LEGISLATIVE COUNCIL

Wednesday 10 July 1996

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

PAPERS TABLED

The following papers were laid on the table:

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

Rules of Court—
Magistrates Court—Magistrates Court Act 1991—
Amendment No. 12 to the Magistrates Court (Civil)
Workers Rehabilitation and Compensation Act 1986—
Rules—Workers Compensation Tribunal.

STATUTES AMENDMENTS (ABOLITION OF TRIBUNALS) BILL

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

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

Motion carried.

LEGISLATIVE REVIEW COMMITTEE

The Hon. R.D. LAWSON: I bring up the report of the committee on regulations under the Reproductive Technology Act 1988. I also bring up the twenty-eighth report of the committee.

QUESTION TIME

DECSTech 2001

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 DECSTech 2001.

Leave granted.

The Hon. CAROLYN PICKLES: On 2 July I asked the Minister for funding details of the $15 million DECSTech program included in this year's budget. Even though the DECSTech initiative was announced as part of the budget, the Minister refused to say whether this program would include a teacher training component, on the grounds that this was part of the negotiations in the Industrial Relations Commission—a unique ruse of announcing a new program one day and then recycling the same program by offering it to the teachers as part of their salary package the next day.

At the Estimates Committee the Minister once again accused the South Australian Institute of Teachers of leaking to the Opposition details of his offer to the teachers. I want to make it quite clear that this information did not come from the South Australian Institute of Teachers, and the Minister should apologise for this. Perhaps the Minister's own department—

The Hon. A.J. Redford: You sit there and you don't say where it has come from.

Members interjecting:

The PRESIDENT: Order! The Leader of the Opposition has the call.

The Hon. CAROLYN PICKLES: Just calm down and take a valium. The Minister's own department is a constant source of information and perhaps he should look more closely at his home base. My questions to the Minister are:

1. Will the Minister provide a detailed statement of the program for the expenditure of $15 million on the DECSTech program as announced in the 1996-97 budget?

2. Will he give an assurance that this program is not diverted to meet the teachers' salary increase?

The Hon. R.I. LUCAS: I know where the material came from; so does the Leader of the Opposition. It certainly did not come from the department.

The Hon. R.R. Roberts: Did you send it?

The Hon. R.I. LUCAS: It certainly did not come from me, and it certainly did not come from Deputy President Hampton.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: It does not take a Rhodes scholar to work out where it did come from.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: I will say it anywhere. It does not take a Rhodes scholar to work out where the material came from.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: As I indicated in the Estimates Committee, the giveaway was that we deliberately chose to use a slightly different figure in a certain document which was made available only to certain parties, and surprise, surprise—that slightly different figure was the figure used by the Leader of the Opposition!

Members interjecting:

The Hon. R.I. LUCAS: A slightly different figure was used only in one particular area, and guess where it ended up—with the Leader of the Opposition! So, Mr President, that is why I am very happy in this Chamber or anywhere else to say it does not take a Rhodes scholar to work out where the material came from, because a little trap was laid, the little mice bit and the information ended up straight back with the Leader of the Opposition. Then the Leader of the Opposition comes back, having taken a caning one week, to say she can indicate that it did not come from there but it came from the department. The Leader of the Opposition knows that that is not correct. She knows where the information has come from.

In relation to DECSTech 2001, I have indicated that the Government, as part of this particular budget of 1996-97, will indicate when the final decisions are taken as to how the $15 million for this year will be spent. It is not true to suggest, as the Leader of the Opposition stated, that I refused to indicate whether or not professional development or training and development for 1996-97 would be part of the first year program.

I indicated in the Estimates Committee that training and development and professional development would be a part of the first year program. I also indicated to the Leader of the Opposition—whenever she last asked the question—that what might be continued for the remainder of the five year DECSTech 2001 program was an issue that was being discussed in confidential session and, under the instructions from Deputy President Hampton to all parties, at this stage I am not in a position to reveal those discussions. The Government will indicate happily, once the final decisions are taken, how the $15 million in the 1996-97 budget will be spent. Obviously that is expected in terms of accountability of any Government, or any Minister, in relation to this budget. When those final decisions are taken, we will be

prepared to make a final statement on how the $15 million is expended.

With reference to how much and for what mix of programs the final four years of the five year DECSTech 2001 program will incorporate, that is an issue that is, at least in part, currently being discussed. I certainly indicate, as I have done on a number of occasions in the Parliament, in the Estimates Committee and in private discussion with the Institute of Teacher's leadership and others, that the $15 million for 1996-97 is a separate allocation that is quite unrelated to the Government's current budgeted figures for 1996-97 for teachers' salaries as part of any teacher salary settlement. That has never been in question.

SAMCOR SALE

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking the Attorney-General a question about the Crown Solicitor's investigation into the Samcor sale process.

Leave granted.

The Hon. R.R. ROBERTS: On 21 June I wrote to the Auditor-General, Mr Ken MacPherson, expressing concerns on behalf of the Opposition about the processes involved in the sale of Samcor. On Friday 5 July, I received a response from Mr MacPherson which stated in part:

> For your information I have provided the responsible Minister with an indication of matters that have been raised with me. I have suggested that these matters be independently reviewed to ensure that the interests of the Crown are not prejudiced. I have been advised that an independent review process is currently being undertaken to examine the issues of concern that have been raised.

Yesterday, a ministerial statement by the Treasurer in relation to the Samcor sale process was tabled in this place, and it indicated that the Treasurer had indeed requested an investigation by the Crown Solicitor into the areas of concern raised by the Opposition.

The ministerial statement further states that the Crown Solicitor initiated two interviews with the General Manager of Samcor, Mr Des Lilley and that in these interviews it had been confirmed that Mr Lilley had received free travel from the Canadian firm Better Beef Limited during the bidding process for Samcor. As a result of this conflict of interest, the Treasurer announced on Monday 8 July that the sale process had been abandoned.

Clearly, many questions remain unanswered about the role of the company Better Beef Limited, particularly in relation to the fact that it changed the terms of its bid after the closing date for the acceptance of bids and after the only other bidder asked to perform due diligence had withdrawn from the process.

It has been alleged that Better Beef Limited may have received information which assisted it to adjust its proposal from an outright purchase of Samcor to a lease with an option to purchase proposal. Therefore, my question is: given the Crown Solicitor's role as the investigating body, can the Attorney-General indicate whether the investigation into all the concerns raised by the Auditor-General in relation to the possibility of the interests of the Crown being prejudiced will continue, or does the Government consider, having identified a sacrificial lamb, the investigation to have been concluded?

The Hon. K.T. GRIFFIN: I will take the question on notice and bring back a reply.

SEWAGE TREATMENT

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister representing the Minister for the Environment and Natural Resources a question about the Patawalonga and Port Adelaide sewage treatment outpour.

Leave granted.

The Hon. T.G. ROBERTS: In the *Weekly Times* Messenger of Wednesday 3 July an article describes council opposition in the western suburbs to the preferred third option in relation to the release of untreated stormwater into the sea at West Beach. The Government has done some good things in relation to its announcements on the treatment of effluent.

The Hon. L.H. Davis: You had 13 years and did nothing.

The Hon. T.G. ROBERTS: In the 13 years that the previous Government had responsibility for sewage treatment it allocated and spent budgets that were appropriate for the time. We would be the first to admit that a lot of effluent treatment programs should have been undertaken but were not. We are now indicating that better ways of completing jobs are now being looked at by the Government.

The opposition to the third option has been well documented in this place by the Hon. Mr Elliott and me. The four councils that have come out in opposition to the preferred position, which has not been indicated by the Government, has caused much concern in that region. Many people are looking at option three quite closely, and it is causing a lot of concern. We now have a statement in the Messenger press of 3 July indicating that the Port Adelaide effluent from its water treatment program may be pumped south to the Grange or Glenelg areas for treatment, and this is also causing concern.

If the Government has a model or program that is being used to put together a package of treatment of effluent which includes best possible environmental practice rather than what is being indicated and what is causing concern, namely, a development process rather than an environmental treatment process, the Government would be advised to put it to the public as soon as possible. My questions to the Minister are:

1. Will the Government publicly announce its preferred option for treating Port Adelaide waste water and redirected waste water?

2. Will it publicly announce its preferred option for the Patawalonga treatment program so that people can examine the options that are being put forward?

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

CATCHMENT MANAGEMENT PLANS

In reply to **Hon. T.G. ROBERTS** (5 June).

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

1. The Patawalonga Catchment Water Management Board's Revised Initial Plan provides for actions which will improve catchment management across the whole catchment. Priority works and measures identified include community education and involvement programs and investigations into a number of measures which will be assessed and prioritised under the comprehensive plan. These include a number of potential wetland sites and the opportunity to use aquifers for storing stormwater for reuse. The comprehensive plan will be the total management plan for the catchment and will set the program of work into the next century.

2. The Revised Initial Plan includes measures and investigations which affect the whole catchment from the hills to the coast. Examples of programs in the hills include flood mapping of the

upper reaches of the Sturt River and investigation of wetland sites in these areas. Examples of programs on the plains include specific education and industry involvement programs in Edwardstown, Melrose Park, North Plympton and Mile End industrial areas. Copies of the plan are available from the Office of the Patawalonga Catchment Water Management.

AIR QUALITY

In reply to **Hon. T.G. ROBERTS** (4 June).

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

1. Whilst testing in Adelaide has not been conducted to the same degree as in Sydney and Melbourne, ambient air quality has been tested to varying extents since the mid 1960's for dust fallout and beginning in the late 60's for acid gases and other gases as equipment became available. Monitoring is carried out to relevant standards. Currently there are nine Adelaide based particle monitoring sites, and four gas monitoring sites based in Adelaide owned and operated by the EPA as well as particle monitors at Whyalla and Port Augusta. There is a network of 5 particle monitoring sites at Port Pirie financed by the South Australian Health Commission and operated by the EPA. The EPA is currently carrying out a 6 month project to measure baseline gaseous and fine particle pollution at a selected site at Whyalla. Results of monitoring are available as annual reports.

The extent of testing of ambient air in South Australia to date has not been sufficient to give a comprehensive understanding of air quality. Recent plans have been made to expand the ambient air monitoring network to six Adelaide based sites and two mobile sites to further investigate pollution in major country centres. Monitoring results from the network will allow a better understanding of ambient air pollution and hence the ability to better plan for future control.

In addition many licensed industries previously tested by the EPA are now being required to carry out emission testing to ensure compliance with the Air Policy of the Environment Protection Act 1994.

Thus future developments will allow for a more stringent comparison of South Australian Air Quality against ambient air goals and standards.

2. The State Health Atlas published by the South Australian Health Commission does divide data into geographical areas. It drew heavily upon the geographic spread of air quality data which was one of the suggested contributing factors for which information was available at different sites across the region. When the completed EPA air monitoring network data is available, it will be available on a locational basis through the Environmental Data Management System being developed by the EPA through a geographically based user interface. Air monitoring sites are planned for Gawler, Elizabeth, Tea Tree Gully, Kensington, and already exist at Netley and Northfield as well as a carbon monoxide site in Adelaide and a sulphur dioxide site at Christies Beach.

3. Ambient air will be monitored in major country areas as part of the expanded ambient air monitoring program. These include Whyalla, Port Augusta, Port Pirie, and Mount Gambier. This will be in addition to any monitoring currently occurring.

LANDFILL DUMPS

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

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

Under the current process, the Government assesses each landfill proposal on its merits. However, developers are encouraged to approach Government and the community early in their deliberations and carefully research their potential sites and proposals before they embark on detailed procedures such as planning applications and Environmental Impact Statements.

The process of finding suitable sites by developers is sometimes constrained by the initial lack of appropriate data about soils, groundwater, prevailing wind directions and strengths, surrounding land-use, and other impending development proposals. This data gathering and research is most often undertaken as part of the planning application and subsequently as part of the EIS process by the developer.

In the Integrated Waste Strategy for Metropolitan Adelaide, this issue has been identified as a major problem, and is to be addressed by the Office of the Environment Protection Authority (EPA) in conjunction with the Department of Housing and Urban Development.

The Government has always been willing to work with the community, developers, and industry and is about to embark on a process to identify potential sites for the development of such facilities. As sites are identified for potential waste treatment or disposal, by virtue of their environmental, social impacts and economic viability, community consultation will form a major part of the process.

PATAWALONGA

In reply to **Hon. M.J. ELLIOTT** (4 June).

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

This question refers to option three from the original Environmental Impact Statement for the Glenelg Foreshore Development and Environs prepared in 1992. An amendment to the environmental impact statement was released for public comment several weeks ago, with comments due by 24 June 1996. The environmental impact statement, which was prepared under the direction of the Urban Planning Authority, canvasses a variety of stormwater management options for the Patawalonga Basin.

Catchment works proposed by the Patawalonga Catchment Water Management Board are aimed at delivering the best possible water quality for both the Patawalonga and the marine environment, regardless of the ultimate outcome of the environmental impact statement.

Preventing pollution at its source is, ultimately, the most effective measure that can be taken, and therefore, wherever possible, the board is adopting this approach. A key to this, however, is effective community education and awareness because so often polluters are unaware of the problem to which they are contributing. To this end, for example, a joint self help environmental auditing program supported by the Patawalonga Catchment Water Management Board, Environmental Protection Authority, and both the Marion and Mitcham Councils, is under way in the Edwardstown and Melrose Park commercial and industrial areas. This program is aimed at both increasing awareness and assisting commercial and industrial enterprises to identify problems and feasible options for resolving the issues.

Other measures are also being taken to minimise the pollution load reaching the downstream end of the catchment. Examples of this are the development of wetlands at various sites in the catchment to assist the removal of much of the sediment and associated heavy metal load, and the recent installation of trash racks and silt traps on the Keswick Creek/Brown Hill Creek system to remove gross pollutants from a key source entering the Patawalonga Basin.

It should be recognised that it will take time to put in place sufficient measures to provide the water quality which the community desires.

NATIVE VEGETATION

In reply to **Hon. M.J. ELLIOTT** (28 May).

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

1. The current level of staffing in the Department's Native Vegetation Conservation Section totals 23. One other departmental member is employed on fire assessment and a position located in the Eyre Peninsula region is soon to be filled.

2. Nine staff are specifically employed for extension work. A high level of extension work is also carried out by seven section staff employed in assessing clearance applications.

3. There are currently 59 persons appointed as authorised officers under the provisions of the Native Vegetation Act. These include seven specialist Resource Protection Officers, two officers from the District Council of Stirling as well as National Parks and Wildlife officers and Scientific officers with the Native Vegetation Section.

4. The number of prosecutions and reports to the department has decreased over the last three years, particularly where this involved broadacre clearance. A summary of prosecutions under the Native Vegetation Act 1991 since July 1991 is as follows:

	1991/92	1992/93	1993/94	1994/95	1995/96 YTD
No. of breach reports submitted [1]	68	50	58	37	21
No. of these breach reports where prosecutions initiated	34	11	16	7	6
Results					
Fines imposed	5	6	8	2	
Bonds, community services, no conviction recorded	4	2			
Withdrawn [3]	16	3	5	1	4
Other	9		2	3[2]	2[2]
Dismissed			1	1	

[1] In some cases individual persons or companies have been charged with multiple offences

[2] Some matters are still before the court

[3] Some matters withdrawn in lieu of civil order in the District Court

5. All reports received are prioritised according to the extent and severity of the clearance. In many instances the vegetation reported to the Department as having been cleared illegally is exempt from the legislation.

Where investigations show a possibly minor breach of the Native Vegetation Act 1991 which may be difficult to prove in a Court of Law, the Department endeavours to resolve the matter without going to litigation. This may be by the landholder agreeing to revegetate part of the property or some other form of restitution.

The Native Vegetation Council is informed of any pending prosecutions.

LINE MARKING

In reply to **Hon. T.G. CAMERON** (3 July).

The Hon. DIANA LAIDLAW: Locally based and owned companies were given the opportunity to tender for the Department of Transport's (DoT) line marking contracts. A number of locally based companies attended the pre-tender meeting and took contract documents. Three locally based companies (Collex Waste Management Pty Ltd, Linemarking Services Pty Ltd and Advanced Linemarking Services Pty Ltd) tendered but the prices offered by the latter two precluded them from winning any tenders. Collex Waste Management Pty Ltd was awarded one of the contracts.

Other local companies (Able Linemarking, A1 Linemarkers and Action Linemarkers) collected tender documents but did not tender.

Linecorp Roadmarkers (SA) Pty Ltd has arrived on site but wet weather has delayed the start of work. Collex Waste Management Pty Ltd and Supalux Paint Corp are due to start work this week.

Existing permanent employees are being redeployed initially into other vacancies in DoT and will therefore be available to be called upon should the need arise. DoT will also retain some line marking equipment for a short period of time.

Prior to line marking by contract DoT employed six permanent line markers and utilised the services of ten contract employees. Of the ten contract employees, DoT knows of at least one that is being employed by contractors. The six permanent employees have all indicated that they do not wish to take a TVSP and they are therefore being retrained and offered redeployment elsewhere within DoT.

CONTAINER DEPOSITS

In reply to **Hon. T.G. ROBERTS** (28 May).

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

The Minister for the Environment and Natural Resources initiated a review of all litter control measures and legislation last year and established a Working Party to do this important work. Membership was drawn from industry, the Office of the Environment Protection Authority (EPA), KESAB, Local Government, and recycling organisations. Submissions were sought from consumer groups, conservation groups including the Conservation Council of South Australia, industry groups, and manufacturers. The Conservation Council submitted a written document and Mr Bob Marshall also spoke to the Working Party about the Conservation Council proposals.

Following the Working Party's deliberations, the EPA produced a public discussion paper entitled 'Litter it's your choice!' and this was released in March 1996. Public responses have now been received (closing date for submissions was 8 May 1996) and these have been evaluated by the EPA. The response to the document has been generally one of support.

As a result of this process, the Minister announced on 26 June 1996 that while container deposit legislation will be retained in its present form, other drink containers will be given a two year period to meet negotiated litter targets or a deposit scheme will be introduced.

CDL has ensured a very low incidence of most beverage containers in the litter stream and co-incidentally very high recycling rates for those containers. The highest rates in Australia.

MOUNT LOFTY SUMMIT

In reply to **Hon. T.G. ROBERTS** (29 May).

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

1. The existence of the disease *Phytophthora cinnamomi*, also known as PC, is well documented within Cleland Conservation Park. Tests have confirmed that the disease has long been existent at Mount Lofty Summit, and subsequently it is to be found in the area of the development's proposed car park.

2. Clear boundary markers are in place and delineate the line between the works that are being carried out and native vegetation that is to remain untouched. There is no disturbance beyond this line. This development is very tightly contained and operates within strict boundaries.

Workers at the site are fully briefed as to the existence of PC and the potential ramifications of its spread. They are aware that all machinery, tyres and boots must be hosed down in a quarantine area each day in order to contain the disease within the area of construction. Rangers from Cleland Conservation Park are frequently on site overseeing the development and advising both the constructors and the project's landscape consultant.

Concerns about the run-off from the site, and any subsequent spread of PC, are minimal. During construction, the wash down area that has been established will contain the disease on site. Constructors must, as part of their contract, inspect the area of the car park after each rain to ensure that no run-off will affect other areas. Measures will be taken to contain water on-site but this has not yet been necessary as the swales that are being constructed for the car park will contain run-off. These swales are the best solution to prevent soil erosion in an area of high rainfall and will retain any oil, et cetera on site.

Further, investigations are currently under way to attack the PC whilst the opportunity is present by using an anti-fungal solution.

All soil that is removed from the site is stockpiled in a quarantine zone to contain any spread of PC. This includes soil that contains valuable native bulbs and grasses and which is to be taken from the area of the proposed car park and stockpiled for later use in the landscaping and revegetation of the site.

This revegetation is a crucial component of the development. All plants that have been propagated, grown from cuttings and transplanted are indigenous to the Summit and are to be used in the landscaping of the car park. There is nothing 'feral' that is to be brought in from other locations and risk introducing any other diseases or other concerns.

A management plan is currently being developed that will recommend a plan of action for the long term protection and management of the native vegetation at the Summit and its immediate surrounds.

NATIVE VEGETATION

In reply to **Hon. M.J. ELLIOTT** (19 March).

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

1. The Native Vegetation Council has a different role to that which the Native Vegetation Authority had under the 1985 legislation.

The objectives listed under Section 6 of the Native Vegetation Act of 1991 include:

(a) the provision of incentives and assistance to landowners in relation to the preservation, enhancement and management of native vegetation;

(b) the conservation of the native vegetation of the State in order to prevent further reduction of biological diversity and further degradation of the land and its soil;

(c) the limitation of clearance of native vegetation to clearance in particular circumstances including circumstances in which the clearance will facilitate the management of other native vegetation or will facilitate the efficient use of land for primary production;

(d) the encouragement of research into the preservation, enhancement and management of native vegetation; and

(e) the encouragement of the re-establishment of native vegetation in those parts of the State that have been cleared of native vegetation.

In 1994-95, over 2 400 hectares were required to be set aside with planting where necessary with in excess of 44 000 native trees/shrubs and over 110 hectares were required to be direct seeded in conditional clearance consent to 197 applications. Thirty-two applications also had high expectation of regenerating over time.

