holloway is either trying to, in effect, by default and through the backdoor, get support from the Democrats for a position which gives the Labor Party control of standing committees or, secondly, give members of Parliament an increase in salary of the order of however much it is for an extra standing committee.

The Hon. L.H. Davis: He has not thought it through.

The Hon. R.I. LUCAS: It is quite obvious. So, he seeks an extra increase in salary for some members of Parliament or—

The Hon. L.H. Davis: It is a naked grab for power.

The Hon. R.I. LUCAS: Yes, an unattractive naked grab for power, if I might venture a personal opinion. Thirdly, perhaps the Hon. Mr Holloway is seeking to give the control of the committees to the House of Assembly rather than to the Legislative Council. This Chamber has fought for decades against people in another Chamber on occasions who may well hold the view that their Chamber is more powerful or important than the Legislative Council. In all the discussions we had with the standing committees it was very important that the representation on the joint standing committees have equal representation in some way from the Legislative Council. So, I leave that challenge with the Hon. Mr Holloway when he replies as to which particular dastardly device he seeks to pursue by this motion, in particular clause 4. How does he see—

The Hon. T.G. Roberts: He might be trying to reduce the Minister's influence through the secretaries back into the committees. That is another scenario.

The Hon. R.I. LUCAS: Sometimes the Hon. Mr Terry Roberts's interjections warrant some sort of considered reply, but that interjection was not worthy of the interjector. The options of the Hon. Mr Holloway in this motion have been starkly laid out by me and revealed for all to see. It is important for him to be honest with colleagues in this Chamber as to what it is he seeks to achieve by this motion in terms of the Legislative Council. Whilst I have some disagreements with members such as the Hon. Mr Crothers and others on occasions on policy issues, so far they have demonstrated a willingness to defend the rights of the Legislative Council against some in the House of Assembly who may well seek to diminish the powers and responsibilities of the Legislative Council.

I say that advisedly until the moment, because there was one previous Labor member who did not say much about this for many years but then in his farewell speech called for the abolition of the Legislative Council, having spent 13 years in this Chamber. But there are members of the Labor Party who genuinely see the importance of the independence of the Legislative Council, even though the Labor Party has a particular policy position. I have always had some doubts about the Hon. Mr Holloway as being someone from another place who has been parked in the Legislative Council. I will give him enough credit to listen to his response to see what it is that he is really up to in relation to this motion.

His colleagues, the Hon. Mr Roberts, the Hon. Mr Crothers and others, will be waiting with interest, because I guess they put up their hands when he said, 'Let's have a go at this; this is a good idea.' They all had a chuckle and did not really think through the issue. Now, of course, we have established what potentially the Hon. Mr Holloway is up to in relation to this motion. I am sure that not only members of the Government but many members of his Party will be interested in his response. The Government vigorously opposes this ill-considered, ill-thought out motion from the Hon. Mr Holloway and we urge other members to similarly, upon reflection, cut him adrift, send him to Coventry and reject the motion as well.

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

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Bail Act 1985, the Bills of Sale Act 1886, the Classification (Publications, Films and Computer Games) Act 1995, the Criminal Law Consolidation Act 1935, the Development Act 1993, the Domestic Violence Act 1994, the Enforcement of Judgments Act 1991, the Environment, Resources and Development Court Act 1993, the Juries Act 1927, the Law of Property Act 1936, the Oaths Act 1936, the Prisoners (Interstate Transfer) Act 1982, the Second Hand Vehicle Dealers Act 1995, the Sheriff's Act 1978, the Summary Procedure Act 1921 and the Supreme Court Act 1935. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

This Bill makes minor, uncontroversial amendments to several Acts which can conveniently be dealt with in the one Bill.

Bail Act 1985

Section 5(2) of the Bail Act provides that where a warrant for the arrest of any person is issued, the court or justice issuing the warrant may, by endorsement on the warrant, authorise or require a specified person, or a person of a specified class, to release the arrested person on bail. This provision has the effect that unless the warrant is endorsed to allow the police to grant bail a person cannot be granted police bail. The amendments to section 5 provide that a person is eligible for bail unless the warrant is endorsed to the contrary. Unless the person issuing the warrant makes a deliberate decision that the arrested person is not to be eligible for police bail then the person will be eligible for police bail. The chance of a person not being eligible for police bail through oversight will be eliminated by these amendments.

Bills of Sale Act, 1886

Section 28(1) of the Bills of Sale Act 1886 provides that bills of sale, which have not been registered, are void against certain persons. Section 28(2) provides that a consumer mortgage within the meaning of the Consumer Transactions Act 1972 is not rendered void by reason of the fact that it is not registered. This amendment places consumer mortgages to which the Consumer Credit (South Australian) Code applies on the same footing as consumer mortgages under the Consumer Transactions Act 1972, that is, consumer mortgages within the meaning of the Consumer Credit (South Australian) Code are not rendered void by reason of the fact that they are not registered under the Bills of Sale Act.

Classification (Publications, Films and Computer Games) Act 1995

This amendment inserts a new provision into the Act to allow the Classification Council or the Minister, when classifying an issue or instalment of a regular publication, to classify future publications forming part of the same series on the basis of the publication under consideration. A similar provision was included in the now repealed Classification of Publications Act. The provision was omitted from the new Act.

The new provision will enable periodicals to be classified without requiring the Council or Minister to consider each instalment.

Criminal Law Consolidation Act 1935

The recent amendments to the case stated and appeal provisions of the Criminal Law Consolidation Act defined, in section 348, a 'question of law' as including a question about how a judicial

discretion should be exercised or whether a judicial discretion has been properly exercised. This definition was inserted to make it clear that a question about the exercise of a judge's discretion was a question of law for the purpose of stating a case to allow Court of Criminal Appeal to rule about the correctness of the exercise of that discretion.

The placing of the definition in section 348 has made it of general application and allows an appeal as of right in a wide variety of circumstances where leave was formerly required, such as the refusal to exercise the discretion to exclude confessions, the discretionary admission or rejection of many other categories of evidence and even the exercise of discretions such as the granting of adjournments and views. This amendment removes the definition of 'question of law' and restores the status quo in relation to leave to appeal. The amendment also ensures that the provisions relating to reservation of questions extend to questions about how a judicial discretion should be exercised or whether a judicial discretion has been properly exercised.