2. The 1991 Act and Regulations are under constant review to ensure they are practical and provide for ecologically sustainable land management.

The Native Vegetation Council is in the process of putting a strategic plan together on potential issues concerning native vegetation management in South Australia. This will encompass research and future directions for regional approaches to clearance issues.

The key is integrated, long-term planning. The Department of Environment and Natural Resources and Native Vegetation Council support the initiatives of Primary Industries of SA in property management planning. These include native vegetation issues confronting rural land managers.

With regard to vineyard proposals, the existing Act is proving adequate to protect native vegetation. In addition to refusing clearance on 102 hectares, the Native Vegetation Council required:

- 680 ha of remnant vegetation to be conserved in perpetuity under Heritage Agreement.
- 522 ha to be permanently set aside to naturally regenerate to complement existing vegetation.
- 398 ha to be permanently set aside and planted with 11 070 trees and shrubs, to enhance existing native vegetation.
- 45 ha to be permanently set aside and plant with 2 215 trees/shrubs in areas containing little or no existing vegetation.
- 113 ha to be permanently set aside and planted by direct seeding in areas containing little or no existing vegetation.
- 38 native vegetation management plans to be developed by landholders.

In total, an additional 1758 hectares were conserved and set aside for revegetation or regeneration.

3. The Department of Environment and Natural Resources will be developing guidelines for industries to ensure that land agents and prospective purchasers are aware of their obligations under the native vegetation legislation before developments or land purchases are finalised.

Each application is assessed in accordance with the legislation. The Native Vegetation Council assesses clearance proposals in accordance with the limited discretion it has under the Act. The native vegetation guidelines apply to all landholders and provide information on the management and long-term preservation of native vegetation.

A regional approach to clearance for land development is more appropriate than industry-based. The Native Vegetation Council is currently assessing how this can be implemented and the Government's commitment to the development of the biological data base will help in this assessment.

SCHOOLS, MIDDLE AND SENIOR

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about middle and senior schools.

Leave granted.

The Hon. M.J. ELLIOTT: Many people in the education system advocate the formation of middle and senior schools in place of the current system at the secondary level. I note that already there are some operating models of this within the State. Whyalla, for instance, has taken three school campuses and amalgamated them into two middle schools and a senior school. I understand that the experience in the ACT and interstate has been very positive and that it has received strong parental support. I also understand that a number of private schools are pursuing this model with a great deal of vigour. I am also aware that, in relation to a cluster of schools in the southern suburbs, when a consultation process was undertaken a preferred model was put forward that suggested that a middle school could be formed using one of the campuses that otherwise might have been declared surplus to requirements.

The point was made to me that with the current process which was commenced under the previous Government and which has continued under this one—amalgamations of schools and the sell-off of what is deemed to be surplus infrastructure—the possibility of using these school sites as campuses for either middle or senior schools is being lost. My questions to the Minister are:

1. What is the Government's current policy on the formation of middle and senior schools in place of the current structures?

2. If the Government supports middle and upper schooling, or has not yet determined a policy on this issue, does the Minister acknowledge that the sale of school properties at this stage reduces the available options in this regard?

The Hon. R.I. LUCAS: The honourable member has raised an important issue and it is one on which we would not find a uniform view within the broader education community. I am talking not just about Government schools but also about non-government schools and education academics. I am certainly happy to share with the honourable member and other members some of my views and the Government's views in relation to this, but I do so within those parameters, and I think you will find that there are a variety of views. The Government's position is that we are supportive of the whole notion of middle schooling, as opposed to middle schools as such. I will explain the difference in a moment.

It is true to say that there was a trend in South Australia under the previous Government towards middle schools and senior schools. The honourable member has raised one or two examples, but there are other examples. At Thebarton we have an adult re-entry school concentrating on years 11 and 12. Inbarendi College at Craigmore has one campus which concentrates solely on senior secondary. There are a number of examples which existed under the previous Government and which continue under the present Government as well.

A review was done by Dr Vivian Eyers called 'The Junior Secondary Review' which looked at the whole notion of policies in the important area of middle schooling. A number of issues caused the previous Government to look seriously at this particular area. The State's new policy of students having 10 terms minimum in junior primary school meant that our year 7 students were now much older and, therefore,

much further physically developed in year 7 than they had been prior to that policy being introduced. That situation was causing particular concerns and problems in primary schools, in particular in upper primary schools. It is not uncommon, as the honourable member would know, to run into strapping six footers or 182 centimetre young boys and girls in primary schools, sitting in year 7 classrooms wrapped around primary school desks. Of course, that is not the only issue. The other issue is where they have clearly socially outgrown being in a primary school.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: The junior secondary review did not talk just about the notion of middle schools, as such, and the sort of models that the honourable member has talked about. It talked about the whole notion of middle schooling. In terms of tackling the education of young people aged about 11 and 12 through to 13 and 14, through years 6 or 7 (and a debate arises there), in particular years 8 and 9, and perhaps extending to year 10, it suggested that a whole notion of educating and teaching young people in the upper primary years and junior secondary years needed to be tackled in a different way.

Without going into all the detail—there is a lot of research available if the honourable member is interested—it was suggesting that perhaps the way we tackle teaching and learning in year 7, in particular, in primary schools needs to be adapted so that the transition from primary to secondary is made smoother. For example, the old notion of a year 7 student having just one classroom teacher in year 7 and the following year at year 8 ending up with seven or eight separate classroom teachers was raised as an issue. Some of our schools at the moment are already introducing year 7 students to three or four different teachers so they are used to different numbers of teachers and different teaching styles, and in some of our secondary schools, when they move to year 8, even if it is a stand-alone secondary school, the notion of middle schooling is still being tackled.

Some secondary schools, for example, instead of having eight teachers for a year 8 student, may well structure their lessons so that there are about four teachers, and some teachers are teaching a couple of subjects each. That is just one example. There are many other examples of the educational philosophy behind middle schooling as opposed to middle schools, but that is being picked up by a number of our schools, both primary and secondary. The Government supports that notion. We support some of the models that exist in some of our schools at the moment where there are no changes, amalgamation or rationalisation at all, but in an existing year 8 to 12 or year 8 to 13 school they may well establish separate sub-schools. You would have a junior sub-school, year 8 to 10, and a senior sub-school of year 11 to 12 or year 11 to 13, and they tackle the education, the behaviour management and a number of other issues differently in the two sub-schools.

To come to the second question the honourable member has raised, in relation to restructuring proposals there are also examples of where various models have been suggested. The Whyalla model is one that the previous Government undertook where you had a stand-alone junior secondary and a stand-alone senior secondary school. I must say that teachers generally and the Institute of Teachers in particular do not support that model. They believe that teachers prefer to teach across the age levels and to have a mixture of senior secondary and junior secondary, and the union believes that teachers in the junior secondary might be locked out of being able to teach year 11 and year 12 students, in particular, because they happen to be on the junior secondary campus.

Some of the most recent models have not really looked at having separate, stand-alone junior secondary sites, which is part of the inference behind the honourable member's second question. They have really been along the shape and structure of the existing secondary school site, which have tended to have a separate middle school or junior school and a separate senior secondary school on that site. So, the models that have been looked at in Daws Road High School, in particular, as an example of the Marion Corridor Review, show that there is likely to be a middle school notion of year 7 to 9 or year 7 to 10 and a senior school notion of either year 10 to 13 or year 11 to 13, depending on the final decision. So, there is a range of models.

The Government will not be prescriptive about it. We do not believe that the Government should mandate that all our schools should have separate middle schools and senior secondary schools. We support local reviews and discussion about this and then making decisions in relation to the particular local circumstances.

The Hon. M.J. ELLIOTT: As a supplementary question, does the Minister acknowledge that declaring school properties surplus and selling them precludes the option of local decisions about forming separate middle and senior schools?

The Hon. R.I. LUCAS: If you were to conduct your decision making in that way, the answer to that question obviously is 'Yes.' But our decision making is not conducted that way. We look at the options in relation to middle and secondary schooling in terms of the restructure. Marion corridor is the perfect example. We look at the options and make the decision at that time in terms of the shape and structure of middle schooling.

The Hon. M.J. Elliott: There was a recommendation for a separate school though, was there not?

The Hon. R.I. LUCAS: No. One of the options discussed at an early stage was for a separate school, but the final recommendations from the Marion Corridor Review were not to support the model that the honourable member is talking about. The two options that were talked about were in effect 6 to 13 options, and that is on the one school site, for example Daws Road, where you would have years 6 to 9 and years 10 to 13. The only difference in the Government view—and I have to say that that was my decision as Minister—was that, whilst I can understand the arguments about year 7 students going on to a secondary school site, I am not yet convinced about the argument for moving year 6 students wholesale from a primary school setting to a secondary school site. That is an issue where there will be differences of opinion. Dr Viv Eyers and others, for example, support the view that, under this model, year 6 students should be moved out of primary schools with the year 7s and put onto secondary school sites as part of middle schooling. I have not yet been convinced about that view and was not prepared to support it in relation to the Marion corridor review.

That was the only difference in relation to the Marion corridor review. The final options that came to me did not eventually recommend stand-alone junior secondary sites. I am happy to get the material for the honourable member. It certainly was an issue and one of the options which was thoroughly canvassed and which was raised at one stage during the proceedings. I am going on memory here; I will have to go back to the file. I will be happy to get the information for the honourable member. Certainly, at one stage

during the proceedings—at the draft report stage or some other stage—I know the review made the recommendation that one of the options ought to be a separate, stand-alone junior secondary site. One of the other options was for a middle and senior school on the one secondary school site. I will double check my recollection and the detail of those events and bring back the information for the honourable member, and indicate the sort of options that were being canvassed at some stage during the consultation and final recommendation stages.

MURRAY ROAD, NOARLUNGA

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport a question about a pedestrian refuge crossing on Murray Road at Noarlunga.

Leave granted.

The Hon. T.G. CAMERON: Since 1990 there have been 44 accidents and 18 people have been injured on Murray Road, Noarlunga. The local member, Mrs Rosenberg, was quoted in the local press saying that she was surprised there was such a feeling about getting a crossing in the area and continuing fears about traffic, since no-one had contacted her. In the article she stated that she thought it was time the residents put their politics aside and contacted their local member and that not one person had rung her or written to her. Yet, in this Chamber on 21 March 1996, in relation to a question about a pedestrian crossing outside the Perry Park Aged Care Hostel, the Minister stated, 'The member for Kaurna, local residents and I worked through measures.' This was then qualified by the Minister when she stated, 'I have not worked with local residents personally, but through correspondence.' The article quotes Mrs Rosenberg as stating that the refuge island 'had not yet had a chance to prove its effectiveness'. The refuge station has already been hit and damaged by a vehicle, and (thank goodness) no-one was standing in it at the time, or they may well have been killed or received a serious injury. My questions to the Minister are:

1. Why has the pedestrian refuge erected on Murray Road in Noarlunga near the Perry Park Aged Care units not yet been repaired since it was knocked down and damaged beyond use by a motor vehicle some weeks ago?

2. When will it be repaired?

3. Is the Department of Transport now reconsidering the viability of the pedestrian refuge?

4. If so, will the Minister instruct the department to place a proper pedestrian crossing at the site?

5. Finally (and I will resist the temptation to use the Hon. Mr Crothers's terms), will the Minister consult with local residents about the problem?

The Hon. DIANA LAIDLAW: I have not seen the article to which the honourable member refers, so I cannot verify the statements made by the honourable member and, if such statements are correct, neither have I had an opportunity to take up those matters with the member for Kaurna. As the honourable member has noted, the refuge island was strongly backed by the member for Kaurna after consultation with residents of Perry Park and neighbouring residents. As I indicated in an earlier letter, a series of correspondence on this subject came to my office from a number of people who lived locally. On the basis of that correspondence and representations from the member for Kaurna I indicated that the Department of Transport would accommodate their wishes for a pedestrian refuge. That has now been constructed, and in that regard we have met the expectations and representations of the local community. However—and I indicated this at the time—if, on the basis of experience, observation and local concerns, upgrading those facilities is found to be necessary, we would be prepared to address that issue through the Department of Transport. In the meantime we will be monitoring the use of the refuge, and that is appropriate in the circumstances. Certainly, I will inquire at the Department of Transport about the repair of the refuge and will maintain contact on this matter with local residents and the local member, as I have in the past.

CHAMBERS OF COMMERCE

The Hon. P. NOCELLA: I seek leave to make a brief explanation before asking the Minister representing the Minister for Multicultural and Ethnic Affairs a question about bilateral chambers of commerce.

Leave granted.

The Hon. P. NOCELLA: In 1994 the Government announced a three year scheme aimed at assisting bilateral chambers of commerce in this State by establishing a $350 000 fund aimed specifically at assisting these organisations in the State export program. This is a very commendable scheme, because it aims at capitalising on the cultural and linguistic diversity that exists in our State for the purpose of assisting South Australian manufacturers and providing services in maximising their exports in the countries of origin of many communities in this State. However, in recent times a number of chambers have expressed concerns about the workings of the scheme and the interpretation of the guidelines. So, my questions to the Minister are:

1. Now that we have completed financial year 1995-96, will the Minister table the list of recipients of grants under these schemes for the financial year 1995-96, listing amounts and types of grants?

2. Will the Minister confirm that the amount of $350 000, as originally envisaged, will be available to bilateral chambers in the financial year 1996-97 as well?

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

THE RING CYCLE

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

Leave granted.

The Hon. ANNE LEVY: We all know that State Opera is planning to present *The Ring* cycle in its entirety in 1998. An undated pamphlet, put out by State Opera late last year, indicated that the total project budget was $6.4 million. It indicated that box office was expected to supply I think 32 per cent—the figures are very small and it is a bit hard to read—27 per cent from the Major Events organisation, 18 per cent from the orchestra and sponsorship, and 23 per cent arts grants to State Opera of South Australia.

More recently, in fact on 29 June, the column Swifty Coot, in the *Advertiser*, talks about the study on *The Ring* cycle undertaken by the South Australian Centre for Economic Studies. I know the Minister has seen the report of this study because she commented on it at the opening of the new premises for State Opera. This study by the Centre for Economic Studies estimates the total operating budget for *The Ring* cycle to be $8.4 million. It further describes what will

happen to that $8.4 million, with about half of it going in wages and salaries, of which only about half is paid to South Australians.

Concern is being expressed to me about these differences in estimates. State Opera's latest figures suggest it will cost $6.4 million, while the Centre for Economic Studies says it will cost $8.4 million. I appreciate there could be changes as time goes by, but will the Minister inform the Council of the expected cost at the moment? If it is not the $6.4 million as stated in the State Opera's brochure, will the proportions of the total funding remain the same in what is expected from box office, grants, AME and sponsorships?

The Hon. DIANA LAIDLAW: There was considerable detail asked by the honourable member. It is reasonable that I provide completely accurate figures and an explanation rather than provide a breakdown as I recall recent discussions with the Chair of State Opera and the Chair of The Ring Cycle Corporation, Mr Tim O'Loughlin. I will seek to provide that explanation to the honourable member by tomorrow. I have been well briefed on this matter and have been reassured and am quite comforted by the fact that there is no additional implication to State budgets or to the Government guarantee through the AME, and those questions were asked of me in terms of the difference in those quotes for expenditure. There is a variety of add-on programs and initiatives that The Ring Cycle Corporation is addressing—

The Hon. Anne Levy: Not $2 million.

The Hon. DIANA LAIDLAW: No way does that amount to $2 million, but I am just indicating a whole range of issues has led to that different figure being given for expenditure. One matter is the add-ons (and this is an excellent initiative) because they want a whole festival of activities related to Wagner. That provides add-on value for everybody who attends. The price of the ticket will make it prohibitive for all who wish to attend, but there will be a whole series of extra activities—exhibitions, performances, and smaller versions.

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: No, I have never argued that it is $2 million. I am just saying it is one of the things that has been developed as part of this exciting initiative. I believe I will be able to provide an answer to the honourable member by tomorrow because there is a quite straight forward explanation to the honourable member's question.

RETIREMENT VILLAGES

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about retirement villages.

Leave granted.

The Hon. R.D. LAWSON: Recently the South Australian Retirement Villages Residents Association circulated a letter to all members of Parliament claiming the existence of a large number of problems still being experienced by residents in retirement villages in this State. The letter stated:

> Residents in retirement villages are at the most vulnerable stage of their life. The decision to enter a retirement village is often influenced by the onset of physical infirmities and an inability to cope with normal home maintenance. They make this decision in the expectation that it will lead to a secure and harmonious lifestyle. We feel that, unless action is taken very soon to address the problems, the entire retirement village industry will be irrevocably damaged.

The letter went on to make a number of requests which can be summarised as follows: first, that some member of the Government within the Office of Consumer and Business Affairs be designated to specifically handle problems which are developing in the industry; secondly, that the existing rules concerning relicensing of units and ongoing maintenance are (as it was claimed) unfair and should be investigated for possible amendment; and, thirdly, that a register of retirement villages should be established and maintained. My questions to the Minister are:

1. Does he agree that the existing rules concerning relicensing of units and ongoing maintenance are unfair and require amendment to the legislation?

2. Does he consider it is necessary for some member of his department to be specifically designated to handle so-called problems in the retirement village industry?

3. Does he agree that a register of retirement villages should be established?

4. Is he aware of any major ongoing problems in relation to the retirement village industry?

The Hon. K.T. GRIFFIN: I do not think there are a lot of ongoing difficulties in the retirement village industry, but I have indicated to the South Australian Retirement Villages Residents Association, in response to its letter to me dated 6 June—a copy of which seemed to go to every member of Parliament—that I am certainly happy to give consideration to any issues that it may wish to raise in relation to the administration of the Retirement Villages Act. Members will remember that we have only relatively recently made significant changes to the Act, and those amendments are now in place.

The other point that needs to be made before I deal with some of the more specific issues is that both the Office of the Commissioner for the Ageing and the Seniors Information Service have recently commended the efforts of the Office of Consumer and Business Affairs in its endeavours to better understand the needs and concerns of retirement villages. Certainly, all the staff of the Office of Consumer and Business Affairs are committed to providing an excellent service to all residents in retirement villages within this State.

Previously, one officer dealt with all the inquiries from residents, and others, in relation to the Retirement Villages Act, and it was virtually a full-time job to deal with all the multiplicity of issues that arose. The issues very largely related to interpretation of the legislation and the application of law. The Commissioner for Consumer Affairs decided to broaden that base so that, if a person was on leave, others could deal with the provision of advice under the Retirement Villages Act. There are now approximately six people within the Office of Consumer and Business Affairs who are now more familiar with the operations of the Act, and that provides a better service. Certainly, the—

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: We are talking not about that but about retirement villages. I am not aware that there are more retirement villages' applications going to the tribunal. The issues are pretty well covered by the Act and, so far as I am aware, that extension of assistance and the training of officers for the purposes of providing advice on the Retirement Villages Act is a good direction administratively. We certainly do not intend to limit the provision of advice being given by just one person in OCBA. We do not intend to appoint one person who is the focus of all this, because that does not provide a good service.

In terms of the way in which we maintain contact with the retirement villages' residents, and other persons involved in retirement villages, we have a Retirement Villages Advisory Committee. Currently, we are reviewing the operations of that committee because we are not satisfied that, having imple-

mented the recent amendments to the Act, that committee is now undertaking a proper function. We want to ensure that it is focused upon policy in relation to retirement villages. So, that is being reviewed in consultation with those who have an interest in this industry.

In respect of the relicensing of units and ongoing maintenance, I am advised that the existing rules are fair, but I have no difficulty in saying that I also believe they are fair. The present rules form part of the code of conduct. They were formulated by a working party of which the South Australian Retirement Villages Residents Association was a member. The relicensing rules ensure that the costs of remarketing are equitably shared; that the administrator must act promptly to remarket the unit and not give priority to new units within the village; that a valuation is obtained for the unit; and that those residents who need to leave a village and move to a higher level of care can claim an advanced payment in anticipation of receipt of moneys when the unit is relicensed. The maintenance issue is largely regulated by contract between the parties.

In relation to licensing generally, again the main emphasis of the legislation is to ensure that information is comprehensible both to retirement villages and prospective residents so that people can be aware of their rights. It is very largely about disclosure of information so that people can make an informed decision. I have written to the residents association, very broadly in terms of the answer I have just given. I indicate though that, if they wish to raise further issues, I am happy to consider them.

PRIVATISATION

The Hon. T. CROTHERS: I seek leave to make a precised statement before asking the Minister for Education and Children's Services, as Leader of the Government in the Council, questions about privatisation.

Leave granted.

The Hon. T. CROTHERS: Two recent articles, one in the *Economist* and the other two days later in the *Business Review Weekly*, dealt with matters of pertinence about privatisation which I shall come to later. The so-called economic rationalists on the Australian scene—and I readily acknowledge that they are to be found in all major political Parties in this nation—often justify the privatisation of all Government assets by saying that the wider competition created by such privatisations will lead to enhanced public benefit by way of cheaper charges for the end product because privatisation of such business enterprises will lead to more competition.