Development Act, 1993 and Environment, Resources and Development Court Act 1993

The Environment, Resources and Development Court is not a court in which, generally speaking, costs follow the event. Under section 29 of the Environment, Resources and Development Court Act the court has power to award costs in limited circumstances, for example, where proceedings are frivolous or vexatious or have been instituted to be obstructive. The court can also award costs if another Act provides for the awarding of costs.

There is a need for the Court to be given power to award costs in other limited circumstances.

Under Section 84 of the Development Act a relevant authority can issue an enforcement notice to a person who it believes has breached the Act. The person issued with the notice has the right of appeal against the notice to the Environment, Resources and Development Court. There is no power for the court to award costs in relation to the proceedings.

Section 85 of the Development Act provides that any person may apply to the court for an order to remedy or restrain a breach of the Act. It is not clear whether the court can make an order for costs under this section in favour of a successful applicant. Section 85(16) refers to any order for costs but this may only refer to the costs of a person who has been found not to be in breach of the Act.

Development authorities are using the contempt mechanism in section 38 of the Environment, Resources and Development Court Act to enforce orders made under section 85 of the Development Act. The court has no power to award costs where the contempt charge is proved.

Enforcement is an important part of the planning system. Enforcement is also expensive and an authority which succeeds in an enforcement action should be able to recover costs of the action. Similarly a person who successfully defends an action brought by an authority should be able to recover costs. The amendments to the Development Act and the Environment, Resources and Development Court Act will enable the Court to award the costs it thinks just and reasonable in proceedings under sections 84 and 85 of the Development Act and in contempt proceedings under section 38 of the Environment, Resources and Development Court Act.

Domestic Violence Act

The amendments to the Domestic Violence Act seek to clarify the relationship between domestic violence restraining orders and Family Court contact orders.

In 1993, the Standing Committee of Attorneys-General agreed to amendments to the Family Law Act 1975 and State and Territory domestic violence legislation to resolve potential inconsistencies between Family Court contact orders and domestic violence restraining orders and restraining orders.

Problems can arise, for example, when there is a Family Court contact order which allows a non custodial parent to collect children from a residence but a Magistrate has made an order that the non custodial parent not approach the premises.

The Family Law Act 1975 was amended in 1995, as agreed by the Standing Committee of Attorneys-General, to allow Magistrates to make domestic violence restraining orders and restraining orders which make, revive, vary, discharge or suspend Family Court contact orders. The amendments will allow a Magistrate to vary the Family Court contact order in the example just given to provide that the child is to be collected from a place other than the child's place of residence.

The Standing Committee of Attorneys-General agreed that there should be State and Territory legislation to complement the amendments to the Family Law Act and the amendments in this bill to the Domestic Violence Act and the similar amendments to the Summary Procedure Act implement that agreement.

The Domestic Violence Act is amended to provide that applicants for domestic violence restraining orders are required to inform the court of any relevant contact orders under the Family Law Act. This will help to ensure that a Magistrate when making a domestic violence restraining order is aware of any relevant orders made by the Family Court. A magistrate, when making a domestic violence restraining order, will need to consider the issue of contact and have regard to any relevant contact order.

The amendments will help to ensure that the rights of all the members of a family are given proper consideration at the time domestic violence restraining orders are made.

Enforcement of Judgments Act 1991

Section 5 of the Enforcement of Judgments Act 1991 provides for the enforcement of judgments debts. If the judgment debtor does not pay the ultimate remedy is for the court to commit the judgment debtor to prison for not more than 40 days. Section 5(7) provides that, if the order for enforcement of the judgment debt is for payment by instalments, an order for imprisonment cannot be made unless at least 2 instalments are in arrears. Section 5(8) provides that if payment of 'the instalments' is made the judgment debtor must be discharged from custody. These provisions have been interpreted as meaning that if payment of two instalments is made a warrant of commitment is unenforceable, even though there may be more outstanding instalments. This is obviously not what was intended. What was intended was that an order for commitment could not be made unless at least two instalments were outstanding and the warrant could be enforced unless all the outstanding instalments are paid.

Law of Property Act 1936

A person who wants to, for example, construct a pipeline across the land of another can enter into an agreement with the owner of the land to construct the pipe line across the land. Such an agreement is regarded as personal and does not bind successors in title to the land. However, if there is land belonging to the pipe line owner which will benefit from the pipe line (a dominant tenement) an easement may be created which inheres in the land and is binding on successors in title.

This aspect of the law created difficulties for public utilities and the law was amended in 1981 to provide that public utilities have and always have been able to acquire easements even though there was no dominant tenement.

The 1981 amendment applies only to public or local authorities constituted by an Act. The Gas Company, for example, can no longer take advantage of section 41A. Statutory easements were created in favour of the owners of the Moomba-Adelaide and Katnook pipelines by the Pipelines Authority (Sale of Pipelines) Amendment Act 1995.

Utilities need to be able to acquire easements, regardless of whether or not they are public or local authorities constituted by Act of Parliament, and this amendment will allow the Governor, by proclamation, to declare that a body can acquire an easement despite the fact that there is no dominant tenement.

This amendment does not give anybody the right to acquire such easements. The acquisition of the easements will still need to be negotiated with the owner of the land, unless there is some other piece of legislation which gives the body a right to acquire land or interests in land compulsorily.

Oaths Act 1936

The Oaths Act 1936 requires that Judges, Masters of the Supreme Court, Special Magistrates and justices of the peace shall, as soon as practicable after acceptance of office, take the oath of allegiance and the judicial oath. The oaths to be taken by the Chief Justice and puisne judges of the Supreme Court must be tendered by the Clerk of the Executive Council and taken before the Governor in Council. The oaths to be taken by District Court Judges and Magistrates are taken by a Supreme Court Judge in either open court or chambers. The Chief Justice has suggested that the Act should be amended to allow all judicial oaths to be taken on the bench on presentation of the judicial commission.

Clause 23 of the Bill provides that the Chief Justice and Justices of the Supreme Court should take the oath before the Governor, the Chief Justice or the most senior puisne judge of the Supreme Court who is available. The decision as to whom the oath is taken before in a particular case is to be made by the Governor in Executive Council. While in the case of District Court Judges and Magistrates, the oath should be taken before the Chief Justice or, if he or she is

not available, the most senior puisne judge of the court who is available.

The amendment allows flexibility in both the person who administers the oath and the place where the oath is administered.

The Judicial Administration (Auxiliary Appointments and Powers) Act 1988 provides, *inter alia*, for retired judicial officers to be appointed to hold judicial office on an auxiliary basis. Such judges can be called upon to act in a judicial office as needed. It is not clear whether retired judges who have been appointed as auxiliaries need to take a further judicial oath. To put the matter beyond doubt section 7 of the Oaths Act is amended to provide that persons appointed to act as a judicial officers on an auxiliary basis, who have previously held judicial office in this State, are not required to take the oath of allegiance or judicial oath again.

Section 28 of the Oaths Act provides that Judges, Magistrates, and legal practitioners are Commissioners for taking affidavits and provides for other persons appointed by the Governor to be Commissioners. Registrars of the courts have traditionally been appointed by the Governor as Commissioners for taking affidavits. Court staff are called upon to witness documents as Commissioners and this is a service which it is appropriate for court staff to provide. As court staff change new appointments by the Governor need to be made from time to time. The need for appointments to be made by the Governor is eliminated by this amendment to section 28 which provides that persons holding the office of Registrar or Deputy Registrar of a court are Commissioners for taking affidavits.

Prisoners (Interstate Transfer) Act 1982

The amendments to the Prisoners (Interstate Transfer) Act 1982 are consequential on the enactment by the Australian Capital Territory of the Prisoners (Interstate Transfer) Act 1993 which provides for the Australian Capital Territory to be a participating State in the interstate transfer of prisoners scheme. The amendments will enable the ACT Prisoners (Interstate Transfer) Act 1993 to be recognised as a corresponding law for the purposes of the South Australian Act.

Second Hand Vehicle Dealers Act

The Second Hand Vehicle Dealers Act 1995 repealed and replaced the Second Hand Motor Vehicles Act 1983. Section 15 of the repealed Act provided that:

> Where a person who is disqualified from holding a licence is employed or otherwise engaged in the business of a dealer, that person and the dealer are each guilty of an offence and liable to a penalty not exceeding $5 000.

There is no equivalent provision in the new Act. Instead, Section 31(1)*(f)* provides that the District Court may make an order prohibiting a person against who there is proper cause for taking disciplinary action from being employed or otherwise engaged in the business of a dealer. In recent years a number of dealers employing sharp business practices have been disqualified from holding a licence. In some cases they have also been declared insolvent. Purchasers who had claims outstanding due to the behaviour turned to the compensation fund under the Act for relief.

It is arguable that the transitional provisions of the present Act do not provide for the continued application of the offence provision of Section 15 of the repealed Act under the new regime. It has come to notice that a number of dealers who were disqualified under the repealed Act now wish to return to the industry as employees, usually by organising for business associates or family members to obtain a licence by which a dealership can operate under their management.

Therefore an amendment is proposed to Schedule 4 of the Second Hand Vehicle Dealers Act 1995 to make it an offence for any person disqualified from holding a licence under the repealed Act from being employed in any capacity in the second hand vehicle sales industry.

The Motor Trader Association is concerned that disqualified dealers may re-enter the industry and so supports the proposed amendment.

Sheriff's Act 1978

The sheriff is responsible for the enforcement of all civil or criminal processes directed to him by the court. 'Court' is defined in section 4 of the Act. The Environment, Resources and Development Court is not included in this definition. The Environment, Resources and Development Court has had occasion to require the services of the sheriff, and he has provided his services, but he is not obliged to. The Environment, Resources and Development Court should be able to avail itself of the services of the sheriff in the same way as the Supreme, District and Magistrates Courts.

There is considerable anecdotal evidence and some documentary evidence which indicates that some private process servers purport to be sheriff's officers when serving or executing processes. The sheriff is an officer of the court and his authority is considerable. The office of sheriff may be brought into disrepute should people falsely represent themselves to be sheriff's officers. Accordingly a new subsection is added to section 11 of the Act making it an offence for a person by word or conduct to falsely represent himself to be the sheriff, a deputy sheriff or a sheriff's officer.

Section 16 of the Sheriff's Act provides that the Governor may make regulations for, inter alia, the payment of fees to the sheriff in respect of the execution of any process. There is no regulation making power to prescribe fees for the service of any documents by the sheriff. The sheriff is required to serve documents and should be able to charge a fee for this. Section 16 is amended to allow regulations to be made prescribing the fees the sheriff may charge in respect of the service of any documents.

Summary Procedure Act 1921

Section 53 of the act provides for the punishment of aiders and abettors. Provision was made for this in the Criminal Law Consolidation (Felonies and Misdemeanours) Amendment Act 1994 in identical terms but in modern language. Clause 31 of the Bill repeals Section 53.

The other amendments to the Summary Procedure Act mirror the amendments to the Domestic Violence Act.

Supreme Court Act 1935

The Supreme Court Act makes provision for circuit courts. Areas of the State are by proclamation declared to be circuit districts and from to time to time the Governor issues a Commission directing a Judge or a legal practitioner of at least seven years standing to hold circuit sessions of the Court at the time and place named in the commission. Circuit courts are criminal courts, although the court may deal with some civil matters when on circuit.

It is not necessary for the Government and the Governor to become involved in the paper work associated with the Supreme Court sitting outside Adelaide. The necessary administrative arrangements can be made by the court. However, the Government is concerned to ensure that the Supreme Court continues to sit in country areas and provision is made in new section 46B for the Governor, by proclamation, to require the sittings of the court (other than civil sittings) to be held with a specified frequency in specified parts of the State.

As a result of the abolition of circuit sessions of the Supreme Court a consequential amendment is made to repeal section 8(3) of the Juries Act 1927. I commend this Bill to honourable members.