However, as the *Economist* pointed out very recently, the British Tory Major-led Government has had to intervene to thus far prevent National Power's £2.8 billion offer for Southern Electric, and again against Power Generators' £1.9 billion offer for Midlands Electricity—and this in spite of the fact that the Tory Minister in question had some time last year allowed a similar bid by Scottish Power for Manweb, an English electrical distributor. Indeed, in addition to the foregoing, there was an announcement on 17 April this year by a company called Southern Company, which is a wholly owned American electricity utility, that it was considering launching an £8 billion bid for National Power, which is British owned.

In an article in the *Business Review Weekly* dated 29 April this year, it was pointed out that the Australian Competition and Consumer Commission has initiated an inquiry into the National Grid Management Council's code of conduct for the national electricity market. This article further says that, in order for the ACCC to authorise the code of conduct, the ACCC will have to be satisfied that its anti-competitive elements are justified on public benefits grounds. These comments are taken directly from the two articles about which I have spoken and, in light of them, I put the following questions to the Minister:

1. Does the Minister know whether the State Government has made or intends to make a submission to the Australian Competition and Consumer Commission's inquiry into the National Grid Management Council's code of conduct for the national electricity market and, if not, why not?

2. Does the Minister believe that, if the way is left open for companies that take over the mainly State Government electricity managed generating operations, the Australian public will simply be exchanging a public monopoly for a private monopoly?

3. Does the Minister believe that, if such a scenario as depicted in question No. 2 is left unchallenged, this will make a mockery of the statements repeatedly made by the economic rationalists in our midst that the privatisation of public utilities will lead to much less monopoly and therefore cheaper prices for the general public?

4. Does the Minister agree that this scenario is applicable not only to the privatisation of electricity generation but also to every public asset sold into private hands?

5. What consideration has the Government given to legislation aimed at preventing any takeovers in these former publicly owned utilities which will prevent private monopolies being formed up and, if nothing has been done thus far, will the Government consider legislation to prevent monopolies in this area as far as its constitutional powers will allow, and again, if not, why not?

The Hon. R.I. LUCAS: I will happily refer the honourable member's question to the appropriate Minister or Ministers and seek some advice. Certainly, in general terms the Government's position and that of the Commonwealth Government has for some time been in terms of wanting to see greater competition in relation to the delivery of many services and, whether it be a public or private monopoly, in certain circumstances the same criticisms can be directed to both. The general principle has been one of trying to see greater competition where that is possible. Of course, it is not always possible. I will take the questions on notice and bring back a reply as soon as I can.

MATTERS OF INTEREST

GREEK CYPRIOTS

The Hon. J.F. STEFANI: Today I wish to speak about the human tragedy and suffering which many Greek Cypriots, both at home and abroad, have endured over the past 22 years, since the unjust invasion of their country by the Turkish forces.

As many of my friends within the South Australian and broader Greek Cypriot community in Australia are aware, I attended the world-wide Cypriot International Conference in Nicosia in August last year. I was the only Australian

member of Parliament present at this important conference and I had the honour of meeting with:

. His Eminence Archbishop Chrisostomou
. Mr Alexis Gallanos, the Speaker of the Government for Cyprus
. The Hon. Alecos Michaelides, Minister of Foreign Affairs for Cyprus
. The Hon. Gregotis Niotis, Deputy Minister of Foreign Affairs for Greece
. Mr George Vassilliou, former President of Cyprus
. Mr George Stephanopoulos, Chief Political Adviser to President Clinton, and
. A large number of parliamentarians from the United States of America, England, Canada and Scotland, as well as other Cypriot leaders from around the world.

I was also honoured to meet with the President of Cyprus, Mr Clerides, at his presidential palace, where he received the overseas delegates, including the Australian delegation and the representative from South Australia, Mr Con Marinos.

At the world conference, I was privileged to deliver a message from the Premier of South Australia, the Hon. Dean Brown, in support of our many friends within the Greek Cypriot community.

When speaking about the Turkish invasion, I am sure that the disappearance of 1 619 people, who are presumed dead, represents the most tragic aspect of the Cyprus problem. It has always been regarded by the Government of Cyprus and its people as a humanitarian issue which has affected the lives of thousands of families since that terrible day of 20 July 1974.

Today, after 22 years, the people of Cyprus are still denied the basic human right of movement in their own country. They are unable to return to their homes and businesses, which were taken by force and are now occupied and utilised for commercial gain by other people, and their rightful owners are denied access.

The orchestrated movement of Turkish settlers in the occupied area has resulted in a situation where Turkish Cypriots are now a minority in their own land. Not only is this an indication of the expansionist aspirations of Turkey but also it illustrates a calculated intention by Turkey to make settlement involving the return of Greek Cypriots to their homes a complicated and less likely objective.

Cyprus has the economic, social and political status to be a useful integrated part of the European union. As a gateway to the east, and a crucial point of communication, entry to the European union is vital for Cyprus. The division of the island must not be used to exclude the island from the European economic trading block; this proviso has for so long provided the Turkish side with a reason for non-cooperation and used as stalling tactics in negotiations.

Turkey's record on human rights has for many decades been a disgraceful catalogue of atrocities and repeated abuse of other races. Kurds, Armenians and the Cypriots have all suffered at the hand of Turks this century, and the people of Turkey themselves are subject to abuse from an oppressive administration which claims to be an example of a responsible secular Government.

The enclaved Cypriots in the Karpass Peninsula and Kormakites area are refused basic human rights such as freedom of movement, even to the free area under the governance of the republic of Cyprus. The enclaved people face a daily threat by surrounding military forces, and restrictions by the Turkish authorities make it difficult for the enclaved people to provide themselves with proper education and other basic needs.

The military presence on the island exceeds by far the realistic needs of an island in peace-time. This military build-up poses a security threat to all on the island and represents a situation where the outbreak of military hostilities is always possible. The President of Cyprus, Mr Clerides, has advanced credible proposals for demilitarisation, and these proposals should, on grounds of security, be supported by peace-loving nations, such as Australia, USA and the United Kingdom, and organisations such as the United Nations and the European union.

Since the invasion in 1974, hundreds of places of worship of the Greek Orthodox religion have been desecrated or neglected in a mindless attempt to change the face of the island and rid Cyprus of the enormous wealth of cultural heritage which has for so long been part of its proud history. This mindless wreckage is an unforgivable and futile course of action.

Finally, Mr President, as members of the South Australian Cypriot community pay tribute to those who have vanished, the relatives of the 1 600 missing people are still suffering over the uncertainty of the fate which befell their loved ones 22 years ago, when they last saw each other. It is vital, therefore, that the global community gives support to the efforts of the United Nations' Missing Persons Committee, which must be provided with the resources required for their investigations. Zito II Kypros.

TAPESTRIES

The Hon. CAROLYN PICKLES (Leader of the Opposition): My contribution will be in connection with the women's suffrage centenary tapestries which hang in the House of Assembly. All members will have received, or will be in the process of receiving, a copy of a letter sent to them by the former Suffrage Centenary Committee, of which I was a member. Before something terrible happens to those two tapestries, I place on the record the reason why they are hanging in the House of Assembly.

The Hon. A.J. Redford: They agreed to it; it is as simple as that.

The Hon. CAROLYN PICKLES: Absolutely.

The Hon. A.J. Redford: They voted for it.

The Hon. CAROLYN PICKLES: On 17 February 1993 the House of Assembly voted unanimously in favour of a motion to recognise the significance of the women's suffrage centenary and to hang two tapestries in the House of Assembly. Therefore, the House of Assembly did accept the principle that the tapestries should be displayed as evidence of South Australia's unique and distinguished role as a democracy with a sustained record of legislative reform aimed at justice and equal opportunity for women.

In the letter to members, the committee points out that many sponsors from South Australia contributed more than $50 000 in cash and kind towards materials for the tapestries and the cost of supervision of the voluntary weavers. Each of the sponsors contributed on the firm understanding that their gift was to the Parliament and that the tapestries would hang in the House of Assembly. Certainly, the designer, Kay Lawrence, was of the view that she was being asked to provide tapestries to hang in the House of Assembly. The letter goes on:

Twenty voluntary weavers spent 5 000 hours weaving the tapestries. In addition, several hundred members of the public took part in the weaving during the 18 months that the tapestries were being created. Many national and international celebrities and several members, including the Premier (the Hon. Dean Brown), also 'made a pass' in the tapestries.

I know that the Hons Anne Levy and Diana Laidlaw, other members and I made a pass, as did the South Australian Governor, Dame Roma Mitchell, as well as a number of distinguished people from Australia and overseas. Therefore, the South Australian public feels an ownership of these tapestries. The letter continues as follows:

Although the basic materials and supervision cost $50 000, this sum does not take into account the 'in kind' contributions nor the hours of voluntary weaving. When launching the nineteenth century tapestries, the Director of the National Gallery [Betty Churcher] said that the tapestries would be regarded as significant works of art upon which it would be difficult to place a monetary value. Like all commemorative works the tapestries were created for a place—the House of Assembly Chamber—for a time—1994 and beyond—to commemorate great events. Their monetary value is enormous, but their true value lies in their uniqueness.

The letter goes on to urge members to read the letter and the enclosed document, which was a commemorative booklet entitled 'A Woman's Place is in the House'. It asked that the House of Assembly not only leave the tapestries in place but also make the necessary arrangements to mount the plaques provided by the Speaker and which bear the titles of the tapestries together with the names of the sponsors and the weavers. That letter was signed by all former members of the Centenary Steering Committee and I would like to name them for the record because we all feel very strongly about this issue: Mary Beasley, former Chairperson; Jennifer Cashmore, former Deputy Chairperson; myself; Mrs Barbara Grealy, representing the National Council of Women; Mrs Josephine Tiddy, who was then Commissioner for Equal Opportunity; Senator Natasha Stott-Despoja who at that time was representing Young Women; Associate Professor Mary Ann Bin-Sallik, who was representing Aboriginal women; Ms Ann Drohan, who was representing the UTLC; Ms Heather Southcott, who was representing the Australian Democrats; Ms Marilyn Rolls, who was representing WEL; Ms Joanne Holland, representing women in business; Ms Betty Tothill, representing country women; Mrs Gwendolyn May; Mrs Betty Fisher and Ms Lesley Purdom. All the women in South Australia, and men, too, who have supported the hanging of these tapestries, I believe, will be appalled at the suggestion that they should be moved.

SOUTH AUSTRALIAN DEVELOPMENTS

The Hon. M.J. ELLIOTT: For those members who have missed this week's *City Messenger*, I do think that they would find Alex Kennedy's column worth a read. It touches on an issue that I have raised in this place during Question Time on many occasions; that is, the way that Government handles planning decisions, in particular when Governments start trying to play political favourites. It is a criticism that I have as much of the previous Labor Government as I have of the present Liberal Government. She discusses in her article—and members will have the opportunity to read it in full—the fact that, based on notes that she has of conversations with two Ministers, the Liberal Party has the view that the previous Government favoured Coles Myer and that Woolworths were owed a few favours and that they would make sure that a few developments got up, no matter what, to redress what they saw as an imbalance.

She also quotes from a letter of John Olsen which notes that the Government has put particular people onto the Development Assessment Commission to reflect the Government's desire to create an administration which is more supportive of development. The reality is that people were appointed because they had a particular political view whereas the Development Assessment Commission was supposed to look impartially at issues on their merits according to instructions given to them under the Act—again, playing favourites. She also talks about the Collex waste plant and notes that the matter has been to the Supreme Court on three occasions—once it was withdrawn and twice the Government was overturned—and yet the Government is now trying to rezone the area, still pursuing Collex on its current site.

There is no doubt that we must do something about the way that developments are handled in South Australia but playing political favourites does not help. We really need to look at processes. Examples of failed process can be seen when we look at the Glenelg development, a project which is currently before the community. There are two major issues of concern that stand out above all others in relation to the Glenelg development; one relates to potential contamination of the marine environment if a new mouth for the Sturt Creek is put in and the other relates to sand movement. The Government said that it would address problems due to changes since the last environmental impact assessment was carried out. It produced an amendment to the environmental impact statement. As usual with environmental impact assessments, it is a very thick document. As usual, it has not concentrated on issues that really need to be addressed.

The issue of marine pollution and the effects on the marine environment are handled in this document in four pages. Four pages of the main body of the report focus on effects on the marine environment, yet it was clearly one of the two big issues. Sand movement received a similarly superficial treatment. If one looks at the appendices in relation to the assessment of the marine environment, one finds that they used a model developed for the North Sea which does not take any account of long shore currents—and anyone who knows the Gulf St Vincent knows that there is significant long shore current, which is why the sand moves from south to north at such speed. The model also does not cope with the fact that freshwater is coming out—and by freshwater I mean non-saline as distinct from anything you would want to drink—which will not immediately mix with salt water but will tend to go over the surface before mixing occurs. They have used a model which is clearly flawed and the description of the model at the back of the document clearly indicates that. There are four pages of text, yet they say that they have addressed the issue of marine environment and say that there is not a problem.

In relation to sand movement, again there is a similarly superficial treatment. As I recall, in the EIS they assumed that there would be a sand pumping mechanism. The latest information I have received is that they intend to dredge and will not use sand pumping. What is the point of going through a process which is an absolute farce? If the Government wants projects to proceed, it should not play favourites to the extent that it is addressing issues superficially. If there are problems, they must be addressed full on and they must be properly answered; they must not be walked around. That is what this Government is trying to do, it is what the previous Government tried to do and, at the end of the day, it comes back and bites them, projects fall over, and we get

a reputation for being anti-development. Government are responsible for that occurrence.

HOUSING TRUST DEVELOPMENTS

The Hon. A.J. REDFORD: Last Monday week I was privileged to join a tour of some northern suburban Housing Trust areas arranged by the Minister for Housing, Urban Development and Local Government Relations. I visited a number of places including the Northfield-Oakden development, which is a project that has been conducted jointly by the State Government—initiated under the previous Government—and Brock Barrett. We visited residences at Gilles Plains, Salisbury North and then had the privilege to visit the development in Elizabeth known as Rosewood which, again, is a joint Government enterprise, initiated by the previous Government, in conjunction with Delfin where old Housing Trust stock is being substantially upgraded. Following that, we visited Smithfield Plains.

It gave me the opportunity to see firsthand the effect of the changing trend *vis-a-vis* asset management of the Housing Trust. The direction of asset management is driven both by the change in public housing environment and the need to reduce the level of debt to ensure the future sustainability of the trust. The focus has moved away from new development construction towards urban renewal and consolidation of programs to revitalise areas with high concentration of public housing. The quality of the housing that I saw in terms of the redevelopment was very high. In that sense, both the previous Government and the current Government ought to be congratulated on their initiatives.

The projects at Rosewood and at Northfield show the new focus of improving the quality of public housing. Indeed, I was given a brochure in relation to Rosewood which showed that for some 60 per cent of houses which are currently being sold at prices between $40 000 and $50 000, some 60 per cent of people involved are new home buyers. There are statements from people such as Jennifer who said that the houses were all different, and she took up the opportunity of having her own individual home. Another couple who had lived in Elizabeth for 32 years noted the difference in Rosewood and the work that has been done and referred to the good feeling of having their own house over their head. A young woman, Susan, saving for a holiday in Queensland had to make the decision—house or holiday, and she says:

> I am glad I decided on the house and only wish I had done it sooner. The feeling of holding the keys to my own home is unbelievable.

That is a positive and constructive development in relation to public housing. I then went to Smithfield Plains, which is in the heart of the electorate of the shadow Minister for Housing, Annette Hurley MP. There we were told that there were some 370 double units, and 65 per cent of the housing within that area was public housing. You could see a low standard of amenity. The population figures there were interesting, in particular the demography, which showed that 40 per cent of the population was under 20, with 80 per cent under 45; 37 per cent of the households were single parent; 67 per cent were in receipt of social security benefits; 63 per cent of households earned less than $25 000 per annum; 16 per cent were unemployed and nearly 60 per cent of the unemployed people were long-term unemployed; 81 per cent of people lacked formal qualifications; and 57 per cent of those public housing properties were vacated per annum. They had noted high crime rates, an area characterised by a disproportionate number of single parent households, low incomes and poorly maintained facilities. The area had a depressed reputation and a low demand for either renting or purchasing of trust properties.

In closing, I can only say, given that we have had both an unprecedented length of term of Federal Labor in this country and an unprecedented length of term of Labor in this State (and the seat at Smithfield Plains has traditionally been Labor held), that that whole area is an indictment on Labor and an indictment on what Labor representation has done for those people, and I hope that, given a long-term Liberal Government, we will be able to redress those problems.

EQUAL PAY

The Hon. ANNE LEVY: In my remarks today I wish to emphasise a few points taken from a speech given a couple of months ago by Sue Walpole, the Sex Discrimination Commissioner for Australia with the Human Rights and Equal Opportunity Commission, called 'Peeling the equity onion: How Australia's industrial system deals with discrimination in employment and pay equity'. In pay equity, to which I wish to devote my remarks, Australia rates second only to Sweden in the world in terms of equity of pay between men and women, but we are a long way from having equal pay. In fact, while base pay differences between men and women for full-time workers are small (women get on average 93 per cent of the base pay that full-time male workers get), nevertheless for full-time non-managerial workers women now get 84 per cent of the pay that men receive. For managers the situation is even worse: women get only 80 per cent of what is received by their male counterparts.

It is interesting to note a difference between public and private sector. In the public sector, women get 87 per cent of male salaries; in the private sector they get only 77 per cent of male salaries. One might ask: why the difference? It lies mainly in the undervaluing of women's work, the lack of equality in over-award payments and bonuses and other extras, and these are what show the greatest inequalities. In fact, women get only 35 per cent of the over-award payments that their male counterparts receive. If managerial employees are excluded, women get only 50 per cent of the over-award payments that their male counterparts receive. In Sue Walpole's opinion, the greatest barrier has been the lack of application of equal pay for work of equal value. Little has been done in Australia on this question, although there was one landmark decision in 1989 that attempted to compare the value of work across occupations and, not just incidentally, led to increases in salary for the predominantly female workers in clerical and child-care industries.

International studies show that the greatest pay equity between the sexes is achieved when centralisation is the key element in wage determination. Between the women in those countries with the most centralised wage fixing systems and those with the least centralised wage fixing systems there is a 17 per cent difference. Awards are key features in Australia. In the public sector people get paid rates, that is, they are paid what is in the award. This is not true in the private sector, and the current Federal Government proposals will remove this protection and apply minimum rates only, which will be disastrous for many women.

Commissioner Walpole's view is that the current proposals of the Federal Government to move back to 1972

standards in the decentralisation and deregulation climate that applies in the 1990s will have disastrous consequences for women's pay as well as jeopardising our commitments to international obligations such as CEDAW and ILO conventions, which Australia has signed. I would like to quote Justice Mary Gaudron, the first woman on the High Court of Australia, who said:

> Equality is a meaningless abstraction unless it is founded on economic security and economic strength.

RANGELAND CONFERENCE

The Hon. CAROLINE SCHAEFER: I wish to draw the attention of the Chamber to the ninth biennial conference of the Australian Rangeland Society, which is to be held in Port Augusta from 24 to 27 September this year. The Australian Rangeland Society consists of a diverse group of people with a common interest in the stewardship of rangelands. As many would know, the rangelands of Australia are some of our most ancient, interesting and fragile. My interest (and indeed yours, Mr President) arises from the fact that I know many of the people who live and work in these areas, and admire immensely the contribution they make to their environment and to the economy of the nation. It has long concerned me that people in these areas are seen by those who do not live there as environmental vandals and that the environment will somehow be massively improved by removing this alien species.

Of course, nothing could be further from the truth. Many of the rangeland pastoralists have lived there for several generations and no-one has a greater interest in sustainability than those who are committed to earning their living from this land and equally committed to handing it on in a viable condition to their successors. As I previously mentioned, the Rangeland Society has existed for some time but, with the threat of such things as the world heritage listing of the Lake Eyre Basin, people are more vitally involved than perhaps ever before. They could have simply sat and moaned, thrown up their hands in despair and declared it all too hard. But that is not the way of these people. Instead, they have grasped the nettle and endeavoured to inform not only themselves but also the wider community on sustainable multiuse practice for the rangelands.

Delegates to the conference will come from pastoralists, Government agencies, conservationists, Aborigines, miners, tour operators, students, academics, consultants and agribusiness representatives. The six key issues to be addressed by way of papers and workshops are economics, service delivery, regional development, sustainable management, communications and biodiversity. Several speakers will share their vision for community, cultural, conservation and production values. Those invited to speak are: Dr Graeme Robertson, Chair of the National Strategy for Rangeland Management; Lois O'Donohue, Chair of the Aboriginal and Torres Strait Islander Commission; Philip Toyne, Executive Director of the Environmental Strategies Division of DEST; Pearce Bowman, Executive General Manager of Western Mining Corporation; David Brook, pastoralist, Vice-President of the Channel Landcare Group and Director of the Remote Area Planning and Development Board; Dr Nick Abel, an economist from the CSIRO Division of Wildlife and Ecology, Canberra; Andrew Nicolson, pastoralist and member of the Pastoral Zone Advisory Committee of the International Wool Secretariat; Robin Tredwell, who is a pastoralist from the Kimberley and the Telstra Rural Woman of the Year; Bood Hickson from Cloncurry Computer Consultants; Professor John Holmes from the Department of Geography at the University of Queensland; and Dr Craig James, an ecologist with the CSIRO Division of Wildlife and Ecology from Alice Springs.