Explanation of Clauses

PART 1
PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause is standard for a Statutes Amendment Bill.

PART 2
AMENDMENT OF BAIL ACT 1985

Clause 4: Amendment of s. 5—Bail authorities

This clause amends section 4 of the Bail Act to provide that the police will be a bail authority in relation to persons arrested on a warrant, unless the warrant is endorsed to the contrary at the time it is issued.

Clause 5: Amendment of s. 13—Procedure on arrest

This clause amends the provision that sets out the procedure on arrest of a person to make it clear that, whilst subsection (1) applies to any arrested person (whether arrested on a warrant or on a charge of an offence) subsections (3) and (4) apply only to persons arrested on a charge of an offence.

PART 3
AMENDMENT OF BILLS OF SALE ACT 1886

Clause 6: Amendment of s. 28—Bills of sale to be void in certain circumstances

This clause amends section 28 of the Bills of Sale Act to exempt goods mortgages under the Consumer Credit (South Australia) Code from that section.

PART 4
AMENDMENT OF CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ACT 1995

Clause 7: Amendment of s. 352—Right of appeal in criminal cases

This clause inserts a new section 19A into the principal Act dealing with classification of publications forming part of a series.

PART 5
AMENDMENT OF CRIMINAL LAW CONSOLIDATION ACT 1935

Clause 8: Amendment of s. 348—Interpretation

This clause amends section 348 of the Criminal Law Consolidation Act by deleting the definition of 'question of law'. This definition currently provides that for the purposes of Part 11 of the Act a question of law includes a question about how a judicial discretion should be exercised or whether a judicial discretion has been properly exercised.

Clause 9: Amendment of s. 350—Reservation of relevant questions

This clause inserts a definition of 'relevant question' into section 350 of the principal Act and amends that section so that where previously it referred to a 'question of law' it would now refer to a 'relevant question'. A relevant question is defined to mean a question of law or (to the extent that it does not constitute a question of law) a question about how a judicial discretion should be exercised or whether a judicial discretion has been properly exercised.

Clause 10: Amendment of s. 351—Case to be stated by trial judge

Clause 11: Amendment of s. 351A—Powers of Full Court on reservation of question

Clause 12: Amendment of s. 351B—Costs

These clauses make consequential amendments to sections 351, 351A and 351B of the principal Act so that those sections would no longer refer to the reservation of a 'question of law' but simply to the reservation of 'a question'.

PART 6
AMENDMENT OF DEVELOPMENT ACT 1993

Clause 13: Amendment of s. 84—Enforcement notices

This clause amends section 84 of the Development Act to allow the Environment, Resources and Development Court to award costs to a person who successfully appeals against the issue of a notice under that section.

Clause 14: Amendment of s. 85—Applications to the Court

This clause amends section 85 of the Development Act to allow the Environment, Resources and Development Court to award costs to a person who successfully applies to the Court for an enforcement order under that section.

PART 7
AMENDMENT OF DOMESTIC VIOLENCE ACT 1994

Clause 15: Amendment of s. 3—Interpretation

A new definition of relevant family contact order is inserted for the purposes of the amendments to sections 6 and 7 of the Act.

Clause 16: Amendment of s. 6—Factors to be considered by Court

Section 6 of the Act lists the factors to be considered by the Court in determining whether to make a restraining order or the terms of a restraining order.

The amendment extends those factors to—

- consideration of any relevant family contact order: an order under the Family Law Act of the Commonwealth relating to contact between the person for whose benefit, or against whom, a restraining order is made or sought and a child of, or in the care of, either of those persons; and
- general consideration of how the restraining order would be likely to affect contact between the person for whose benefit, or against whom, the order is sought and any child of, or in the care of, either of those persons.

Clause 17: Amendment of s. 7—Complaints

The amendment requires the complainant to inform the Court of any relevant family contact orders.

Clause 18: Amendment of s. 12—Variation or revocation of domestic violence restraining order

The amendment requires the Court in determining whether to vary or revoke a restraining order to have regard to the same factors (including any relevant family contact order) that the Court is required to have regard to in determining whether to make an order and the terms of an order.

PART 8
AMENDMENT OF ENFORCEMENT OF JUDGEMENTS ACT 1991

Clause 19: Amendment of s. 5—Order for payment of instalments, etc.

This clause amends section 5 of the Enforcement of Judgements Act to make it clear that a debtor who has been imprisoned for failure to pay instalments due in accordance with a court order cannot be released under subsection (8) until all arrears of instalments are paid.

PART 9
AMENDMENT OF ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT ACT 1993

Clause 20: Insertion of s. 38A

This clause inserts a new section 38A into the Environment, Resources and Development Court Act to allow the Court to award costs against a person who has been found guilty of contempt arising from non-compliance with an order, direction, summons or other process of the Court.

PART 10
AMENDMENT OF JURIES ACT 1927

Clause 21: Amendment of s. 8—Jury districts

This amendment is consequential to the amendments to the Supreme Court Act which abolish the concept of 'circuit courts'.

PART 11
AMENDMENT OF LAW OF PROPERTY ACT 1936

Clause 22: Amendment of s. 41A—Easements without dominant land to be validly created

This clause amends section 41A of the Law of Property Act to allow bodies declared by proclamation to hold easements without dominant land.

PART 12
AMENDMENT OF OATHS ACT 1936

Clause 23: Amendment of s. 7—Oaths to be taken by judicial officers

This clause amends section 7 of the Oaths Act to provide that—

- all judicial officers must take the relevant oaths before any official duties are discharged;
- the Chief Justice must take his or her oaths before the Governor or, if the Governor so determines, the most senior puisne judge of the Supreme Court available;
- other Supreme Court judges must take their oaths before the Governor or, if the Governor so determines, the Chief Justice;
- all other judicial officers (apart from justices of the peace, who are covered by the Justices of the Peace Act 1991) must take the oaths before the Chief Justice;
- if the Chief Justice is not available to hear an oath as required by the provision, the oath may instead be taken before the most senior puisne judge of the Supreme Court who is available;
- a person appointed to judicial office on an auxiliary basis who has previously taken the relevant oaths need not take the oaths again.

Clause 24: Amendment of s. 28—Commissioners for taking affidavits

This clause amends section 28 of the Oaths Act so that all court Registrars and Deputy Registrars will automatically be Commissioners for taking affidavits.

PART 13
AMENDMENT OF PRISONERS (INTERSTATE TRANSFER) ACT 1982

Clause 25: Amendment of s. 5—Interpretation

This clause amends section 5 of the Prisoners (Interstate Transfer) Act 1982. The principal Act regulates the transfer of prisoners between South Australia and those Australian States and Territories that have an Act in force that substantially corresponds to the principal Act. This clause amends the definition section of the principal Act to make it clear that the Australian Capital Territory can participate in that arrangement. In particular it amends the definition of 'State' to include the ACT and defines the meaning of 'Governor' in relation to that Territory. It also makes the necessary consequential amendments to the other definitions in section 5.

PART 14
AMENDMENT OF SECOND HAND VEHICLE DEALERS ACT 1995

Clause 26: Amendment of schedule 4

This clause amends schedule 4 of the principal Act, which deals with transitional matters. The offence created by the proposed provision ensures that the automatic prohibition on being employed or engaged in the business of a dealer that applied to people who were disqualified under the repealed legislation will continue to apply to those people under the new Act, for the remaining period of that disqualification. The proposed provision, like the provision in the repealed legislation, makes employment or engagement of a disqualified person by a dealer an offence for both the disqualified person and the dealer.

PART 15
AMENDMENT OF SHERIFF'S ACT 1978

Clause 27: Amendment of s. 4—Interpretation

This clause amends the definition of 'court' in the interpretation provision in the Sheriff's Act to include the Environment, Resources and Development Court.

Clause 28: Amendment of s. 11—Offences

This clause inserts a new subsection in section 11 of the Sheriff's Act making it an offence to impersonate the sheriff or another person exercising powers under the Act. The penalty is a maximum fine of $2 500 or 6 months imprisonment.

The penalty for hindering a person exercising powers under the Act is also increased to match the penalty in the new offence.

Clause 29: Amendment of s. 16—Regulations

This clause amends section 16 to allow for regulations to be made prescribing fees in relation to duties imposed on the sheriff under this or any other Act.

PART 16

AMENDMENT OF SUMMARY PROCEDURE ACT 1921

Clause 30: Amendment of s. 4—Interpretation

A new definition of relevant family contact order is inserted for the purposes of the amendments to section 99 of the Act.

Clause 31: Repeal of s. 53

This clause repeals section 53 of the Summary Procedure Act.

Clause 32: Amendment of s. 99—Restraining orders

This amendment achieves the same end as the amendments to sections 6 and 7 of the Domestic Violence Act 1994. In determining whether to make a restraining order or the terms of a restraining order the Court is required to consider—

- any relevant family contact order; and
- how the restraining order would be likely to affect contact between the person for whose benefit, or against whom, the order is sought and any child of, or in the care of, either of those persons.

The amendment brings the wording of the requirements in this Act closer to those in the Domestic Violence Act.

The amendment also requires the complainant to inform the Court of any relevant family contact orders.

Clause 33: Amendment of s. 99F—Variation or revocation of restraining order

This amendment is equivalent to the amendment of section 12 of the Domestic Violence Act. It requires the Court, in determining whether to vary or revoke a restraining order, to have regard to the same factors (including any relevant family contact order) that the Court is required to have regard to in determining whether to make an order and the terms of an order.

PART 17

AMENDMENT OF SUPREME COURT ACT 1935

Clause 34: Insertion of s. 9A

This clause inserts a new section 9A in the Supreme Court Act which makes it clear that the Chief Justice is the principal judicial officer of the court and is responsible for the administration of the court. This parallels provisions relating to the Chief Magistrate in the Magistrates Court Act and the Chief Judge in the District Court Act.

Clause 35: Substitution of ss. 45 and 46

This clause substitutes new sections as follows:

45. Time and place of sittings

This clause parallels current section 21 of the District Court Act and provides that the court may sit at any time or place and must sit at the times and places that the Chief Justice directs. The provision also provides for registries of the court to be maintained at places determined by the Governor.

46. Adjournment from time to time and place to place

This clause parallels current section 22 of the District Court Act and provides for the adjournment and transfer of proceedings.

46A. Sittings in open court or in chambers

This clause parallels current section 23 of the District Court Act and provides that, subject to any provision of an Act or rule to the contrary, sittings are to be held in open court.

46B. Sittings required by proclamation

This provision would allow the Governor to issue proclamations requiring the court to sit in specified parts of the State with a specified frequency.

Clause 36: Repeal of ss. 52 to 62

This clause repeals sections 52 to 62 of the Supreme Court Act, which deal with circuit courts.

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

TRUSTEE (VARIATION OF CHARITABLE TRUSTS) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Trustee Act 1936. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

This Bill amends the Trustee Act 1936 to give the Attorney-General power to vary the objects of small charitable trusts.

Charitable trusts are trusts for the relief of poverty; trusts for the advancement of education; trusts for the advancement of religion; and trusts for other purposes beneficial to the community. Some charitable trusts may be very large but some may be very modest.

Charitable trusts may be, or become impossible or impracticable to put into effect. This can be for a variety of reasons. The object of the trust may, for example, have ceased to exist; conditions may have changed over time; the object of the trust may have ceased to be charitable; or the property may be more than is needed to carry out the selected objects. An example which is causing the Public Trustee concern at the moment it a trust establishing prizes for children attending a named school which no longer exists.

If a charitable trust is initially impossible or impracticable to put into effect, or subsequently becomes so, the courts will apply the property *cy-pres*, i.e., apply it to some other charitable purpose 'as nearly as possible' resembling the original trusts.

Applications to vary the objects of charitable trusts are made by the trustees to the Supreme Court under section 69b of the Trustee Act 1936. The cost of such proceedings is not inconsiderable and where the trust is small the cost of the application may deplete the trust or be out of proportion to the amount of the fund.

Several States have overcome this problem by giving the Attorney-General power to alter the object of small charitable trusts without recourse to the courts. The most recent example is found in the Tasmanian Variation of Trusts Act 1994.