So, I have no need to emphasise any further the quality of speakers or the value of their topics. The published aims of the conference are to discern new and emerging opportunities for our rangelands for 2010; determine likely needs for policies, research and technologies; identify the skills and expertise required to meet these needs; and develop strategies which will take into account future trends yet allow for uncertainty. I commend the conference to my colleagues and hope to be able to attend at least part of the conference myself. I wish the participants well.

IMMIGRATION SETTLEMENT PLAN

The Hon. P. NOCELLA: I wish to draw the attention of members of this Council to recent announcements in the handling of the immigration and settlement policy. We have been treated to a steady spate of announcements over the past month or so which individually may raise superficial concerns but which, taken in their entirety, paint a very dramatic picture of the way in which the immigration and settlement policy has been handled from Canberra. I refer in particular to the recent announcement of the two year minimum exclusion period from welfare assistance for independent skilled migrants. I have spoken in this Chamber about the problems that are associated with this decision. It is appropriate to recall that these independent skilled migrants are among those who have been targeted by the State Government for the purpose of lifting the State's population. We were also informed recently of the abolition of the Office of Multicultural Affairs. That office was attached to the Prime Minister's Department and for the past seven or eight years has been responsible for massive work in the area of access and equity for migrants. That is, the very exercise that was announced in today's *Advertiser* will be conducted in this State in terms of ascertaining what access State agencies give to all citizens, including recently arrived citizens in this State.

We were also informed of the proposed abolition of the Bureau of Immigration and Multicultural Population Research. For the past seven or eight years this highly appreciated body has provided professional research in the area of immigration and settlement, including cost benefit analyses of immigration. That is the basis of any informed discussion in the nation about the benefits or otherwise of immigration. Of course, without that research, the debate will be downgraded. Then, more recently we heard about the reduction by 10 000 units in the overall intake for the financial year 1996-97 and in particular the 13 500 unit cuts in the family reunion compartment of the immigration program and the 1 000 unit reduction in the humanitarian compartments. What worries me in particular is how this sits with the stated program by the State Government to take a larger slice of the migration intake. We have this situation whereby the Government of this State is trying to take a larger slice of a smaller cake. This obviously sits uncomfortably with the direction that the Federal Government is giving to the migration program.

It is a sad irony that some of the people whom the State Government is trying to attract, that is, independent skilled migrants—people who are well qualified to come to this State and nation—will now be allowed in only if they accept going

to regional centres and pay a bond of between $10 000 and $30 000. Having done that and in the case of their not being able to find employment, they will not be allowed to draw from welfare assistance and, in many cases, they will forfeit their bond. It is a sad irony that this is being bandied around as an incentive to come to a situation which can only be of detriment to them, and I invite the State Government to revisit this program with a view to introducing remedial action.

FOOD (LABELLING) AMENDMENT BILL

The Hon. SANDRA KANCK obtained leave and introduced a Bill for an Act to amend the Food Act 1985. Read a first time.

The Hon. SANDRA KANCK: I move:

That this Bill be now read a second time.

This Bill has one basic purpose, and that is to ensure that food which has been either genetically engineered or irradiated will be labelled to that effect. The issue of the wider effects of genetic engineering and food irradiation is one about which I feel most passionate. I will canvass some of the arguments around these issues so that members can understand why I and so many other people in the community have reservations about consuming such food, although I will avoid my inclination to speak about the human genome project, which would have done Hitler proud. All sorts of experiments have occurred and are taking place in laboratories in Australia and the world.

With regard to food, according to an article in the *Australian* on 18 September 1992, some of the experimentation that has occurred includes putting plant genes into sheep, fish genes into tomatoes, bacterial genes into rice, mice genes into pigs, moth and chicken genes into potatoes, and virus genes into rice and potatoes. That same article predicted that, by the middle of this decade (which means about now), we would be able to get virus resistant potatoes, and consume cheese, beer and bread made with modified fermentation agents. That is happening right now; we are buying cheeses that have been fermented with a rennet that has been made from a soil mould. It predicted that we would be able to devour rot resistant apples and tomatoes. It did cross my mind when I read that: what would happen to these particular fruits and vegetables if you put them into compost heaps if they did not sell? It even extended to buying non-wilting flowers for Mothers Day. Back in the good old days, we used to call them paper flowers.

The Consumers Federation of Australia produced a booklet for World Consumer Rights Day this year, and in it we read that the US Federal Drug Administration (FDA) last year approved the release of herbicide resistant soy beans, potatoes and corn which secrete insecticide, and delay ripening tomatoes to make transportation easier. If it is happening in the US, we are usually no more than 10 years behind, and these days they seem to impose their standards on us more quickly than that, so we really need to be prepared for it.

For many people who hold strong religious beliefs, the act of tampering with genes for any reason is highly offensive, as they see it as human beings trying to play God. There is also the issue of cruelty to animals, as in the creation of a mouse which spontaneously develops cancers to help cancer research and try to make things better for humans—tough luck for the animals! For me there is basically only one issue in regard to genetically engineered food, and that is plainly and simply one of health.

Creutzfeldt-Jakob Disease, or CJD as it is more commonly known, has had a lot of publicity in recent months because of its detection in cows in Britain following the outbreak of mad cow disease. Those cows had been given feed which included the ground-up remains of other dead cows. In Australia and a number of other developed countries, numbers of people have died from CJD and it is worthwhile reflecting on the origins of CJD. Most of the cases have resulted from the injection of human growth hormone to counter either physical retardation or hormonal deficiencies—that is, basically human genetic material being put into another human.

In Papua New Guinea, the disease Kuru was found to have been caused by the rubbing of the brains of dead persons over the faces of grieving relatives. Kuru has now been found to be another form of CJD. In all these cases, we see that the introduction of material from the same species has caused unintended consequences, and often the progress of the disease has been extraordinarily slow, causing great difficulty in assigning the appearance of the symptoms to events which occurred 20 and even 30 years ago.

Medical researchers have a number of theories as to how CJD is transmitted. The most favoured theory is that of a protein particle called a *prion*, but another theory says that it is viral and requires genetic material for its transmission and reproduction. If the *prion* theory is not right and the viral theory is, then I believe there could be major health implications arising from the use of genetic material to create new food varieties. When we play around with genetic material, we could be setting off a time bomb, the consequences of which are unpredictable.

In the US, the FDA has approved the production of rBST milk. rBST milk is that produced by cows which have been injected with recombinant *bovine somatotropin*, an injectible synthetic beef hormone. There is already evidence that cows that receive this are more prone to udder infections which requires the use of antibiotics to keep them disease free. If they are being given antibiotics, there is a chance that it could end up in that milk, which may in turn affect human consumers by causing them to build up a resistance to antibiotics.

Some other producers in the US who labelled their dairy products 'rBST free' had legal action taken against them by Monsanto, the company that produced rBST, because they said that such labelling implied that rBST milk was inferior. The stupidity of this move to genetically engineer cows is seen when it is known that the genetic alteration has been made so that the cows will produce more milk, by up to 20 per cent, when the US already has an oversupply of milk. I have tried to work out why they would want to do this. I assume it must be because you would then require fewer cows in the herd, but I suspect that, if you have cows that are producing more milk, there will be more strain on their systems and they probably will not live as long, so they will have to be replaced more frequently.

Anyhow, it is fortunate that this bit of genetic engineering has been banned in Australia, following input from the dairy industry which said it would impact on their trade, and I think that is right. That is the good news, but the bad news is that the decision was made solely on the basis of economics without any input from consumers. So, that is the issue of

cows which have been modified by cow material, but another one with potential for CJD-like implications is a Dutch cow modified by human material. A bull named Herman has been manufactured by the firm GenPharm, and he carries a gene for *lactoferrin*, a protein found in human milk. Its initial rationale for doing this was to prevent mastitis in cows. It then changed its tune and claimed the milk would be useful in treating cancer sufferers in the human population who have gut infections, despite there being no evidence that it could actually do this, and now it plans to begin marketing the off-shoot product to infant formula companies.

South Australia is at the cutting edge of this gene technology, with a South Australian company, Bresatec, having produced a pig modified by human genes. It has applied to have the product released onto the market. So, we in South Australia could have the dubious distinction of being the first people in the world to eat genetically modified meat. I believe the reason they have carried out this modification is to produce leaner meat, but there are animal rights issues involved here, as apparently the injection of *Porcine Somatotropin* causes stress and damage to the pigs' bones and joints.

Interestingly, Queensland pig farmers have come out against the use of this type of genetic engineering because they believe that a well run pig farm would not need to resort to such measures. If they run the farm right, they would be able to produce lean meat. I assert that the products being released now are part of a major experiment, the results of which we do not know. Certainly they have not been trialled on human beings.

This Bill also requires labelling for irradiated food as well as genetically engineered food. Irradiation is one of those techniques which has been developed as a sideline to the whole nuclear industry and in my opinion is used as a cover to justify the continued use of nuclear power and nuclear weapons. I will quote from an article in the *New Scientist* dated 19 February 1987. I do not know whether the problems they talk about here have been somehow controlled in the last nine years, but it has some very interesting information. It states:

> People will not accept food irradiation if it makes meals unpalatable. There is an important chemical change in irradiated meats, for example, that no-one knows quite how to explain or describe. It is the appearance of an unpleasant flavour resembling scorching. The taste has been described as 'goaty' or 'wet dog'.

I must say I have never tasted a wet dog but it does not sound terribly attractive. Scientists have tried to replicate that wet dog taste by mixing chemicals, and they have somehow approximated that taste but they still have not worked out just why it appears in the irradiated food. The article continues:

> The way to banish the taste is to irradiate meats and poultry at subzero temperatures. Eggs develop a smell and 'irradiation flavour' even at low doses of radiation. Again, no-one knows what the awful taste is. Other dairy products may also develop bad flavours. Some proteins in cottage cheese change substantially, either by joining into long chains or fragmenting.
>
> Irradiation affects texture. Collagen is the protein that makes up most fibrous tissue in meats. A dose of 50 kilograys breaks so many peptide chains in a collagen sample that up to 25 per cent of it dissolves in water. This makes meat lose its texture.
>
> Irradiation also changes the colour of both fresh and cured meat. In the presence of oxygen, radiation turns meat vivid red, then brown, as the pigment myoglobin oxidises to oxymyoglobin and then to metmyoglobin. Untreated meat behaves in the same way, if a little more slowly. Seafoods also change colour. Lobsters and shrimps turn black because radiation releases enzymes in their tissues which forms an amino acid called tyosine.
>
> Irradiation affects the texture of fruit and vegetables, too. Carbohydrate, the second largest component in vegetable matter, is important to its structure. Radiation breaks carbohydrates down: the result is, for example, squishy tomatoes.

It did cross my mind that if we both irradiate and genetically engineer tomatoes—and we have these generally now, and they are so tough that one can just about play tennis with them—we might get a tomato with a reasonable texture. But, certainly when I read something such as that, it makes me wonder why anyone would even consider irradiating food.

In 1989 the Federal Labor Government put the whole issue of food irradiation on hold for three years. The then Consumer Affairs Minister, Senator Bolkus, when announcing the decision to impose a moratorium on the manufacture, sale and import of irradiated food, told a press conference that he had opted for a moratorium rather than a ban as, 'No-one can ever close off their mind to the future,' but he also said he would be surprised if it was ever introduced to Australia. Since then the National Food Authority has conducted an investigation, and late last year it announced the continuation of that moratorium. However, that moratorium is no real comfort to the consumer, particularly the consumer who does not wish to consume irradiated food.

With a new Liberal Government giving much support to the nuclear industry, and given that the Australian Nuclear Science and Technology Organisation is a strong supporter of irradiation, and obviously a user of it, I believe that we should anticipate another attempt soon for the introduction of irradiated food into Australia, both by importers and local manufacturers.

The major stated reason for promoting irradiated food is to extend shelf life. Quite frankly, I would much rather have fresh food, anyway—and surely that is what we should be promoting in Australia. Some tomato producers in Queensland have argued for irradiation so that they can kill any potential fruit-fly, and therefore be able to send their tomatoes to us for the South Australian market—and I guess flood it, which would not help us much. It has also been argued that, if salami had been irradiated, we would not have had the HUS outbreak in South Australia last year.

The Australian Consumers Association some years ago enraged many people by giving its support to food irradiation. However, there are many potential negative side-effects from the irradiation of foods. Polyunsaturated fats of the type we have in margarines and some fish oils produce something called an epoxide when irradiated even at low radiation doses, and these epoxides are both carcinogenic and mutagenic. Clostridia, a botulism-causing bacteria with potential fatal consequences, can be destroyed by boiling but not by safe dose irradiation. So, if manufacturers were to start substituting irradiation for boiling, as in the canning process, there would be many potential bad outbreaks of food poisoning.

In some countries where irradiated food is available, a genetic disturbance called polyploidy, which appears to result in spontaneous abortions, has been observed. Vitamins C, B1, E, A and D are destroyed by irradiation, which could be counteracted, if necessary, by taking supplements. But why on earth would one want to take supplements because one's food was lacking, when all one needs to do is eat the real thing in all its freshness?

Ultimately, though, this Bill is not about these wider issues but about the specific issue of ensuring that such food is labelled so that the consumer who does feel strongly about the issue is able to make an informed choice whether or not to buy a product.

In 1989 a UN conference gave guarded support for food irradiation but with a proviso for adequate regulation by Governments, including labelling. In the case of last year's HUS outbreak, rather than resort to food irradiation, adequate labelling about the process used to make a product would allow consumers to make an informed choice. Some salami manufacturers began selling salami which advertised via the product label that the product had been made by cooking as opposed to a fermentation process.

This Bill represents a fall-back position. I would much rather not have either irradiated or genetically engineered food, but I recognise the pressures that are on, so the Bill is acting pre-emptively. Up until now consumers have managed to keep the pressure on Governments to stop genetically engineered or irradiated food from getting onto our plates but this Bill recognises reality.

It is based on an awareness that throughout most of the country we have, with one exception, conservative Governments which believe in letting the market decide. It recognises the pressures coming from corporate giants which have put much time and money into developing these new products and technologies. They will bring in much money and subject Governments to a great deal of lobbying to get their products onto the market, to recoup their costs and, as they hope, make a lot of money.

If Governments buckle under such pressure and let the market decide, then labelling will let the consumer decide. The National Food Authority has refused to make any recommendations to Governments for labelling of these altered foods. It has reached its position without any consultation with consumers. It has only consulted with the geneticists and industry. So, it is not surprising that it holds an antilabelling position. Most people do not want irradiated or genetically engineered food and that is, I suspect, the reason why the National Food Authority has recommended against labelling. If products were identified as such, consumers would not buy them and all the time and money that the companies had put into them would be wasted and scientific egos would be shattered.

I referred earlier to the booklet entitled 'The Right to Safe Food' that had been produced for World Consumer Rights Day. I refer to a couple of rather whimsical comments. It states:

> Welcome to the Biotech Cafe. Tonight we have tomato soup with flounder genes and potato and leek soup with waxmoth genes. We have salmon with human growth gene, accompanied by puree of corn with firefly gene, and yellow squash with a special antibiotic resistance gene.
>
> Sound like a menu from a science-fiction story? Far from it. Products like these will be available soon if food and agribusiness continue researching, testing and gaining approval for these products.

There is a cartoon of a woman sitting at a table looking at a menu and giving her order to the waiter. She says:

> . . . I'll have two 'potentially hazardous' and one 'insufficiently tested' please.

If we have labelling, at least we will be able to say to the waiter what we want to order. If we do not have labelling, we will not have that choice. It does not seem to be a remarkable event to label a food product to indicate how it reached that state. Our milk cartons tell us that our milk is pasteurised and usually homogenised. As I mentioned before, we have had salami manufacturers advising that their product is cooked and tuna manufacturers telling us that no dolphins have been injured or killed in the process of catching that tuna. I can look on the side of a can of produce and tell where the product was canned, all of which information helps me make an informed choice.

When it comes down to it, if these products end up on the market and I have a choice of an ordinary potato, one that has been modified with a chicken gene, one that has been modified to produce its own insecticide, or one that has been modified with a moth gene, I know which one I will choose, and I want to be able to make that informed choice. It is only when the consumer has all the relevant facts and is able to make an informed choice that the market will receive the right signals and be able properly to decide about genetically engineered or irradiated food. I believe that the bulk of the community does not want to see these types of foods but, if we are to have them, they must be adequately labelled and I commend the Bill to the Chamber.

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

PLAYFORD, Hon. SIR THOMAS

The Hon. CAROLYN PICKLES (Leader of the Opposition): I move:

> That this Council, on the one hundredth anniversary of his birth, acknowledges the enormous contribution of Sir Thomas Playford to the development of South Australia and his commitment to the public ownership of important community assets such as the Electricity Trust of South Australia and the South Australian Housing Trust.

Sir Thomas Playford entered Parliament in 1933 and became Premier in 1938. He was Premier for close to 27 years until 1965. That is a magnificent personal achievement, although I am not sure that it is one that I would want to emulate—all those years in Parliament. There were different times; in many ways life was simpler and certainly the rate of change was not anywhere near as fast as it is today.

Managing the affairs of South Australia has become much more complex since that era. That is not to underestimate the vigour of Tom Playford and his extraordinary ability to assimilate and comprehend the detail of a wide range of subjects, but I doubt that his record term in office could possibly be rivalled in the foreseeable future of this State; such is the load that the Premier from time to time must inevitably carry.

Sir Thomas Playford will be remembered not for his length in office but for what he achieved during his premiership in terms of the economic development of the State. Let us not forget that Playford's Government would have fallen in 1944 had it not been for the Labor Party's under-representation in Parliament due entirely to the unfair electoral system at the time—an electoral system that was not improved until the late 1960s and not finally brought into line with the democratic principle of one vote one value until the electoral reforms of 1977.

In terms of the economic development of the State in the 1940s, 1950s and 1960s, Sir Thomas Playford was rightly praised by people of all political persuasions for industrialising the State with a particular emphasis on the manufacturing industries, notably the automotive and whitegoods industries.

The extent of Sir Thomas Playford's contribution can be gauged by comparing South Australia of the 1930s with South Australia of the 1960s. From a population of about 600 000 in 1938 we grew to about one million residents in 1965. The distribution and the origins of the population also changed drastically. Playford's period as Premier saw an inexorable demographic drift to the city as manufacturing

industries grew in importance and attracted labour from throughout the State. This trend has continued to the point where genuine concern is now expressed about the viability of many country towns and districts. The population also boomed as a result of the migrant intake after the war. This population boom was actively promoted by Playford and his Government as a need for an ample supply of labour was recognised in the economically vibrant period following the war.

The history and character of South Australia was changed forever for the better with a broad mix of European migration in the 1950s into the 1960s. The migrants of those days not only provided the labour base for our expanding economy but they and their children and grandchildren have made South Australia the multicultural society that it is today.

To ensure that South Australia could cater for a population influx which was considered desirable by Tom Playford, the Adelaide Electricity Supply Company was nationalised to become ETSA, the Government took a comprehensive and strategic role in the management of our water resources through the EWS, and the Housing Trust was created to ensure affordable housing for working class families and the more disadvantaged groups in the community.

This is why Sir Thomas Playford was such a great contributor to the economic life of this State: he understood the importance of Government intervention at critical times and in critical ways to ensure that adequate infrastructure and services were provided to the industries and the people of South Australia. His philosophy was not economic rationalism or laissez-faire. He had a genuine concern for the welfare of the State and expressed that concern by using the powers of Government to assist both industry and ordinary people.

With respect to Sir Thomas Playford, he would probably turn in his grave to see the current Liberal Government losing its grip on various State assets and industries, particularly the management of our water resources system and probably the electricity supply system in the near future. The Housing Trust is rapidly being turned into the largest real estate agency in South Australia, losing sight of a vital aspect of its original vision, which was to provide low cost public housing for the social benefits which flowed from that.

Despite Tom Playford's great success in attracting industry to this State, I suspect that he would be surprised at the faltering efforts of the current Government to follow in his footsteps. The answer is not simply to throw money at corporations weighing up in which State to set up a new office, as the Brown Government has done in several cases. We need to offer real economic incentives to industry without the Government's then being beholden to the corporations concerned.

So, as we pause to commemorate the birth of Sir Thomas Playford and reflect on the economic achievements of decades gone by, we should not lose sight of the fact that Tom Playford's concern for industrial development went hand in hand with genuine, decent concern for the less well-off members of the community and that his economic goals were achieved by making the Government an active intervener in the State's economy for the common good.

On Sunday morning I attended a function at Norton Summit, where a significant statue was unveiled in the presence of the present Premier and five former Premiers of South Australia, with a message from the Hon. Lynn Arnold, who is presently overseas. It was interesting and an indication of the measure of the man that so many former Premiers of both sides of politics were present at such a occasion to commemorate 100 years since his birth. I urge all members to support the motion.