The provisions of this bill, like the interstate legislation, give the Attorney-General power to vary the purposes for which trust property is required or permitted to be applied if satisfied that a trust variation scheme proposed by the trustees accords, as far as reasonably practicable, with the spirit of the trust and is justified in the circumstances of the particular case. These are the same grounds on which a court may vary a trust under section 69b of the Trustee Act 1936. The Attorney-General has a discretion to refer an application to the Supreme Court if he or she considers that the application raises questions that should be considered by the Court.

The Attorney-General is given the power to vary the objects of charitable trusts where the value of the trust property does not exceed $250 000 or such other amount as may be prescribed. There is nothing magic about this amount. Under the New South Wales legislation the Attorney-General can approve schemes varying the objects of trusts where the value of the trust property does not exceed $500 000 or such other amount as may be prescribed. The Tasmanian legislation applies where the value of the trust property is $100 000, if the property includes real property, and $50 000, if the property consists of personal property only (or such other amounts as may be prescribed). A figure between these two extremes seems to be about right. There will be a cost to the Attorney-General in approving a scheme to vary a trust and provision is made to allow the Attorney-General to recover the reasonable costs incurred by him or her of an application to vary a trust. These costs, as are the costs of applications to the court, are payable out of the trust property.

Advice from Tasmania is that the Tasmanian legislation is providing a solution, which has been well received, to the problems experienced by many small charitable trusts. The enactment of this Bill will be of similar benefit in South Australia.

I commend this measure to Honourable Members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 69B—Alteration of purposes of charitable trust

This clause amends section 69B of principal Act which currently deals with variation of a charitable trust by the Supreme Court. The

amendments to the section would mean that the Attorney-General would also have power, on application by the trustees of a charitable trust, to approve of a variation to the trust where the value of the trust property does not exceed $250 000 or another limit prescribed by regulation (see proposed subsection (3)). The proposed amendments also provide as follows:

- Subsection (4) allows the Attorney-General to refer an application to the Supreme Court where appropriate.
- Subsection (5) provides for the giving of notice of an application.
- Subsection (6) provides that the Supreme Court or the Attorney-General (as the case may require) must be satisfied that the variation proposed accords, as far as reasonably practicable, with the spirit of the trust and is justified in the circumstances.
- Subsections (7) and (8) provide for recovery of the reasonable costs of an application from the trust property (which, in the case of an application decided by the Attorney-General, include costs payable to the Crown to defray the cost of investigating and deciding the application).
- Subsection (9) provides for the keeping of a public register of approvals given by the Attorney-General under this section.

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

COMPETITION POLICY REFORM (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 4 June. Page 1498.)

The Hon. R.D. LAWSON: I support this Bill, which is now being read a second time. The comments that I wish to make in relation to this measure are derived largely from the form in which this legislation comes before the Parliament. This is complex legislation which derives from an agreement reached, I think, at the meeting of the Council of Australian Governments in Darwin in August 1994. The essential provisions of the Act and its principles deserve support. It is clear that benefits will be derived by the South Australian and Australian communities generally by adopting the competition code throughout the country. In addition to that general economic benefit, the State itself will receive by way of payments from the Commonwealth over $1 billion expressed in current dollars over the next 10 years. One of the conditions for receiving that payment is that this Bill become law and be in operation by 20 July this year.

My concerns about the Bill derive from the way in which it is expressed and the difficulty which will be experienced by any South Australian seeking to ascertain its terms. Clause 5 of the Bill provides that the competition code text as in force for the time being applies as a law of the State of South Australia. Clause 4 describes and defines the competition text as 'the schedule version of part IV' and the remaining provisions of the Trade Practices Act. The schedule version of part IV is itself defined as meaning 'the text that is set out in the schedule to the [Commonwealth] Trade Practices Act.' That Act was amended by reason of the Competition Policy Reform Act (No. 88 of 1995 of the Commonwealth Parliament) to include a schedule version. So, any South Australian reader of this Act of the South Australian Parliament will have to have recourse not to the schedule to this particular Act, not to some other South Australian Act or regulation, but to a schedule to a Commonwealth Act of Parliament. It seems to me to be bad legislative policy from the point of view of the States to have the essential part of this legislation embodied not in any South Australian document but in a document which one has to go elsewhere to find and which, to say nothing else, is a grave inconvenience.

The means by which this policy was embodied in the legislation was described in the second reading speech, which noted that the committee, headed by Professor Hilmer, began its task in October 1992 and reported almost a year later. The results of that report were presented to the Council of Australian Governments in Hobart in February of that year. At that meeting the heads of Government accepted the principles of the Hilmer report. An audit was required and that audit, which was of State Government activities, was completed in the middle of 1994.

The drafting of the legislation and the necessary agreements were undertaken by working parties of Commonwealth, State and Territory officials. A draft was released for public consultation in August 1994 at the meeting in Darwin to which I have already referred. Consultation was undertaken by the South Australian Government to identify issues of particular concern to local business and other interested parties. The difficulty for me is the course of preparation of the legislation. The difficulty is that the legislation is evolved as a result of work undertaken by working parties of various Governments, namely, bureaucrats. Then the process is progressed at meetings of the Executive. Public consultation takes place, but that consultation is ordinarily with the stakeholders in the particular industry or activity being regulated. Nowhere in the process is there any parliamentary scrutiny of the legislation that ultimately emerges.

This legislation, and legislation like it in other areas, is brought before the Parliament to be enacted or rejected, but the Parliament of any State or of the Commonwealth has lost its traditional function and right to amend the legislation, to review, question or, indeed, to have an effective debate on it because the legislation is set in concrete before it ever comes to this or any other Parliament.

The Hon. T.G. Roberts: Have you got anything against it?

The Hon. R.D. LAWSON: I have told the Chamber that I support the principles embodied in this legislation. I strongly support them. They are in the national interest. However, the way in which the legislation has been developed and presented, and the very text of it should give all members of Parliament some cause for concern. If one examines clause 7 of the Act, it deals with the interpretation by applying the Commonwealth Interpretation Act 1901, which applies as a law to this particular competition code in this jurisdiction.

The Commonwealth Act applies as if the statutory provisions in the competition code of this jurisdiction were a Commonwealth Act. Clause 7(3) goes on to provide that the Acts interpretation of this Act does not apply to the competition code of South Australia. Where the Act refers to the competition code of South Australia, one might reasonably have expected that such a document would exist, but it does not. It is, in a sense, a notional document. Whilst I support the measure, I have grave reservations about the manner in which it has come to the Parliament and the form of the legislation itself.

Notwithstanding that, I readily accept that these provisions ought to be introduced as soon as possible in the interests of our State, and not merely in the interests of obtaining some part of the $1 million cash that is to flow from the Commonwealth to the State over the ensuing years. This is new legislation. It will, in its application, have severe ramifications for much economic activity within the State. There will

be teething problems, but the Council of Australian Governments is entitled to be congratulated on a very positive outcome of its deliberations and a very positive legislative program. I support the second reading.

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

ELECTRICITY CORPORATIONS (SCHEDULE 4) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 May. Page 1486.)

The Hon. SANDRA KANCK: When this legislation is enacted it will give ETSA its fourth structure in less than 18 months; commencing in 1994 it was the Electricity Trust of South Australia then, following our amendments in November 1994, it became the ETSA Corporation with a capacity to set in place a number of other corporations, such as a Generation Corporation and a Transmission Corporation. Then, in the middle of last year, we suddenly found ourselves with regulations under the Public Corporations Act that set up the ETSA Corporation, I guess, as a parent body with the generation, transmission and distribution functions underneath it as subsidiary bodies. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

ELECTRICITY CORPORATIONS (GENERATION CORPORATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 May. Page 1485.)

The Hon. SANDRA KANCK: Before I tackle issues pertinent to this Bill, I would be very interested to know from the Minister the cost of each restructuring of what was ETSA. I suspect that it may not have been cheap, and I would be very interested to know just how much it has cost. I am a person who believes in serendipity and, when I was first briefed on the three electricity Bills that are before this place, I went home and spoke to my husband and told him what the Government was intending. As I was talking to him, I knocked a book out of the bottom shelf of the bookshelf. I picked it up and thought, 'Why did this book fall out?' The book that fell out was a 1991 co-publication of the World Conservation Union, the United Nations Environment Program and the Worldwide Fund for Nature and is called *Caring for the earth: a strategy for sustainable living.* Because I had been talking about energy, I thought I would look at the contents page and see what it had to say about energy. It certainly had something to say, and I will quote it to the Council:

> Energy efficiency and the prevention of pollution from the burning of fossil fuels is essential for all countries.

It goes on to say:

> Now developed countries must reduce their emissions of carbon dioxide and other pollutants, which will require a continuing increase in the efficiency with which they generate and use energy. This will in turn require many changes in established practice. Instead of seeking to generate and sell more power, we will need to manage demand so that consumption is reduced.

I find it quite amazing that this Bill is going to help us get into the national electricity market, which is actually about generating and selling more power when back in 1991, in this document, these three most revered environmental organisations were saying that all countries needed to find ways to manage demand so that consumption is reduced. We are going the exact opposite way. In the recommendations, action 10.1 provides:

> To develop explicit national energy strategies.

It states:

> Each Government should prepare a national strategy for its commercial energy industries covering extraction, conversion, transport and use for the next 30 years.

I wonder whether our Government has done that. Among the strategies they recommend are:

> Economic policies that ensure that the price of energy covers the social cost of its production, distribution and use and gives the consumer an incentive to choose the most efficient and least damaging source, product and transport modes.

We know from the national electricity market what will occur. It is clear from this document that the recommendations that were being made in 1991 have still not been taken on board by either our Federal or State Governments. We are allowing business to dictate the terms. The only thing that we or business will get out this will be an incentive to choose the cheapest form of energy. The cheapest form of energy will not necessarily be the most efficient form. Certainly, given that we will be using a lot of brown coal in the production of the energy that we use, it is likely to be very damaging for our atmosphere and again I think it is totally inappropriate on World Environment Day that we even have to be looking at a Bill like this. The Opposition needs to realise that, having supported the national electricity Bill yesterday, and with every likelihood that it will support this Bill to establish the ETSA generation corporation in its own right, it is supporting the increased use of electricity and fossil fuels.

As to the Bill itself, I say the fact that we have to consider these amendments now is the fault of the Government combined with its Labor lackeys on the Opposition benches. Because they obsequiously followed their Federal counterparts in supporting the national electricity grid without any adequate consideration of the effects on South Australia, they have succeeded in selling out this State in terms of a local electricity industry. When the Government presented a Bill to Parliament in late 1994 to corporatise the Electricity Trust, the Democrats were not particularly thrilled by it, but we gave it guarded support. At the time we would have preferred that the Bill sit on the Notice Paper for a while to ensure that there was more public discussion about it, but the Opposition saw that there was no need for this delay and so the Bill went through.

But last year we were shocked to find that the Government had completely altered the structure of ETSA Corporation to a form or organisation nothing like that proposed in the ETSA Corporation Act. This was done surreptitiously by regulation—and not even through regulations under the ETSA Corporation Act but under the Public Corporations Act 1993. So cleverly was this done that it almost slipped the Parliament's gaze. I gave notice of disallowance of the regulations, telling this Chamber that, if those regulations remained in force, South Australia would not be allowed entry into the national electricity grid. Not that we were enamoured with the idea of being part of the national grid. Our major concern was that the Government was being

dishonest by making these changes in this underhand way and, I can say, so it came to pass.

I was most shocked at the time to find, within 24 hours of giving notice that I was going to move to disallow the regulations, that the Government and the Opposition both spoke against my motion. For me, it was a fairly unprecedented set of events. I gave notice of motion on the Tuesday and on the Wednesday I rose to speak expecting that the motion would probably lapse and that I would have to reintroduce it in the budget session. Instead, I found that both the Government and the Opposition were ready with prepared speeches to speak against it. I have to observe that sometimes it is good to call a division and have such votes on the record. This was one of these increasingly more common occasions when Liberal and Labor members sided against the Democrats. *Hansard* shows that. It is useful to see this now and to see both the Opposition and the Government with their tails between their legs on this matter because we did say that, if those regulations stayed in place, South Australia would not be in a form to enter the national electricity market. That is exactly what we said and it is why the Minister had to get the Industries Commission in to conduct a report, why the report came out with the recommendations it did and why we now have this Bill before us.