The Hon. CAROLINE SCHAEFER 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 3 July. Page 1618.)

The Hon. CAROLINE SCHAEFER: In speaking to this report I wish to commend those who participated in bringing down this report and also commend the Minister for precipitating it and, indeed, for her commitment last week in this place to take a personal interest in the implementation of its recommendations. I must say that when I came into this place I had no strong views with regard to the entrance of women into this profession, but I began my career in the year of the Centenary of Women's Suffrage and was quickly initiated. I was amazed, for instance, to learn that the Hon. Jessie Cooper had to go to court to prove that she was a person before entering the Parliament. I also remember saying that women must get here on merit or they would diminish their cause. I still believe that, but a female colleague who sits near me, but who shall remain nameless, replied rather sharply that when we have a couple of mediocre women in the Parliament we will know that we are equal, and I guess that remark has some merit.

The committee makes a series of recommendations aimed at addressing the imbalance. They include practical suggestions such as adjusting sitting times so that Parliament is not sitting during school holidays; publishing more widely the databank of women suitable for appointive office; better candidate training; tax deductibility for child care; and child care facilities near or in Parliament House. Many of these suggestions would, of course, be equally appreciated by men with young families.

However, many of the difficulties that I have as a woman in Parliament, who happens to live 500 kilometres away, have not been addressed because the issues that I find difficult are just too hard. No amount of childminding facilities would have made it possible for me to enjoy any form of family life with small children and there is no career which would induce me to give up the privilege of raising my children. I suspect that many women regardless of where they live are also very jealous of their right to spend more time with their children than this career allows. Many also are not prepared to subject their young children to watching their mother wear the abuse which is part and parcel of this vocation.

Therefore, while I support these recommendations and pledge my support for those young women brave enough to make the choice to stand for Parliament, I suspect that the majority who stand will continue to be childless or older women with grown children. Since the average lifespan of a woman in Australia is now 85, many women will enter this place after they are 45 or 50 and give 20 years of good service to the State. Perhaps this needs to be acknowledged and some effort should be spent in smoothing the path for older women. I would also like to acknowledge that those of us who do serve in this place, and particularly perhaps Liz Penfold and myself who live some distance away, would not be able to do so without extraordinarily understanding and

tolerant partners. I think we would diminish ourselves and our male colleagues if we did not acknowledge that as part of this report.

I would like to comment briefly on the Hon. Sandra Kanck's submission or belief that proportional representation would be the way to have more women in the Parliament. I have always been a supporter of proportional representation but I am not a supporter of both Houses of Parliament being elected under the same system. My knowledge of proportional representation suggests to me that, in fact, it supports and gives perhaps some advantage to minority groups, and since women in fact make up 51 per cent of the population of this State they are not a minority group. My belief is that we are our own worst enemy and that eventually when women believe they have the right to be here, believe they have the need to be here, and believe that they can as well or better represent their colleagues, both male and female, as anyone else in society, then the imbalance will be addressed. In the meantime, I commend those who try to speed up the process.

The Hon. SANDRA KANCK: I support the motion. I begin by quoting one of the witnesses, Dr Dean Jaensch. When talking about the Labor and Liberal Parties, he said:

> Both political Parties have been extremely chauvinistic for 100 years in terms of choosing women in safe and winnable seats. In terms of other Parties, the Democrats have been absolutely superb. I do not think that anybody could argue about the role of women and the rights given to women by the Australian Democrats.

The Hon. T.G. Cameron interjecting:

The Hon. SANDRA KANCK: I did not ask Dean Jaensch to say it: it came voluntarily.

The Hon. L.H. Davis: It took 14 years to get you here.

The Hon. SANDRA KANCK: I did not try for all those 14 years.

The Hon. L.H. Davis: Are you the only woman in the Democrats?

The Hon. SANDRA KANCK: No.

The Hon. L.H. Davis: You had men for the first 14 years.

The Hon. SANDRA KANCK: Dr Jaensch's comments do beg the question as to why it has been so much easier for women to gain recognition in the Democrats. It is a question that I have looked at myself. I think it is because we are a young Party; we do not have the historical baggage that the Labor and Liberal Parties have. In fact, when the Secretary of the Labor Party spoke with the committee, he talked about the traditional role of support that women had performed in the Labor Party. Because we are a younger Party, we do not have an entrenched hierarchy. Everyone in the Party has the right to vote and when voting occurs it is done by secret ballot which stops a lot of outside pressuring. Within our ballots when we are choosing our teams for either the Legislative Council or Senate preselection, we do that by a proportional representation method, and I believe that that is what makes the difference. Of those things, I think the one that Parliament can implement is proportional representation.

Amongst the witnesses giving evidence were people from local government, and it was disturbing to hear one woman member of local government tell the committee how she has had to learn to operate within her council. She found that by being up front and moving motions they were invariably defeated, so she has had to work in an underhand way. She now runs an idea past the employed staff of the council, gets them to plant the idea in the minds of the male members of council, who in turn bring the idea up as a motion which invariably gets passed.

It is very sad if, in this day and age, women are still having to use power in a covert rather than an overt way, but it does show what women are still up against. The fact that we have this motion to set up this committee in the first place raises the question of whether or not it is important to have women in Parliament. The Hon. Carolyn Pickles finished her speech last week by referring to a quote from former Senator Susan Ryan. Janine Haines also commented that:

> First, I do not think that women should need to bring special qualities to Parliament or anywhere else. What they ought to bring with them is what men ought to bring with them, that is, some ability, some knowledge of their place in society, some awareness of how society operates.

I like to think that women have some particular characteristics that are desirable and, because women are the bearers of children, I believe they have a greater understanding of decisions impacting on future generations, hence the large number of women involved in the environment and peace movements. Obviously these qualities are not something that can be assigned just to women because, if it were as simple as that, all women would be in one political Party. Clearly, there are issues that people want to believe in first and foremost. For the fun of it, I refer to a comment from *Hansard* of almost 100 years ago from one Johann Scherk, when he was talking about women getting the vote. He said:

> Notwithstanding their intelligence, I doubt whether they will be able to form a sound, substantial opinion on such questions as public works, water conservation and the building of railways.

They are issues on which I have many formed opinions and opinions which I am quite willing to speak about in this place. I do not think the issue of special qualities for women is one that really needs to be given consideration. Women should be in Parliament because they are part of society. Merit is one issue that was discussed almost invariably with all witnesses who gave evidence, particularly with regard to the ALP's 35 per cent quota. Our researcher for the committee was at one stage waving a sticker around, and I did not take down its exact words but it appealed very much to me. It was a sticker that she had picked up at the Women's Electoral Lobby national conference in January, and it went something along the lines of demanding affirmative action for men and getting men in 50 per cent of the Parliament.

Proportional representation is the issue with which I have taken exception from the rest of the committee. This relates to recommendation 11 made by the committee, which I think just squirmed out from all the evidence that had been given. Recommendation 11, as supported by the majority of the committee, states:

> The committee recommends that community debate on electoral reform be encouraged, with a view to achieving equal numbers of men and women as elected representatives.

That recommendation makes no suggestion as to how that should be achieved or in what direction that debate should be taken. I have gone a step further and suggested that consideration should be given to proportional representation. My recommendation is 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 Parliament. The views are not diametrically opposed, but mine gives a direction to the Government when and if it begins that open community discussion process. The Electoral Reform Society gave a very firm recommendation to the committee in its written submission, suggesting that the House of Assembly should be changed to

multimember electorates, and that it should be done using a proportional representation system electing either seven members to each of seven seats, or nine members to each of five seats.

On page 16 of the report, the table that has been incorporated by the committee speaks for itself. In every instance where there is a choice between a House that is elected by the preferential system and a House elected by proportional representation, the House elected by proportional representation has a higher percentage. In Western Australia, the Upper House, which is elected by proportional representation, has 15 per cent women and the Lower House, which is elected by the preferential system, has 21 per cent. Although those figures are an aberration, the committee did not attempt to ascertain the reason. Therefore, I can only speculate, which is fairly useless. All the other States show that and, as I pointed out in my dissenting statement, the draft report by the Commonwealth Women Parliamentarians Group Task Force states:

> Countries which have adopted a form of proportional representation consistently elect more women than countries with single member plurality systems or first-past-the-post systems such as Canada's.

My dissenting statement began with a quote from Dr Dean Jaensch, who states:

> As to the electoral process, I am convinced that proportional representation (PR) is the answer to many issues about minority representation. Minorities can achieve representation through PR; the only problem is that both major Parties are utterly opposed to PR.

The Hon. M.J. Elliott interjecting:

The Hon. SANDRA KANCK: Yes, one day when one of them becomes a minority they will probably want to introduce PR. That demonstrates what Dean Jaensch went on to say: that political Parties want what will serve them best.

An honourable member: What serves the Democrats best?

The Hon. SANDRA KANCK: Proportional representation serves us the best; there is no question about that, but it also serves best the community at large who do not have the vested interests of the Labor and Liberal Parties. I find it disappointing that regarding recommendation 11 the committee did not decide to tackle this issue. When it comes down to it, the only real thing that Parliament can do is alter the Electoral Act to take in proportional representation. Once we have women in here, matters such as child-minding, language, Standing Orders and so on can be addressed. It is a matter of getting them in here in the first place, and PR is the most proven way of doing that. We can rant and rail and say that political Parties should do this and that—in fact, the committee said that sort of thing in its report—but the fact remains that we as a Parliament cannot make political Parties do anything. We can attempt to embarrass them, we can shame them, but our power ends there. Dean Jaensch also said:

> In terms of Parties, I would suggest that very little can be enforced over Parties. There could be moral suasion, and there always is. For instance, there is the moral suasion within Parties that says, 'You need more women.'

We can say it, but we cannot make the Parties do anything. The Hon. Angus Redford commented on my dissenting recommendation. In looking at what he had to say, I felt that all he had succeeded in doing was demonstrate his capacity to close his eyes and ears to the evidence. He was arguing as I would expect a lawyer to argue and not really looking at the arguments that were presented in their entirety. He quoted from former Democrat Senator Janine Haines. I wish to quote to him some other parts of her evidence. First, she did not make a blanket statement when asked about PR and representation for women. She said:

> I do not think it is affected necessarily by the voting system.

The active word in that statement is 'necessarily'. Later, Mr Redford states:

> It seems to me that Upper Houses have greater representation from women than Lower Houses.

Janine Haines then said:

> 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 the 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.

That does not in any way denigrate from proportional representation. This statement becomes a reflection on the attitudes and processes of selection by the political Parties themselves and not a reflection on PR. Again, she goes on to say:

> There are two sorts of Houses in which you will find women.

Angus Redford said:

> Those with the lesser power.

Janine Haines said:

> And those that use proportional representation as their form of election.

Janine Haines did not wipe out PR as a means of making sure that women were elected.

The Hon. M.J. Elliott: Tasmania proves the case.

The Hon. SANDRA KANCK: Exactly. The attacks made by the Hon. Angus Redford and the Hon. Carolyn Pickles represent a Party political point of view and are predictable.

The Hon. Carolyn Pickles interjecting:

The Hon. SANDRA KANCK: I have said that. The issue of equal opportunity legislation was part of the committee's consideration. We heard evidence from the former commissioner, Josephine Tiddy, who believed that equal opportunity legislation did apply in the Parliament. Other opinions were given and we ultimately concluded that it did not apply to us. The Hon. Carolyn Pickles has now introduced legislation to deal with this and I will probably deal with that matter when I speak to her Bill. It is important to look at the educational aspect. It is clear that Australians regard their politics more like they regard their football. In a sense they barrack for their political Parties in the same way as they barrack for their football teams. Dean Jaensch commented on that and said:

> In Australia more than any other country in the world we have the strongest Party identification. For 70 per cent of Australians you do not have to think about politics; your Party label tells you the answer. Our Party identification is much stronger than in any country in the world. The characteristic of Australians is our absolute rigid commitment to the Party.

It is going to be only through education—and I see that education beginning in primary school—that we will encourage people to start questioning what is happening and to find out, when an election is called, who are their candidates and what they really stand for, rather than voting for them just because the Labor Party or the Liberal Party put them up. As long as that occurs, and unless those Parties are making sure they put women up in equal numbers and in safe seats, there is no way we will get more women elected to

Parliament other than through education, but that is going to be a long process.

I refer to the interim report which others have referred to and I find it most disappointing that the recommendations we made then have still not been taken up by the powers that be within this Parliament. Again, referring to the evidence, when asked a question about sitting hours, Dean Jaensch stated:

> The first thing the Parliament should do is install a high quality 24-hour child care service available to members on Parliament House property.

We are not going to that sort of extreme. We have asked for a room where members can meet with their children and perhaps leave older children there to do their homework. It does not seem a terribly difficult request to comply with. We are certainly not asking for anything like that on a 24-hour basis, because we are recommending that Standing Orders be amended so that we do not end up having very late night sittings, and a 24-hour child care service should then not be necessary.

It is interesting to observe that in Victoria and Western Australia women (Joan Kirner and Carmen Lawrence) became Premiers at a time when the Parties were in trouble and it appeared that no men were ready to come out and face the cannons. Given what appears to me to be the decreasing importance of State Parliaments—and I make that observation based on the way we are handing things over in terms of privatisation, outsourcing and competition policy—I wonder whether we might find ourselves with more women in Parliament, because women tend to get into positions when jobs become less important.

Finally, I want to place on record my thanks to the Secretary of the committee (Chris Schwarz) and our Researcher (Dr Carol Bradley). They showed enormous patience on occasion. The committee took almost 2½ years to come to its findings and at times it felt as though it was never going to do so. Dr Bradley wrote in an extremely well researched and readable way, and I think anyone who reads the report will see that. I always find the patience with which the secretariats of our committees operate admirable. I think that sometimes they listen to the most incredible garbage from some of the members of the committees, and they sit there and hold their peace. My thanks to Dr Bradley and Chris Schwarz for being able to do that. I hope that the Government does take this seriously. The committee took it seriously, which is why we took so long to reach our conclusions, and I am very pleased to be supporting the motion.

The Hon. ANNE LEVY secured the adjournment of the debate.

WEST TERRACE SIGNS

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

That Corporation of West Torrens by-law No. 2 concerning moveable signs, made on 16 January 1996 and laid on the table of this Council on 15 February 1996, be disallowed.

This by-law contains a number of difficulties, which have been drawn to the attention of the corporation. The corporation has agreed to make a new by-law, removing the objectionable parts. However, until that is done, and to enable that to be done, the Legislative Review Committee unanimously resolved that we proceed with this motion.

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

LAND AND BUSINESS (SALE AND CONVEYANCING) ACT

Order of the Day, Private Business, No. 12: Hon. R.D. Lawson to move:

That regulations under the Land and Business (Sale and Conveyancing) Act 1994, concerning Environmental Protection Forms (Variation), made on 23 November 1995 and laid on the table of this Council on 28 November 1995, be disallowed.

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

That this Order of the Day be discharged.

Order of the Day discharged.

DOG AND CAT MANAGEMENT ACT

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

That Corporation of the City of Mitcham by-law No. 7 concerning cats, made on 6 November 1995 and laid on the table of this Council on 22 November 1995, be disallowed.

(Continued from 29 May. Page 1452.)

The Hon. P. HOLLOWAY: The Opposition supports the disallowance of this regulation. The reasons were set out by the Chair (Hon. Robert Lawson) in *Hansard* (29 May, page 1452). Basically the Mitcham by-law under consideration concerns cats. The offending provision of the by-law, part (2), provides:

> No person shall without permission keep a cat in the area of or over the age of six months unless it is desexed.

Clearly, this provision goes beyond the scope of the Dog and Cat Management Act which was passed by this Parliament in 1995. The relevant section, section 90(1), provides:

> A district or municipal council may make by-laws for the control or management of dogs or cats within its area.

Section 90(2) provides the circumstances of these by-laws. The relevant provision, paragraph (e), provides that councils shall:

> Make provision for a registration scheme for cats (including the payment of a fee for registration) and encourage the desexing of cats.

The key word there is 'encourage'. The Mitcham by-law required the desexing of all cats over a given age. Clearly, the provisions go beyond the scope of the Act. For that reason, the Legislative Review Committee recommended that the by-law be disallowed. As was pointed out by the Chair when he put the motion, the Dog and Cat Management Board supported the action of the Legislative Review Committee in recommending that this by-law be disallowed. For those reasons, the Opposition supports the motion.

Motion carried.

ETHICAL RESEARCH PRACTICE

Order of the Day, Private Business, No. 15: Hon. R.D. Lawson to move:

That the regulations made under the Reproductive Technology Act 1988 concerning Code of Ethical Research Practice, made on 5 October 1995 and laid on the table of this Council on 10 October 1995, be disallowed.

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

That this Order of the Day be discharged.

Today in the Council I tabled the report of the Legislative Review Committee on regulations under the Reproductive Technology Act. I also moved that that report be noted. In due course, I will speak on that report and on the subject

matter of this motion. The conclusion of the report is that the particular regulations which are dealt with in this motion be allowed to stand. Accordingly, it was the decision of the Legislative Review Committee that the notice of motion for disallowance be withdrawn.

Order of the day discharged.

ETHICAL CLINICAL PRACTICE

Order of the Day, Private Business, No. 15: Hon. R.D. Lawson to move:

That the regulations made under the Reproductive Technology Act 1988 concerning Code of Ethical Clinical Practice, made on 5 October 1995 and laid on the table of this Council on 10 October 1995, be disallowed.

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

That this Order of the Day be discharged.

This motion deals with the same matter as does the previous motion. As I mentioned, I have today tabled in the Council on behalf of the Legislative Review Committee its report under this regulation as well. It was the view of the Legislative Review Committee that the regulations which are the subject of this motion should be permitted to stand and that the notice of motion for disallowance should be withdrawn.

Order of the day discharged.

EDUCATION POLICY

Adjourned debate on motion of Hon. Carolyn Pickles:

That this Council condemns—

1. the way in which the Minister for Education and Children's Services has broken the Government's election promises on education and embarked on a policy of cutting resources for education in South Australia.

2. the reduction of 790 teachers and 276 ancillary staff between 30 June 1994 and 31 January 1995.

3. the Minister's decision to cut a further 250 school service officer full time equivalents from January 1996 that will result in up to 500 support staff being cut from essential support work in schools.

4. the Minister's decision to cut a further 100 teachers from areas including the Open Access College, special interest schools and Aboriginal Schools.

(Continued from July 3. Page 1621.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): I thank members for their contributions to the debate, and I particularly thank the Australian Democrats for their support. The Minister's response to this motion was a long apology for the way the Government has cut the standard of education since coming to office. The Minister's contribution was not a defence: it simply confirmed the motion before the Council that the Minister for Education and Children's Services should be condemned for the way in which he has broken the Government's election promises on education and embarked on a policy of cutting education resources in South Australia. The Minister argued about the particulars of how many teachers' jobs have been cut, how many school services officer jobs were cut, how many above-formula teaching positions were cut and whether or not the cuts have reduced our standards to the national average. Of course, he made no denial that these cuts had actually been made.

I will deal with each part of the motion before the Council in order. In relation to the first part of the motion, I remind members of the promises that this Minister has broken. First, in his policy speech of 8 November 1993, Dean Brown stated that 'our initiatives will see education standards lift through improved school maintenance and resources'. The Minister's own speech has confirmed how this promise was broken. In his speech the Minister confirmed that, rather than the provision of more resources, a total of 668 (570 plus 98) teachers were cut by 1995; 250 full time equivalent support staff were cut at the beginning of 1996; school card was cut; and pre-school staff were cut.

Secondly, in his policy speech of 28 November 1993, Dean Brown stated that there would be no cuts to that year's budget and that education spending would increase in 1994-95. The outcome of this promise was that the Minister announced that the education budget was to be cut by $40 million, to be phased in over three years. In reality, the cuts in the first two years amounted to $47 million in real terms. Thirdly:

This will ensure current class sizes are maintained.

That was stated in the Dean Brown policy speech of 28 November 1993. Members will recall that increased class sizes were announced by Minister Lucas on 25 August 1994. Fourthly:

A $20 million plan to rebuild our schools will reduce the serious backlog in school maintenance.

That, too, was stated in the Dean Brown policy speech of 28 November 1993. In 1994 the school maintenance program was underspent by $9 million. In 1995 the school maintenance budget was actually cut from $41 million to $30 million—a reduction of $11 million. This was $3.5 million less than Labor's last budget. No-one in South Australia would dispute that the Government has broken its promises on education. Even the Minister, in his arguments about the size of cuts, has not attempted to dispute this claim.

The second point in the motion deals with a reduction of 790 teachers and 276 ancillary staff between 30 June 1994 and 31 January 1995. The Minister disputed these figures by changing the period from June 1994 to June 1995. I draw members' attention to the reply given by the Minister to question on notice No. 114 which includes the statistics detailed in the motion.

In relation to the final two points of the motion, the Minister has confirmed the cuts of 250 full-time equivalent school services officers and 98 above formula teaching positions which resulted in cuts to the Open Access College, special interest schools and Aboriginal schools. Members will be well aware of the public reaction to cuts to music teacher numbers, which cuts are ongoing and about which I continue to receive quite lengthy correspondence.