That is something that both the Government and the Opposition will have to live with—that they made the wrong decision—and that structure passed into law at the time. A cynic might suggest—and South Australians are now entitled to be cynical—that these might have been delaying tactics by the Government to prevent the worst effects of South Australia's entry into the national electricity market being realised until after the next State election.

The Minister's gesture in including in this Bill a clause to provide that Parliament must approve any future privatisation of electricity into industry infrastructure is also a profoundly cynical move. As I stated yesterday in my speech on the National Electricity Bill, there will be intense external pressures on this new corporation to privatise, and I suspect that it is the secret wish of the Government, anyway. While Torrens Island might be a viable power station in a competitive national market for electricity in the short term, it is plainly obvious that the Thomas Playford Power Station at Port Augusta will struggle to survive in the national electricity market environment for the following reasons:

- it is technologically obsolete in most respects;
- it has a comparatively high cost structure, largely due to having to haul coal from Leigh Creek, and the fact that Leigh Creek coal is of lesser quality than some interstate coals;
- electricity transmission costs will severely hinder its ability to sell electricity in the Eastern States;
- large capital investment would be required to keep the station viable into the future; and
- it is ill-equipped to respond in a spot market in terms of efficiently increasing or decreasing its output.

Considering these factors and the final risk-averse approach of this Government, I cannot see that the sort of financial backing required from the South Australian Government to make up for some of these deficiencies would be forthcoming. So, with no additional investment, the Thomas Playford Power Station would cease to be a viable publicly-owned enterprise. In these circumstances, the pressure of the Parliament to approve the privatisation of the Thomas Playford Power Station would be irresistible: the Government would want to get rid of it—even if only for scrap value.

I predict that other electricity industry assets owned by South Australians would also need to be put on the market. For South Australia, then, entry into the national electricity market means privatisation in the not too distant future and probably more job losses. Government assurances that there is no intention to privatise any major component of ETSA is meaningless—as meaningless as Labor's recently stated commitment to the maintenance of publicly-owned generation and distribution capacity.

The Infrastructure Minister has said that this Government will not privatise ETSA. In that, the operative word is 'this'. The Minister for Infrastructure has said that 'this Government' will not privatise ETSA. 'This Government' is that of the Forty-Eighth Parliament, but it will be a new Government after the State election, and then all bets will be off. So I am tipping that, after a March 1997 election, we will see moves to privatise the electricity corporation, and John Olsen will be able to say he kept his promise that this Government—the Government of the Forty-Eighth Parliament—will not have privatised it.

At the moment, they cannot do it because they have had too much public outcry over the water contract, and they have had to put themselves into a damage control mode to get them through the election. However, I have no doubts in my mind that the privatisation of ETSA, in part or in full, is really what this Government ultimately has in mind. As I said earlier—and members will have to pardon my cynicism—the record of this Government gives us no reason to accept what it says to us at face value. After all, we have only to look and see what happened with SA Water, and on that I think the Hon. Mr Cameron would agree.

The competition dividend payments which accrue from the Commonwealth are apparently around $1 billion over 10 years. This represents about $100 million per year, if we make the financially crude calculation of dividing $1 million by 10. If a more appropriate net present value calculation is made, these competition dividend payments look less enticing.

Considering that ETSA made a contribution to the State budget, according to the recent budget papers, of approximately $210 million in 1995-96, the justifications by the Government for South Australia's acquiescence to the Commonwealth on competition policy look very questionable. But when the losses in other areas of the South Australian economy are taken into account, the Government's compliance with competition policy looks decidedly treasonous to the South Australian people.

The Hon. T.G. Cameron: You're not suggesting that they will pick and choose?

The Hon. SANDRA KANCK: Who knows what they will do. Through these electricity Bills, we are seeing a voluntary act of centralisation by the States, and it is no wonder that no-one takes State Premiers seriously these days when they quibble about States' rights. The Federation is doomed if Australians witness any further arrangements such as the national competition policy.

I understand that the Opposition has flagged an amendment to prevent privatisation by stealth of ETSA subsidiaries. The argument that it will save South Australians from privatisation which is proffered by the South Australian Labor Party is shaky for the reasons I have just outlined. I question their sincerity when they set in train this process in the first place when they were in Government. The Labor Party has been invoking the name of Tom Playford in recent times.

The Hon. Diana Laidlaw interjecting:

The Hon. SANDRA KANCK: He is, isn't he?

Members interjecting:

The Hon. SANDRA KANCK: Well, the Labor Party started it off when it was in Government, but of late it has been invoking the name of Tom Playford, which is really quite interesting, because far from keeping the spirit—

The Hon. Diana Laidlaw interjecting:

The Hon. SANDRA KANCK: Thomas Playford was a bit of a socialist; you have to realise that. But far from keeping alive the spirit of Thomas Playford, both the previous Labor and the current Liberal Governments, in their own inimitable economic rationalist ways, have excommunicated forever the spirit of Thomas Playford from public administration in South Australia. I think rather that the spirits of Adam Smith and Charles Darwin have been exalted in this process. I oppose the second reading.

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

ESTIMATES COMMITTEES

A message was received from the House of Assembly requesting that the Legislative Council give permission to the Minister for Education and Children's Services (Hon. R.I. Lucas), the Attorney-General (Hon. K.T. Griffin) and the Minister for Transport (Hon. Diana Laidlaw), members of the Legislative Council, to attend and give evidence before the Estimates Committees of the House of Assembly on the Appropriation Bill.

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

That the Minister for Education and Children's Services, the Attorney-General and the Minister for Transport have leave to attend and give evidence before the Estimates Committees of the House of Assembly on the Appropriation Bill, if they think fit.

Motion carried.

ADJOURNMENT

At 6.15 p.m. the Council adjourned until Thursday 6 June at 2.15 p.m.