These matters have been widely canvassed in this place and in the community. I am constantly receiving complaints about cuts to education, the low morale of teachers and this Minister's complete intransigence on the issue of education. I urge members to support the motion.

The Council divided on the motion:

AYES (8)

Cameron, T. G.	Elliott, M. J.
Kanck, S. M.	Levy, J. A. W.
Nocella, P.	Pickles, C. A. (teller)
Roberts, R. R.	Weatherill, G.

NOES (7

Davis, L. H.	Griffin, K. T.
Irwin, J. C.	Lawson, R. D.
Lucas, R. I. (teller)	Redford, A. J.
Schaefer, C. V.	

Majority of 1 for the Ayes.

Motion thus carried.

STATE CLOTHING CORPORATION (WINDING-UP) AMENDMENT BILL

Second reading.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): 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 is to facilitate the winding up and dissolution of the State Clothing Corporation ('Corporation').

The Corporation was set up by the *State Clothing Corporation Act 1977* to manufacture, supply and deliver clothing and other textile goods to government departments and agencies.

The Corporation conducted its business from premises which it owned at Playford Whyalla, and also from leased premises at Ridleyton. The business was sold in May 1995. Trade debts were excluded from the sales and are being collected by the Corporation.

The land which the Corporation owned is being leased to the purchaser for a period of five years which commenced on 9 May 1995. The purchaser has the option to terminate the lease earlier if required on giving six months' notice in writing. It also has an option to purchase the property.

The premises on which the business at Ridleyton is conducted are leased premises for a period of five years as from 1 May 1993. The premises were sublet to the purchaser for the remainder of the term and the sublease may be terminated earlier on six months' written notice.

The Corporation no longer employs any staff. The term of the members of the Corporation expired on 30 June 1995 and no new appointments have been made.

A loan of approximately $660 000 which was outstanding to the South Australian Government Financing Authority has been taken over by the Asset Management Task Force and recouped from the sale proceeds.

An Annual Report and audited statements of account in respect of the year ended 30 June 1995 have been tabled in the Parliament as required by section 27 of the *State Clothing Corporation Act 1977*.

This Bill facilitates the winding up of the Corporation by converting it into a body corporate constituted of the Minister and thus obviating the need to maintain a board. The Bill contains a power to transfer assets and liabilities to other government instrumentalities. It is contemplated that the affairs of the Corporation will be wound up as soon as it is reasonably practicable to do so.

Once the winding up is substantially complete, proclamations will be made under which the remaining assets and liabilities will be transferred to the Minister, the Corporation dissolved and the Act repealed.

I commend the Bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Repeal of headings to Parts

Clause 3 is a drafting amendment which repeals the headings to the Parts of the principal Act.

Clause 4: Repeal of s. 3—Arrangement

Clause 4 is a drafting amendment which repeals the arrangement section of the Act.

Clause 5: Amendment of s. 4—Interpretation

Clause 5 inserts two new definitions into the Act. 'Asset' is defined to mean a present, contingent or future legal or equitable estate or interest in real or personal property, or a present, contingent or future right, power, privilege or immunity, (and includes a present or future cause of action in favour of the Corporation). 'Liability' is defined to mean a present, contingent or future liability or obligation (including a non-pecuniary obligation and a present or future cause of action against the Corporation).

Clause 6: Substitution of ss. 5 to 29

Clause 6 repeals all the sections of the principal Act that deal with the establishment of the Corporation, the powers and functions of the Corporation, the staff of the Corporation and the financial management of the Corporation and replaces them with sections to provide for the dissolution of the Corporation and the repeal of the Act. The proposed sections provide—

1. that the State Clothing Corporation continues in existence;
2. that the Corporation is a body corporate, has the legal capacity of a natural person of full age and capacity, has a common seal that may be affixed to a document on the Minister's authority and that a document apparently bearing the common seal of the Corporation will be presumed, in the absence of evidence to the contrary, to have been duly executed by the Corporation;
3. that the Corporation is constituted of the Minister;
4. that the Corporation holds its property for and on behalf of the Crown;
5. that the Corporation may exercise its powers for the purpose of winding up the affairs of the Corporation and disposing of its assets and liabilities;
6. that the Corporation may delegate any of its powers;
7. that the Governor may, by proclamation, vest assets or liabilities of the Corporation in an authority or person;
8. that the Treasurer may direct the Corporation to pay any money from time to time in the hands of the Corporation to the Asset Management Task Force Operating Account at the Treasury to be used for the purposes of retiring State debt; and
9. that the Governor may, by proclamation, fix a day on which the principal Act will expire, at which time any remaining assets and liabilities of the Corporation vest in the Crown.

The Hon. ANNE LEVY secured the adjournment of the debate.

STATE LOTTERIES (UNCLAIMED PRIZES) AMENDMENT BILL

Second reading.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): 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 legislative scheme in relation to forfeited prize money, and makes it an offence to claim or collect prizes on behalf of minors.

Under the current legislative framework and rules, a person must produce the winning ticket in order to claim a prize, and certain prizes must be claimed within a specified period. In addition, upon expiration of 12 months, prize money not collected or taken delivery of is forfeited to the Lotteries Commission of South Australia. An amount equivalent to 50 per cent of the prize is applied for increased or additional prizes in subsequent lotteries as required by the State Lotteries Act, and an amount equivalent to the remaining 50 per cent is paid into the Hospital and Recreation and Sports Funds pursuant to established practice.

In the 1993-94 financial year, forfeited prize money totalled $3 287 000. In the last financial year that figure was $3 129 000.

The Lotteries Commission receives numerous claims every year from customers who have, for one reason or another, failed to claim, collect or take delivery of their prizes in accordance with the State Lotteries Act or Rules. Pursuant to the current framework, the Commission rejects these claims. The result is a string of unhappy customers, bad publicity and potential loss of sales.

By way of example, a person recently claimed the $334 150 first Division X Lotto prize for the game drawn on 3 December 1994, alleging that he had lost his ticket. Whilst the Commission is satisfied that the claimant is the winner of the prize, the claim cannot be met because the person cannot produce the winning ticket as required by the Rules, and the prize has, in any event, been forfeited to the Commission pursuant to the Act.

The Bill will enable the Lotteries Commission to meet this and other such claims from unclaimed prize money, by way of *ex gratia* payment, thereby expanding the use to which unclaimed prize money can be put. In addition, whilst maintaining the use of unclaimed prize money for additional or increased prizes in subsequent lotteries, the Bill also allows the Commission to use unclaimed prize money for prizes in promotional lotteries conducted by the Commission to generate sales and increase profits. Further, the current practice of applying a sum equivalent to 50 per cent of unclaimed prize money to the Hospital and Recreation and Sports Funds is to be entrenched in the Act.

Finally, whilst the Act makes it an offence to purchase a ticket on behalf of a minor at the minor's request, it is not an offence to claim or collect a prize on behalf of a minor. The Bill accordingly creates the offence of claiming or collecting a prize on behalf of a minor at the minor's request.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 16—The Lotteries Fund and application of proceeds of the Commission

This clause provides that unclaimed prize money that has been forfeited to the Commission is to be applied as provided later in the Act.

Clause 4: Amendment of s. 16B—Unclaimed prizes

This clause simply provides that an unclaimed prize is forfeited to the Commission after 12 months. The provision as to the use of unclaimed prize money is to be found in the next clause.

Clause 5: Insertion of ss. 16C and 16D

This clause inserts two new sections into the Act. *New section 16C* requires the Commission to establish a separate reserve in the Lotteries Fund to which forfeited prize money will be transferred. The Reserve will consist of forfeited prize money that has not, as at the commencement of the new section, been applied for any purpose, and all subsequent forfeited prize money transferred to the Reserve under this section. Half the money in the Reserve from time to time will go to the Recreation and Sport Fund and the Hospitals Fund (divided between them on the basis of unclaimed prizes from sports lotteries and special lotteries going into the Recreation and Sport Fund, the remainder into the Hospitals Fund). The balance in the Reserve is to be used by the Commission as additional prizes in future lotteries, prizes in promotional lotteries and in making *ex gratia* payments as contemplated by new section 16D. *New section 16D* gives the Commission the power to make an *ex gratia* payment to a person who has lost a winning ticket but can satisfy the Commission that he or she was the holder of a winning ticket, or to a person who fails to claim a prize within a particular time limit. The decision to make an *ex gratia* payment, and the amount of such a payment, are at the Commission's discretion and cannot be the subject of review by a court. The provision is retrospective to 1 November 1994, and includes prizes in an instant lottery that commenced before but concluded after that date.

Clause 6: Amendment of s. 17—Value of prizes to be offered

This clause is a consequential amendment.

Clause 7: Amendment of s. 17B—Minors not to participate in lotteries

This clause makes it an offence for a person to collect or claim a prize on behalf of a minor at the minor's request.

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

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 9 July. Page 1669.)

The Hon. P. HOLLOWAY: I welcome this opportunity to speak on a budget Bill for the first time, as I came into this Parliament just after the budget last year. It seems to me that the real thrust of this budget is that the Premier is looking for somebody else, as always, to blame when things go wrong. He knows what will happen when the Federal budget is presented in August this year. He knows it will cut funding to the States heavily, and he does not want to have to cop the blame for those cuts. He has obviously decided to use this budget as a mechanism by which he can avoid any blame for the actions that will follow.

Of course, the Premier was very keen at the time of the Federal election to support the election of a Howard Government. He was telling us how essential it was to get rid of the Federal Labor Government, and how we all needed a Howard Government. Of course, he got his way, but he then proceeded to advise the new Federal Government on what it should do. In particular, he suggested it make big cuts to public spending. Indeed, he was supporting measures that would see the slashing of 30 000 public servants, many of whom would come from this State.

The Premier also supported the transfer of responsibilities to this State in areas such as health and so on, but it seems that in recent times his enthusiasm has somewhat waned as it has now become obvious what that means for this State. Unfortunately, the rest of the population knew what was coming: it seems that the Premier and his Government did not. The real problem we have with the 1996 State budget is that it was brought down before the Federal budget, and this is probably the first time that has ever happened. Last year was the first time in this State that we had a budget presented at the end of May, and that followed the Federal Government's decision to bring in its budget earlier in May.

The problem is that, with the Federal election this year, the Federal Government has for this year only put its budget off until August, so the State budget is not based on accurate information as to what grants this State will receive as a result of the Commonwealth budget. That means that there is no integrity in this budget. It is fine for the Federal Government to bring in early budgets, because the Federal Government raises revenue well in excess of the expenditure of the Federal Government. The problem for this State is that we are heavily dependent on money from the Commonwealth for our budget. Table 10.1 in the Financial Statement indicates that this year South Australia is expected to receive $1.554 billion in general purpose payments and $1.635 billion in specific purpose payments, a total of almost $3.2 billion from the Commonwealth. If we contrast this against the revenue from taxes, fees and fines, we see that the figure is only about $2.2 billion. We can see that this State has a very heavy dependency because well over 50 per cent of the money that will be spent under the State budget will come from the Commonwealth. Therefore, when the Commonwealth talks about cutting its finance, as indeed has happened, this State's budget is in real trouble.

Approximately one-quarter of the budget will be provided from general purpose payments from the Commonwealth and another one-quarter will come from specific purpose payments from the Commonwealth. That highlights several things. For a start, there is the vertical fiscal imbalance which exists in the Australian Federation where the States, particularly the smaller States, are unhealthily dependent on the Commonwealth: they are at the Commonwealth's whim. Indeed, the whole future of our Federation depends on some solution to this vertical fiscal imbalance. This has been an issue certainly for as long as I have had an interest in politics. I can remember debates on this matter back in the 1970s under the Gorton Government: it has been around for a long time. If anything, it seems to be getting worse and, unless some solution is found, the States will be left with nothing at all.

The other issue is that the cuts to Federal funding put a big question mark over our budget. I refer to some of the answers given by Ministers in the Estimates Committees to questions about the impact of Federal cuts upon their budget to show how unsatisfactory the situation is relating to our budget. First, the shadow Minister for Employment, Ms Trish White, asked the Minister for Education and Children's Services, the Hon. Robert Lucas:

What is the basis for the forecast increase in the Commonwealth grant? Has the Minister had any advice from the Commonwealth Government on this matter and will programs be cut . . . ?

The Hon. Robert Lucas replied:

. . . the member for Taylor would know as much as I as Minister—

and she would probably know more—

regarding the Commonwealth Government's intentions in relation to specific payments. We will have to await further information from the Commonwealth, and when we receive that information we can make a judgment.

The shadow Minister for Family and Community Services, Ms Lea Stevens, asked the Hon. David Wotton, the Minister for Family and Community Services:

If the Commonwealth's contribution to HACC is cut, will the Minister guarantee that the State's increased contribution will remain as stated in this budget?

The Hon. David Wotton replied:

I cannot give that commitment at this time. It would be inappropriate to give that commitment until we know exactly what is coming from the Commonwealth budget.

Another example was when the Minister for Health was questioned about the impact of Commonwealth cuts on health, which represents one of the largest areas of specific purpose payments. The Minister replied:

. . . I simply do not know how much is to be cut or in what areas.

These are examples of the answers the Opposition received throughout the proceedings of the Estimates Committees of this Parliament: 'We do not know,' 'We have no idea,' or 'We will have to wait and see.' That puts a big question mark over the whole budget and Estimates Committees process. What is the point of having a budget when Ministers have no idea what the impact will be and what areas they will be cutting later?

The other problem that we had during the Estimates Committees this year, because of the unusual situation in which no accurate information as to Commonwealth payments was available, was the fact that we did not have an Auditor-General's Report. That has been the case since the budget was brought forward towards the end of the financial year. When budgets were brought down in August, we had the Auditor-General's Report for the previous year and during the Estimates Committees the Opposition could ask questions about the previous year's spending based on the Auditor-General's Report. The problem now, it appears, is that it is almost impossible to scrutinise expenditure in the past financial year because we do not have the benefit of the Auditor-General's Report and it is also impossible—certainly for this year—to scrutinise expenditure in the coming financial year because the Ministers keep saying, 'We really do not know how much money we will get from the Commonwealth.' That is a most unsatisfactory situation.

The whole budget and Estimates process this year has been something of a farce. I do not think that any of us could say that it has been a satisfy outcome for the people of South Australia in terms of scrutinising what this Government will do as far as its budget process is concerned for the forthcoming year. The other factor that has affected the budget process has been the privatisation and outsourcing that this Government has undertaken. This is also increasingly removing the opportunity for questioning the expenditure in various areas. A good example would be SA Water, where there are no lines in the budget relating to that operation. Modbury Hospital is another example. There are no details of expenditure there within the budget and it remains to be seen, when the Auditor-General's Report finally comes out, what detail we will get in relation to Modbury Hospital. At least in relation to the EDS contract there was one line showing how much was paid to the contractor.

As a test I want to place on the record some questions in relation to health expenditure and the Modbury contract, which is of interest to me, to see whether the Government can provide this information. The questions that should be asked in this area are as follows: how much did the Healthscope contract save in 1995-96 and how much is it expected to save in 1996-97; what figures are used as the benchmarks for these estimated savings; how much was paid to Healthscope in 1995-96; and, how much has been budgeted to pay Healthscope in 1996-97?

The Hon. R.I. Lucas: You will be pleased with the result that 97 per cent of patients are happy with the service out there.

The Hon. P. HOLLOWAY: I will be waiting to see the figures on this matter.

The Hon. R.I. Lucas: On how happy the patients and their families are?

The Hon. P. HOLLOWAY: I know the figures to which the Minister is referring, but what remains to be seen is how much the taxpayers of this State are supposed to be saving as a result of this. I am not all that sure from what I hear around the place that Healthscope is happy with life at the moment, but that remains to be seen.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: The Minister claims that less money is being spent on health and the patients are happier, but it remains to be seen whether less money is being spent in this contract. One of the fears I have is that there are claims of a whole lot of savings in a whole lot of outsourcing areas, but this Parliament has not been provided with the information that would enable us to pass judgment on those savings. We have had some vague figures given by the Government. I hope with the questions I have asked we will be able to get accurate figures and some indication of how those figures are worked out and we can make judgments accordingly.

I move on to another point. I have referred to how the Federal Government cuts to the budget will affect greatly the State budget. There could be worse in store for this State with what will happen federally. We have already seen the Commonwealth's proposal for sales tax. Fortunately, most of it was thrown out. The tax on luxury vehicles will stay, but the Commonwealth Government tried to bring that one on. We have the question of legal aid. We found out after the Premiers' Conference, when the Commonwealth apparently said that that was the end of it, that the States can take a certain amount of cuts and that there will not be any more, that there will be massive cuts for legal aid. We will have to wait until the Commonwealth budget comes out in August to find how disastrous those cuts will be.

It appears that yet another nasty is on the way from the Commonwealth, and I refer to last Friday's *Sydney Morning Herald* where there was an article on the front page entitled, 'Treasury's $1.2 billion tax grab plan angers the States'. The article states:

The Federal Treasury has proposed a radical move to seize control of $1.2 billion in annual tax revenue from State business enterprises and to recover billions of dollars retrospectively. This move comes just three weeks after the Federal Government was

defeated at the Premiers' Conference in an attempt to extend its sales tax base to the States.

This article further states:

Canberra's new push is outlined in a proposal from the Federal Treasury circulated at a meeting last week with State treasury heads . . . It cites a High Court decision in December last year between the tax commissioner and the Bank of Western Australia that confirmed severe limitations to the exemption from Commonwealth taxation for State authorities.

Perhaps the important part of the article is as follows:

A spokesman for the Federal Treasurer, Mr Costello, declined to rule out the proposal.

This relates to a 1994 agreement between the Commonwealth and the States called, 'Statement of Policy Intent' whereby the States collect sales and income tax from their business enterprises and authorities. The article further states:

The Treasury paper proposes tearing up this agreement, saying it is 'incumbent' upon all States to 'transfer all revenue raised to the Commonwealth'. It says 'unequivocal' advice has been obtained from the Attorney-General's Department following the High Court decision that taxes can be collected by the Commonwealth from State entities.

It also argues that the Commonwealth can recover the taxes owing from the date the SOPI agreement came into force, 1 July 1994, and that the Australian Taxation Office is 'considering its position' on whether back taxes before that date can be collected.

That would apply to business enterprises in this State and, I again repeat, Mr Costello, the Federal Treasurer, declined to rule out the proposal. There could be more on the way. We have had further cuts to the State by the Commonwealth; 900 jobs appear to be going from AN, there have been cuts to MFP funding and, no doubt, there will be many more cuts to various services in this State as a result of the Federal budget.

I think there could be more on the way. It is no wonder that the Premier would want his budget on the record in May, no doubt to try to set the scene so that when the Commonwealth budget comes out in September he can say, 'That is all nasty Howard and Costello, nothing to do with us.'

The State budget lacks vision. Basically, the whole philosophy of this State's financial policies during the last year have been driven by cuts. It had its Audit Commission which had certain targets and the budget has been driven by that ever since. The problem with the federal cuts is that the specific purpose payments will bear the brunt, in particular, the areas of health, housing and, perhaps to a lesser extent, roads.

It already appears clear from the Premier's hints that the cuts in housing will be one of the areas that will bear most of the brunt. Already the number of new Housing Trust starts foreshadowed in the budget is down to several hundred. We have had a disastrous fall in the housing starts in this State—the lowest since statistics were first recorded. We all know that housing activity is a good generator, a good multiplier of economic activity in the community, but we are now at record low levels. If housing takes the brunt of the specific purpose payments cuts to the States, as it appears it will from the hints the Premier has given, this will further exacerbate the disastrous position in housing. It is something about which we should all be concerned.

It is interesting to note that we have just had a National Audit Commission which has been examining the national budget and which has made recommendations that would affect payments to the States and which, in turn, will have a considerable impact upon the budget of this Government. In particular, the National Audit Commission recommended major changes to the delivery of health and health-related services. Specifically, that commission recommended that responsibility for delivery of health and health-related services should be transferred to the States. Measures to control the growth in expenditure under Medicare programs, most notably the Medicare benefits scheme and the pharmaceutical benefits scheme, and risk-sharing through resource pooling should be introduced. The National Audit Commission also recommended that greater use of price signals, or other ways of highlighting resource costs, should be extended to as many health services as possible, means tested as necessary with appropriate safety net arrangements.

The Premier was very quick to warmly welcome the Audit Commission's findings. The Brown Government's submission to the commission specifically supported the transfer of health responsibilities to the States. It seems that in recent days the Premier's enthusiasm for this transfer has waned: the penny has finally dropped that what the Commonwealth really wants is to remove some of these rapid growth areas—areas where the growth in expenditure is very high in real terms. The Commonwealth wants to hand those areas over to the States, but not provide the commensurate finance to pay for them.

I hope the Government will give me an answer to these questions in its second reading response. Does the Government support the recommendations of the National Audit Commission as they relate to health? In particular, does the Government support the transfer to the States of responsibilities for the Medicare benefits scheme and the pharmaceutical benefits scheme? I am concerned that the Audit Commission notes that budget expenditures on health are likely to increase substantially relative to the size of the economy, and that budget revenues are not likely to show a corresponding increase. Of course, the commission is talking about the Commonwealth economy, but South Australia is in a worse situation because it has the oldest population of any of the States in the Commonwealth.

If we are to take over responsibility for an area that is rapidly growing, and given that we are a State with one of the oldest populations in the country, we could have some very difficult problems in coping with these new responsibilities. I would be interested to know the Government's attitude, given that the Premier at first warmly welcomed the recommendations of the Audit Commission. Further, how does the Government propose to cap expenditures for these areas, that is, the medicare scheme and the pharmaceutical benefits scheme, if the Commonwealth accepts the recommendations and transfers responsibility to the States? Finally, in what areas does the Government see the greater use of price signals and means testing applying to public health services?

I will also ask the Government some questions about its health spending. We know that, in its first budget, this Government was very pleased to claim that it was cutting health expenditure by $65 million, and that in its second budget that figure increased to about $79 million, but this year the Government seems to have changed tack: it is now claiming to be increasing expenditure. For two years it made a virtue of cutting health expenditure; it now seems to have changed tack. What is the Government's new savings targets for health, and what is the basis for these savings?

Are those savings off the Consolidated Account; are they savings off the total expenditure for health; or are they savings from some other area? What are the forward estimates, the projections, of spending for health over the next three years? If the Government is claiming that it is making

cuts or increasing expenditure (whichever suits it in the budget), I believe we should know exactly what the projections are for that expenditure. If we look at the budget and the philosophy of the Government, particularly having just talked about Audit Commissions, it reminds me very much of the situation in the United Kingdom. When the Tory Government first came to power about 15 years ago, it was fashionable to speak about the 'Thatcher miracle'—they were the words commonly applied to what happened. Today, no-one talks about a miracle in relation to England: the Thatcher miracle has turned into a disaster.

The Hon. T.G. Roberts: It's a miracle that people put up with it.

The Hon. P. HOLLOWAY: As my colleague the Hon. Terry Roberts says, it is a miracle that people put up with it. It seems to me that much has been proposed by the various Audit Commissions. I point out that Queensland had its Audit Commission in the past few days. In spite of the fact that it has far and away the lowest debts of all States, it has suddenly discovered that it needs to do all sorts of cutting and privatisation and introduce toll roads, which is interesting since the National Government in Queensland made great gains at the last election through opposing toll roads. Nevertheless, it is now reconsidering its position following advice from the Queensland Audit Commission. These are the sorts of recommendations that were part of the so-called Thatcher miracle, which has left England a disaster area. It seems that this Government is still trying to push on with this same sort of philosophy. It is a pity that this particular budget does not show a bit of vision in any of these areas.

I refer now to the capital budget. This Government has tried to make great play of the fact that it is increasing capital expenditure in the budget, but when we look closely we see that that claim needs a lot of qualifying. If we look at the total expenditure in the back of the capital works budget for this year, we see that, in respect of State projects, projected expenditure is $1.083 billion. That compares with the actual expected outcome in 1995-96 of $1.064 billion. Capital expenditure proposed for the State last year was $1.089 billion. So, the actual total capital expenditure proposed in the budget last year was greater than the total capital budget proposed for this year. Of course, as always happens with capital budgets under this Liberal Government, there is a large amount of slippage: projects simply do not get built. They are put into the budget to sound good, but they get pushed to one side, and the actual budget always comes out at much less than that proposed.

The trick that the Government has used this year to try to inflate its capital budget is to throw in $150 million of private projects, such as the private hospital now being built at the Flinders Medical Centre and the privately funded hospital at Mount Gambier. What right does this Government or any Government have to include private projects as part of its capital works program? Clearly, it is a fraud.

The Hon. T.G. Cameron interjecting:

The Hon. P. HOLLOWAY: Well, maybe they do. The other factor of this capital budget is that this Government is restating projects. One particular project dear to my heart which was included in the 1993 Labor budget is the Marion Community Health Centre, which was to replace the Clovelly Park Community Health Centre, which was in my then electorate way back in 1993. This project has appeared in the last three budgets, and there is yet to be one brick laid. I suspect that that might even be the case for this year. The Mount Gambier Hospital was also in the last Labor budget of 1993. This Government, upon coming to office, immediately took it off the capital budget and it keeps announcing it every year. Perhaps as we get close to an election we will finally have some of these projects opened. Another matter that I would like to—

The Hon. L.H. Davis interjecting:

The Hon. P. HOLLOWAY: There are some matters in relation to the Modbury Hospital in that area that I would like to put on record. I have put on record earlier some questions about the Modbury Hospital contract in relation to Healthscope. I would like to ask some questions about the service subcontractors. Have the contracts with Gribbles, Benson and Spotless—three subcontractors at Modbury Hospital for pathology, radiology and cleaning services respectively—performed up to the expectations of the Health Commission when they were first signed? As these payments for subcontractors at Modbury Hospital come out of the health budget through the Modbury Hospital Board and then to Healthscope, can the Government say how much in public funds will be paid to those three subcontractors in 1995-96 and what are the estimated payments in 1996-97? What was the base level of services expected to be provided by each of those major Modbury Hospital subcontractors—Gribbles and Benson in particular—at the time the contracts were signed? What is the latest estimate for the actual level of service to be provided by each subcontractor in 1995-96?

If Modbury had still been a public hospital, this sort of information would be readily available in the budget papers and certainly from the Auditor-General's Report. To return to a point I made earlier, one of the problems with outsourcing is that this sort of basic information about what we are getting for our money through outsourcing is simply not available.

Another point concerns health and waiting lists. The Liberal Party's health policy issued just before the last election stated:

> There are 8 500 people waiting for surgery in South Australia's public hospitals after 11 years of Labor mismanagement of the public hospital system. These statistics mark the pain, the suffering and in many cases the intolerable effects on lifestyle which have become an unfortunate fact of life for many people relying on the public hospital system.

The Brown Government then promised to reduce public hospital waiting lists significantly in its first term. However, 2½ years later the latest statistics to the end of March this year reveal that 8 100 people are still on the waiting list but, more importantly than the number on the surgical waiting list, is the number who have waited for more than 12 months. In the past 12 months this number has increased by 34 per cent. Originally there was a fall in the number waiting for 12 months when this Government came to office, and that was largely as a result of measures that had been put in place by the previous Government and also some extra funds that had been provided by the then Federal Labor Government to reduce waiting lists. There was also the Hunter report which was acted on to remove some of the double counting and so on associated with that waiting list.

That caused the initial reduction but in the past 12 months it is alarming that the number has increased by 34 per cent. Further, the median waiting time for all people on the surgical waiting list is now 1.08 months, compared with 1.02 months in March 1995 and .92 months in January 1994 after this Government first came to office. The median wait for surgery is now almost two days longer than it was one year ago and almost five days longer than it was in January 1994. What is

the Government's target for waiting list reductions, particularly for people who have been on lists for more than 12 months, for this financial year? Does the Government intend to provide any extra assistance from its budget to hospitals to reduce the waiting list for those who have already waited more than 12 months?

I have covered a number of areas in the budget with an emphasis on health, but I conclude by making the point that this budget really lacks integrity, largely because the budget is brought down before the Commonwealth budget and we know that we are facing substantial Commonwealth cuts. It is clear that the Government will have to go through the budget process all over again in August, particularly in those areas highly dependent on specific purpose payments from the Commonwealth, particularly in areas such as housing and health.

In order to satisfy the public that we have done our job in scrutinising the budget, which is what this debate is about, there is no doubt that we will need to revisit the whole process when the Commonwealth budget comes down and also when we have the Auditor-General's Report available to us later this year. There is not much that we can really say about this budget apart from the fact that it lacks integrity and is a fraud. Some of the serious scrutiny that we will be involved in will come in August this year when we know the true state of affairs. That is when the real questions will need to be asked of this Government and the real answers provided about this budget.

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

DE FACTO RELATIONSHIPS BILL

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I move:

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

Motion carried.

[Sitting suspended from 5.53 to 7.45 p.m.]

STATUTES AMENDMENT (SENTENCING OF YOUNG OFFENDERS) BILL

In Committee.

Clause 1—'Short title.'

The Hon. CAROLYN PICKLES: As we indicated during the second reading debate, the Opposition believes that there is much in the Bill that will improve the working of the youth justice system. However, there are also some aspects of it about which we have some reservations, and I would like to canvass the views of the Attorney on some of those. For example, the Attorney has gone some way towards making the provision about home detention acceptable. There are other major issues—for example, in relation to the sentencing principles—which should apply to young people and which are major topics in themselves. When the Attorney proposes a reform which would significantly alter the rationale and the chronology of the sentencing of young offenders in this State, Parliament should be well informed of the facts before endorsing such a reform.

There are some disturbing aspects about the timing of this Bill and the consultation process. A report was prepared by the Office of Crime Statistics, which the Attorney referred to in the Estimates Committee and which was dated 20 June this year. In answer to a question from the member for Newland, the Attorney indicated that a complete and detailed review of the statistics regarding the juvenile justice system had been prepared. That would be a very useful package of information for the Opposition to consider before addressing some of the issues raised by the Bill—the issue of general deterrence in particular. Does the Attorney have a copy of the Office of Crime Statistics report or even a copy of the draft report? We would like to see these statistics before making a decision about the sentencing principles which should apply to young offenders. Even in relation to the issues of community service orders and home detention, these statistics would be very useful.

Members interjecting:

The CHAIRMAN: Order! There is far too much background noise, which I do not believe is necessary.

The Hon. CAROLYN PICKLES: First, I ask the Attorney to release whatever information he has from the Office of Crime Statistics, whether it be in terms of a draft report, a completed report or some kind of report on work in progress. Secondly, I note that the Juvenile Justice Advisory Council, comprising several prominent and experienced people associated with the juvenile justice system, was always intended to be a watchdog and review committee in relation to the operation of the new juvenile justice system, that is, the juvenile justice system that effectively commenced on 1 January 1994. Everybody knows that the Juvenile Justice Advisory Council is due to release a comprehensive report some time later this year in relation to aspects of the system. For all we know, the Attorney has already received the report or at least he may have some idea of its contents. Is this the case?

Although the Attorney has made out a case for dealing with the more practical and procedural aspects of this Bill in order to improve the day-to-day workings of the juvenile justice system, from our point of view the Attorney has not adequately justified the introduction of a profound reform without our having the benefit of the JJSC report. Even if the Attorney-General believed we would be waiting too long if we had to wait for the JJSC report later this year, at the very least it should have been possible for the Attorney to arrange for official comment from the JJSC in relation to this legislation. It has been publicly available now for quite a few months, and that should have been sufficient time for the JJSC to comment on the Bill. So, from this we can deduce that the JJSC has not endorsed the Bill. Can the Opposition assume that the Attorney-General knows of or anticipates some opposition from the JJSC in relation to the measures contained in the Bill? It will be very useful for us in dealing with later amendments to have some information on these points.

The Hon. K.T. GRIFFIN: It is an appropriate point at which I can deal with several issues. The Juvenile Justice Advisory Council does have responsibility for reviewing the operation of the Act, and consideration was given to how that should occur. Obviously, the council does not have a significant volume of resources to deal with, so about $30 000 was made available in the Attorney-General's Department budget for the purpose of funding the preparation of a report. That report was commissioned from the Office of Crime Statistics—or, more particularly, from Ms Joy Wundersitz, who is the Director, partly because of her own background in this area and also because of the expertise

which she brings from being Director of the Office of Crime Statistics.

If one is doing an evaluation of the success or otherwise of the scheme, one must rely significantly upon statistical data and analyses of those data. The council commissioned the report. I saw an early draft of the report, but Ms Wundersitz sent out to various agencies and bodies relevant chapters of the draft to get some feedback. Her intention was to ensure that in making both observations about facts and also recommendations she should not be inadvertently or in ignorance making errors about either the factual situation or the recommendations which might arise from the analyses which she made. My understanding is that she has received the responses and that the report is in the course of being completed. I have not seen the revised report or a revised draft, and I am not sure when it will be released. I will check that, and hopefully it will not be too far distant, but it will go to the advisory council. The advisory council will then determine what should happen with it and whether it wants to make any observations on the report itself. The Bill was sent to the Juvenile Justice Advisory Council, but no comments were received on it.

The Hon. Carolyn Pickles interjecting:

The Hon. K.T. GRIFFIN: Apart from the issue of general deterrence, the provisions of the Bill are not contentious. I am surprised that the principle of general deterrence has brought such fervent representations, because the select committee recommended that it should be incorporated. The principle embodied in the previous Government's legislation was supported on a bipartisan basis, and it was only the Supreme Court which decided last year to reinterpret what the Parliament thought it was enacting—the Schultz case. Obviously, we will deal with that when we get to the relevant amendment.

The significant part of the Bill is not contentious and will not in any way compromise what might ultimately be recommended from the review of the operation of the system. At least in the initial draft that I saw, as far as I can recollect, there were no adverse findings on the general scheme embodied in the legislation, but I recall that some issues had to be addressed. Obviously, if policy issues are to be addressed as a result of the report, that will need some time for consideration. I would be disappointed if the Bill did not pass because matters have been raised directly by the Senior Judge of the Youth Court and by others in the administration. If the amendments are carried, the Bill will facilitate the proper operation of the scheme. I think that addresses all the honourable member's remarks, but I shall be happy to take more questions at appropriate times in Committee.

The Hon. Sandra Kanck raised the issue of community service orders on which I undertook to obtain information and provide an answer in Committee. The Department for Family and Community Services advises that additional money has been provided to meet the expected demands for community service orders. The department does not have a dedicated budget allocation for community service orders. This funding comes from the departmental budget. The department allocated $500 000 in the 1995-96 budget; it has allocated $750 000 in the 1996-97 budget; and it has allocated funds in the 1996-97 budget to establish a coordinator's role to set up the home detention scheme. No funds have previously been allocated for home detention, because there are defects in the provisions in the Act.

The amendments will ensure that home detention is available as a sentencing option. The honourable member will therefore see that the amount available for community service orders administration, application and implementation has been increased by 50 per cent over the previous year. I hope that will give some satisfaction in dealing with community service orders.

Clause passed.

Clauses 2 to 17 passed.

Clause 18—'Special provisions relating to community service.'

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

Page 5, after line 2—Insert new paragraph as follows:
(aa) by striking out from paragraph (e) 'or more than 24';.

This amendment and the amendment to clause 56, relating to new section 49A of the Young Offenders Act, arose from a change of policy by the Commonwealth Department of Social Security. The amendment deletes the requirement that a person cannot be required to perform community service for more than 24 hours in a week. The department's policy has been to allow a person generally to maintain eligibility for the Job Search allowance while they are complying with a community service order for up to 20 hours per week, because the department accepted that such persons are still able to satisfy the activity test.

The department has allowed a person to obtain general relief from the activity test for up to 30 days in any year through voluntary work. Alternatively, subject to the Commonwealth Employment Service's approval, a community service order may be included in a person's activity agreement. Many unemployed people would prefer to do more than 20 hours community service to get it out of the way. The department has developed an approach which can accommodate community service orders within the existing administrative framework.

First, a person with a community service order of 20 hours or less part-time will be regarded as satisfying the activity test provided that they are seeking work and otherwise complying with the requirements for Job Search. Secondly, for a person with a community service order of 20 hours or less part-time who is in case management, his or her community service order may be written into the case management activity agreement. This action recognises that community service order participation will keep a person out of gaol, thus avoiding a major impediment to their future work force participation, as well as providing that person with valuable work experience. This is already allowed for in the Department of Employment, Education, Training and Youth Affairs' guidelines.

However, that department has agreed to amend the CES guidelines to remove any perceived restrictions where a community service order could be regarded as eliminating labour market disadvantage and, in making their decision, take into account that the activity is likely to improve the client's employability by building self-esteem, that the activity will build on existing skills or develop new skills which will assist the client to find other work, and that the activity should be vocationally useful.

Thirdly, for those with a community service order requiring more than 20 hours a week attendance and without an activity agreement, it is proposed to use the existing special circumstances exemption. This would provide an exemption for up to 13 weeks. Fourthly, ideally, persons with a community service order of more than 20 hours who are in case management would have the community service order included in the case management activity agreement.

However, in cases where DEET is not prepared to provide an exemption, the department would propose to exempt community service orders as in this third point to which I have referred.

Implicit behind these changes is that the community service order will not affect the person were they to be provided with a job opportunity and that in these circumstances the community service obligations would not interfere with the person's employment. The provisions of section 47 of the Criminal Law (Sentencing) Act and proposed section 49A of the Young Offenders Act, by imposing a limit of 24 hours community service per week, will prevent offenders being able to take advantage of this change in policy. The restriction on the number of hours is not necessary as there are provisions about community service not interfering with paid employment, training education, seeking employment and caring for children. Also, a person cannot be required to perform community service except in circumstances approved by the Minister for a period exceeding eight hours.

The Hon. CAROLYN PICKLES: The Opposition supports the amendment. We believe it is important for any community service orders to be consistent with Department of Social Security requirements.

Amendment carried; clause as amended passed.

Clauses 19 to 29 passed.

Clause 30—'Objects and statutory policies.'

The Hon. SANDRA KANCK: I move:

Page 7, lines 12 to 18—Leave out paragraph (b).

I raised some concerns in my second reading contribution about this issue of general deterrence. The Attorney-General has argued that the court still has flexibility, but the wording itself is very clear. It provides:

> (ba) the sanctions imposed by a court for illegal conduct—
> (i) must,—

and 'must' means every time, there is no flexibility in that—

> in the case of a youth dealt with as an adult; or
> (ii) may, in any other case that the court thinks appropriate (because of the nature or circumstances of the offence),
>
> also be sufficiently severe to provide an appropriate level of deterrence for youths generally;.

It is the word 'must' that has caused me to seek to delete this paragraph. There is no flexibility for the judge. This is effectively saying, as it is currently worded, that a judge can use discretion when dealing with adults but, when he is dealing with young people who are being charged as adults, he has no discretion. He must come up with some sort of sentence or whatever that makes that person an example. There is no other way that this can be interpreted. This says that the judge must make an example of the young person.

I find it interesting that the Government is going down this path at the present time. It seems to be more of a 'Let's show the public we are tough' type of attitude it has taken. I refer the Attorney-General to a media release on 4 April when Youth Court Judge Brian Crowe retired. He gave some figures in that media release showing that there had been a decrease in crime amongst young people. He stated that, in 1984, individual offenders aged between 10 and 17 made up 4.6 per cent of that section of the population, and 1.5 per cent actually went to court. In 1994, 10 years on, that had dropped to 4.1 per cent of that grouping of the population, down from 4.6 per cent, and 1.2 per cent of those went to court, down from 1.5 per cent. The justification for making examples of these young people does not appear to be there statistically.

I am also concerned about what this is doing from the point of view of discrimination. I believe that this paragraph, if it stays in the Bill, is discriminatory on the basis of age. An adult does not need to expect they will be made an example of. A young person charged as an adult does have to expect that. It is putting a lot of restrictions on the judges when they are working in the adult court.

The other thing that concerns me—and I would be very interested if the Attorney-General could show me any examples—is that nowhere in any literature have I been able to find that general deterrence works with young people. If members think about it, young people think they are gods. They are the ones who can take up smoking and will not become ill, contract cancer and die as a result. They are the ones who can go out in their car, exceed the speed limit but will never lose control of the car. Young people consider themselves to be omnipotent and eternal. Making an example of a young person who has committed what obviously is a serious crime will not have that deterrent effect on other young people. Nowhere in any literature can I find any proof that general deterrence works with young people.

The Hon. K.T. GRIFFIN: The Government opposes the amendment. I make an observation about the question of discrimination on the ground of age. This amendment is not discriminatory on the ground of age, except in favour of young people. If you were talking about a lack of discrimination, you would apply general deterrence to all, regardless of age. This amendment seeks to make a distinction between a young offender in relation to the way in which general deterrence is to be applied as opposed to an adult offender where general deterrence is to be taken into account. If you want to make it non-discriminatory—

The Hon. Sandra Kanck: It may be taken into account for an adult. It must be taken into account.

The Hon. K.T. GRIFFIN: It must be taken into account. The sentencing principles, as I recollect, say that it must be taken into account. The fact is that, if you wanted to make this non-discriminatory, you could apply the general deterrence principles that apply to adults to young offenders without any distinction at all. It is discriminatory, but it is discriminatory in favour of young people as opposed to being against young people. Section 10 of the Criminal Law (Sentencing) Act talks about general sentencing powers and states:

> A court, in determining sentence for an offence, should have regard to such of the following matters as are relevant and known to the court.

Then it goes through—

The Hon. Sandra Kanck: There is discretion in 'should have regard'.

The Hon. K.T. GRIFFIN: If you want me to change 'must' to 'should', I am happy to. If it will make the honourable member happier, I am happy to change 'must' to 'should' and, if that satisfies it, we can close the debate off fairly quickly. If the honourable member wants to make it consistent, I am happy to do that. As I said, section 10 of the Criminal Law (Sentencing) Act 1988 states:

> A court, in determining sentence for an offence, should have regard to such of the following matters as are relevant and known to the court.

One of those is the deterrent effect any sentence under consideration may have on the defendant or other persons. It is there. We could argue about the word 'should', whether 'should' means 'must' or 'must' means 'should' but, if it

makes the honourable member happy, I make the offer that I am prepared to change the word 'must' to 'should'.

What the honourable member presently seeks to do is remove any notion of general deterrence in the sentencing of young offenders. As I pointed out in the second reading explanation, the amendment requiring the courts to have regard to general deterrence is seeking to restore the position that was thought to exist before the Supreme Court decision in *Schultze v. Sparks*. That was the case which decided that general deterrence did not apply to the sentencing of young offenders, even though, when this juvenile justice package was brought into the Parliament in 1993 as a result of the report of the select committee in the House of Assembly, everyone specifically believed that general deterrence would apply to young offenders—not in the way in which the amendment is framed but generally.

The honourable member will note that the amendment in the Bill seeks to distinguish between a young offender who is being tried as an adult, on the one hand, where general deterrence will be taken into consideration, and other cases where there is a discretion. The court may, in any other case that the court thinks appropriate, take into account the issue of an appropriate level of deterrence to use generally. It is a discretion in relation to all those young offenders, except those who are tried as adults.

In those circumstances, there should be no distinction in terms of the principle of general deterrence for someone whose offence is serious enough—murder, manslaughter, rape—for that person to have applied to him in particular—her maybe—the principles of general deterrence. It is important in those circumstances to recognise the distinction. It is clear from the second reading explanation of the previous Bill, as I recollect, that general deterrence should apply to the sentencing of young offenders. When the principal Act was introduced as a Bill the Minister stated:

> Under the current Children's Protection and Young Offenders Act, the primary emphasis is on the rehabilitative or welfare requirements of the child, while the need to protect the community and to hold young people accountable for their criminal acts is taken into consideration only 'where appropriate'. Unlike the adult system, the principle of general deterrence cannot be applied by the Children's Court when sentencing a young person. The Bill reverses this emphasis in order to ensure that the needs of victims in the community are given appropriate precedence.

Justice Olsson in the case of *R. v Police*, in a judgment unreported and delivered on 31 January 1995, interpreted section 3 of the Young Offenders Act to mean that general deterrence was relevant to the sentencing of young offenders. Only a few months later he was persuaded to the contrary in *Schultze v Sparks*.

Our amendment to section 3 is not a direction to the courts to include a component for general deterrence in every sentence. Section 3(1) of the Young Offenders Act provides that the object of the Act is to secure for youths who offend the care, correction and guidance necessary for their development into responsible and useful members of the community and the proper realisation of their potential. Subsection (2) requires the powers conferred by the Act to be directed towards that object with proper regard to several policies. The amendment to subsection (2) requires the court to have proper regard to general deterrence in the circumstances set out in new subsection (2)(ba). I emphasise the words 'proper regard'. It is a balance.

In 1990 the Parliament recognised that there was a need for general deterrence to apply to the sentencing of some young offenders when it amended section 7 of the Children's Protection and Young Offenders Act to provide that the court must, in exercising its powers under the Act, consider:

> (da) where the child is being dealt with as an adult for an offence, the deterrent effect that any sentence under consideration may have on the child or other persons.

That was in the 1990 Act. It was moved by the previous Labor Government and supported by the Parliament. So, paragraph (ba)(1) is really—

The Hon. Carolyn Pickles interjecting:

The Hon. K.T. GRIFFIN: That is somewhat puzzling. I have not heard what the attitude of the Leader of the Opposition is to this amendment, but the interjection suggests that maybe there is now a difference of view from what the previous Labor Government had in 1990 and what was enacted at the instigation of the previous Labor Administration in the Young Offenders Act. The Government is simply trying to bring the legislation some way back towards what it was before the decision in *Schultze v Sparks* by the Supreme Court last year. Up until that time everybody thought that general deterrence was a principle applied across the board to young offenders. The Government is not seeking to bring it back across the board, but specifically in relation to a youth dealt with as an adult and, in appropriate circumstances, for other young offenders.

It is important for me to put a couple of other things on the record. The amendment made in 1990 was in response to pleas from the judiciary that the law be changed to allow it to give proper place to general deterrence in sentencing young offenders. In *R. v S.* in 1982 Justice Zelling said:

> I think it will have to be considered by Parliament at some stage whether section 7 should continue to apply to persons over the age of 16 in the case of really serious crime. I accept that it is good both for the community and for the juvenile that, if possible, he should be turned away from crime to honest endeavour before he becomes inured to a life of crime, but there are some crimes which, of their nature, are so serious and so shocking to the conscience of the community—and this is one such crime—that the mandatory provisions of section 7 should not apply to a crime as serious as that.

The youth in that case was 16 and was one of a gang involved in a gang fight. He had armed himself in anticipation of the fight and fired four bullets into the body of another youth. At least one of the bullets struck the youth as he was running away. In *R v Amantadis* (1983) Justice Wells said:

> In this case, if the prisoner Svingos had been a year or so older, I should have unhesitatingly held that his sentence should have strongly reflected the aim of general deterrence and, in part, of just retribution. The plan to subject the girl to sexual imposition and, if necessary, to rape her, had been carefully and thoroughly worked out in advance, and was carried out without compunction. It is, in my opinion, too easy to give effect to a plea for leniency on the grounds that an offender was youthful at the time, and that it is not right to attribute to him a full adult awareness of his or her wrongdoing, without at the same time taking into account another characteristic fairly attributable to young men and women—namely, that an ordinary, decent, young man or woman usually has a well-developed sense of compassion. The two prisoners conspicuously failed to show any compassion at all; not once during the whole sordid episode, did either so much as make a move to desist, to show the slightest recognition of the girl's distress.

The youth in this case was 17½ at the time of the offence. In *R v Wilson* (1984) Justice Wells again voiced some concerns when he said:

> . . . It is understandable that the lawgiver should assert that, in general, potentially healthy growth in a child's character should not be frustrated by a severity of penalty drawn from the principles of general deterrence. But the same lawgiver should realise that there are some juveniles who are as dangerous and malevolent as the worst professional criminals. To them kindliness, encouragement, support, and exhortation are meaningless, or are seen as signs of weakness.

Judges and magistrates should have the power to treat a child, if the circumstances of the case imperatively call for it, as if he were an adult to whom adult principles of sentencing ought to be applied.

In the same case Justice Bollen said:

> . . . The stark fact is that there are at large strong, brutal and evil youths. If there be any good in them it is well submerged. They have no compunction in committing crimes, often crimes of violence. It is a mistake to give any prominence to the chance of their rehabilitation. They should be sentenced just as if they were adults. Many of them are, in physique and behaviour, adults—and wicked adults. It is essential, in my opinion, that the courts should be able to give its proper place to general deterrence in sentencing youths of this type. It may happen that the news of appropriately condign sentences will deter some of a like elk to the sentenced offender. Despite its great value in many cases, despite its admirable sentiments, section 7 partially disarms the court in its efforts at resisting crime.

The youth in Wilson's case was 16½ and was party to a plan executed by a group of young men and women to lure the victim to the banks of the Torrens and rob him. The youth struck the victim with some piping which he had previously obtained. The youth in Schultze was 17 at the time of sentencing. The judgment does not reveal his age at the time the offence was committed. The offender pleaded guilty to a variety of offences against a background of a formidable antecedent record. The offence in relation to the appeal against sentence was one of armed robbery. The detailed circumstances were not specified in the judgment of the Supreme Court other than to say that it was a serious offence of its type, involving the infliction of a knife wound on a 77 year old victim. If the honourable member's amendment is carried, we will no doubt be confronted by similar pleas from the judiciary to arm them with sentencing powers that will allow them to impose appropriate sentences in all cases.

I conclude my observations on the honourable member's amendment by saying this: I know that there are groups in the community (the Youth Affairs Council and others) that have been making representations to me, and I presume they have made them to other members, too, that we should not have a principle of general deterrence in the legislation. I disagree: the Government disagrees with that proposition. It is not about being macho or about being seen to be tough. It is about reality. The reality is that when you get to be tried as an adult, even when you are 16 or 17, then you have to stand before the court and the court should be able to use all of its sentencing powers, and that includes general deterrence.

In relation to other young offenders, the discretion we seek to give to the court is one which I believe ought to be there in order to give the judges a reasonable level of discretion, and it is a discretionary remedy which is included in the Bill. I urge members to take note of what I have said, the cases to which I have referred and the remarks of sentencing courts and courts of criminal appeal in supporting at least this partial move back to what was in the legislation passed by a previous Parliament with the support of both sides, at least, and I think also the Australian Democrats, for the principle of general deterrence to be at least partially recognised in this legislation.

The Hon. CAROLYN PICKLES: The Opposition accepts the Attorney's point that it was the intention of the Parliament in 1993 to allow provision for general deterrence in consideration of penalties for young offenders. It was certainly supported in this place, and I was one of the people who supported it, but the Opposition believes that, following the court interpretation in *Schultze v Sparks*, we need to look at this issue in more detail. The Attorney is asking the Parliament to adopt a significant shift in the sentencing principles presently practised by the Youth Court, but the Opposition believes that we should wait and see what the Juvenile Justice Advisory Committee recommends in relation to this question.

We have made it very clear that we are supporting all other aspects of this Bill. We are not saying that we are ruling this out altogether, but we would like to see the recommendations contained in that report. We would certainly be amenable to revisiting this issue if the recommendations covered all those issues. The post-1993 juvenile justice—

The Hon. A.J. Redford interjecting:

The Hon. CAROLYN PICKLES: Just hang on. This kind of thing keeps you lawyers in business. The fact is that the post-1993 juvenile justice system has not led to a reduction in detention orders, as the Opposition understands it. The juvenile detention systems at Cavan and Magill are full and, under these circumstances, if the Attorney wants to send more young people into detention for longer periods—I know that he is referring here to some serious offences, and we would support him on those issues—then I think we should canvass all the views. I do not believe that the issue of general deterrence can be dealt with properly at this point.

The Opposition has made it clear—and we did so on clause 1—that we were concerned that we had not seen the report (which I believe is a very lengthy one) prior to making deliberations on this clause in the Bill. We have no problem with the rest of the Bill. General deterrence raises very different considerations. The matter becomes more complicated because, if the intention of the law is to provide for general deterrence, one must consider the punished individual and deterred potential offenders quite separately. In other words, if a young person is to be dealt with by the court in such a way as to make that individual an example to others, the question arises as to who those others are and whether they would in fact be deterred by a harsh sentence imposed on the individual who has been caught under this law.

Does the Attorney believe that general deterrence will become important in particular types of crime, whether it be robbery with violence, car theft, or whatever; or does he believe that if youths, dealt with as adults by the courts, are punished severely then that will act as a deterrent to younger young offenders; or is a general deterrent value only in respect of other youths dealt with as adults? Will the sanctions imposed, pursuant to the Attorney's amendment, in certain cases have a deterrent value for youths generally as a matter of fact? We believe that it would be advantageous to the Parliament to revisit this whole issue after the Juvenile Justice Advisory Committee has made its report available.

The Attorney indicated in respect of clause 1 of this Bill that that report should be available soon. So, we are really asking for a deferment of this clause, but the Attorney has indicated that that is not his view at this time. This Bill must be dealt with in another place. The shadow Attorney-General, who has discussed it in some detail, may well be persuaded by the arguments in another place.

Members interjecting:

The CHAIRMAN: Order!

The Hon. CAROLYN PICKLES: I believe that we are being quite reasonable in asking whether that report can be made available. The recess will not be very long. If the Attorney wants to hurry them up and defer this clause for a few weeks, we are quite happy to accommodate him and look at it again. It seems to me that that is a reasonable request. At this point, we support the Democrats' amendment, and we

believe that the whole issue may be revisited in the not too distant future.

The Hon. K.T. GRIFFIN: I am disappointed by the Leader's indication.

The Hon. Carolyn Pickles interjecting:

The Hon. K.T. GRIFFIN: I just do not think it is a reasonable and credible position to take. My recollection of the early draft of the report that I saw is that it did not touch on the question of general deterrence. If I can obtain some information about it, I will provide that to the honourable member when we have a deadlock conference. The fact of the matter is that we intend to push this issue all the way. It is not an unrealistic provision. It does not go back to the provision which the previous Government and Parliament believed was in the legislation: that is, the principle generally applied in relation to deterrence to all young offenders. We have pulled back from that position and reinstated the 1990 provision which the previous Government brought into the Children's Protection and Young Offenders Act about those young persons who are tried as adults in an adult court, and we have given discretion in relation to the balance of young offenders. That is a perfectly reasonable position to take.

As I have said, I know that there are people who disagree with this, but we do not agree with them. It seems remarkable that within a space of three years since the Parliament was discussing this issue of general deterrence we should be moving backwards rather than facing up to the issue. I am disappointed. The Government will persist with this issue.

The Hon. SANDRA KANCK: I hear what the Attorney says. The examples that he has cited of those young people who have offended are quite shocking. My emotional reaction is: okay, let's organise the posse, let's go and get them. However, it is not our job to respond to these things emotionally. Our job as politicians is to temper our emotions and to bring some rationality to these things.

The Hon. T. Crothers interjecting:

The Hon. SANDRA KANCK: You are seeing it all the time; you just do not have your eyes open.

The Hon. T. Crothers interjecting:

The Hon. SANDRA KANCK: Exactly! Section 3 of the Young Offenders Act sets out objectives which emphasise punishment for young offenders. Subsection (2)(b) highlights this and requires that the punishment be 'sufficiently severe' to deter. It stresses the need for community protection. It is already there in the Act. I find it surprising to hear the Attorney say that what we are doing is going backward when I have actually presented figures to him showing that fewer young people are committing crimes. The backwardness is in the wording that currently exists in the Bill. That is why I am trying to take it out.

The Hon. CAROLYN PICKLES: I am pleased that the Attorney has indicated that he will try to get information from the Juvenile Justice Advisory Committee. As the Bill may go to a deadlock conference, the Attorney might get the information from the committee before the Bill is dealt with in another place and we have a week in which to do that. As we have indicated, even if the Minister is saying that the report does not cover this issue, we do not have that information in front of us. We are not disputing the Attorney's word but we would like to see the report because we believe it would cover a whole range of issues and areas that are important. This legislation was introduced originally by a Labor Government, and we are not drawing back from that, but we are saying that at this time we are inclined to support the Democrat amendment in order to bring more information before the Committee before we make a final decision.

The Hon. A.J. REDFORD: I support the Attorney's position. I will be brief, but I have a number of questions. It seems odd that the Australian Democrats come in and suddenly want to talk about these sorts of issues in a non-emotional manner when I have often sat here and the honourable member has grabbed a court case, dressed it down, got emotional about it and then tried to hit the Attorney between the eyes with it. I have seen that on four or five occasions.

The Hon. Sandra Kanck: He's still standing.

The Hon. A.J. REDFORD: He is still standing because being attacked by the Australian Democrats is hardly likely to knock the Attorney-General over. If the provision does not pass, it will bring the whole law into disrepute with the public. When the general public see a 17 or 18 year old child commit a heinous crime—and the Attorney has mentioned but a few of them—which even younger people understand is serious, then the question of general deterrence cannot be brought to bear. I find it absolutely amazing and stunning—

The Hon. Sandra Kanck: Show me evidence that it works.

The Hon. A.J. REDFORD: Well, it was felt and thought by the previous Parliament, the select committee, the legal profession and sentencing judges until very recently that deterrence was an issue that they were allowed to take into account in sentencing. That is what everyone thought. The Supreme Court, having agreed with that on the first occasion, changed its mind on a second occasion. That is the position of the Supreme Court. As the Attorney said, we are only trying to bring this back to the *status quo*. I am sure that if that report comes out differently and we do not react or respond to it as a Government the honourable member can introduce a private member's Bill.

I wish to ask the Attorney three questions. First, where a youth is dealt with as an adult, can the Attorney explain how that happens, who makes the decision and in general terms in what sort of cases might that occur? Secondly, about what numbers of people are we talking on an annual basis? I would be happy with a general estimate as I do not need to know the specific number. Thirdly, can the Attorney describe the position in real terms so that, when the general public hears about the stance of the Australian Democrats—and I will make sure that they do—they will know exactly what difference in sentencing terms it will make in certain cases? It is a difficult question because each case is decided on its merits but, in general terms, what sort of gaol term difference are we likely to expect if the Democrat position is sustained?

The Hon. K.T. GRIFFIN: The last question is fairly difficult to answer. Quite obviously, each case is determined on its own facts, but it will certainly mean additional imprisonment in very serious cases such as rape and crimes of violence. How much, I cannot say.

An honourable member interjecting:

The Hon. K.T. GRIFFIN: It could well be years rather than mere months. In terms of numbers there are not many of these cases. I do not have the number at my fingertips, but it is a mere handful, perhaps three or four a year, although I have not heard of any for a while except in relation recently to a serious arson case, where there was to be an application to the court for a young accused to be dealt with as an adult in an adult court. The provisions of section 17 of the principal Act actually deal with the laying of a charge.

If the offence with which the youth is charged is homicide or an offence consisting of an attempt to commit or assault with intent to commit homicide, or the offence with which the youth is charged is an indictable offence and the youth, after obtaining independent legal advice, asks to be dealt with in the same way as an adult, or the court or the Supreme Court determines on the application of the DPP or a police prosecutor that the youth should be dealt with in the same way as an adult because of the gravity of the offence or because the offence is part of a pattern of repeated offending, the court will conduct a preliminary examination of the charge and may commit the youth for trial or sentence, as the case requires, to the Supreme Court or the District Court.

It is the court itself that determines in those cases whether a person who is young and charged with an offence should be dealt with as an adult because of the gravity of the offence or because of repeated offending. There are some safeguards in the system against indiscriminate charging of young offenders in adult courts; it is very much based upon the discretion of the court.

The Committee divided on the amendment:

AYES (8)

Crothers, T.	Elliott, M. J.
Holloway, P.	Kanck, S. M. (teller)
Levy, J. A. W.	Pickles, C. A.
Roberts, R. R.	Weatherill, G.

NOES (7)

Davis, L. H.	Griffin, K. T. (teller)
Irwin, J. C.	Laidlaw, D. V.
Lucas, R. I.	Redford, A. J.
Schaefer, C. V.	

PAIRS

Nocella, P.	Pfitzner, B. S. L.
Roberts, T. G.	Stefani, J. F.
Cameron, T. G.	Lawson, R. D.

Majority of 1 for the Ayes.

Amended thus carried; clause as amended passed.

Clauses 31 to 36 passed.

Clause 37—'Limitation on power to impose custodial sentence.'

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

Page 8, lines 15 to 17—Leave out paragraph (a) and insert paragraph as follows:

(a) must not be imposed unless the court is satisfied that the residence the court proposes to specify in its order is suitable and available for the detention of the youth and that the youth will be properly maintained and cared for while detained in that place; and.

I foreshadowed this amendment in my second reading response. It spells out more clearly what a court must satisfied of before it makes an order for home detention. The court must be satisfied not only that the residence the courts proposes to specify in its order is suitable and available but that the youth will be properly maintained and cared for while on home detention.

The Hon. CAROLYN PICKLES: The Opposition considers that the Attorney's amendment is a considerable improvement on the original clause in the Bill. It is appropriate for Parliament to clearly state to the courts that a residence proposed for home detention should be suitable for the youth, both in terms of the physical accommodation and the options for caring, supervision and support. The Opposition considered more detailed guidelines being drafted, perhaps for inclusion by regulation, but we believe that this is a more suitable approach.

Amendment carried; clause as amended passed.

Clauses 38 to 55 passed.

Clause 56—'Restrictions on performance of community service and other work orders.'

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

Page 14, line 35—Leave out 'or more than 24'.

This amendment removes the limitation on the number of hours of community service a young offender can be required to perform in a week. I have already explained the reason for the amendment.

The Hon. CAROLYN PICKLES: The Opposition supports the amendment.

Amendment carried; clause as amended passed.

Clauses 57 to 65 passed.

Clause 66—'The Senior Judge.'

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

Page 16, lines 31 and 32—Leave out 'Part 5 of'.

Clause 66 amends section 10 of the Youth Court Act. The clause now provides that the Senior Judge may exercise the powers of the Chief Magistrate under part 5 of the Magistrates Act 1983 in relation to a magistrate who is a member of the court's principal judiciary. Part 5 of the Magistrates Act deals with magistrates' leave and, as was intimated in the second reading explanation, the amendment does not give the Senior Judge any power to direct magistrates as to the duties they are to perform and the time and place those duties are to be performed. This amendment gives the Chief Magistrate that power. There have not been any problems in that regard in the Youth Court, but if the section is to be amended it is just as well to cover everything.

The Hon. CAROLYN PICKLES: The Opposition supports this technical amendment.

Amendment carried.

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

Page 16, line 32—After 'Magistrates Act 1983' insert 'in place of the Chief Magistrate'.

This is consequential.

Amendment carried; clause as amended passed.

Remaining clauses (67 to 69) and title passed.

Bill read a third time and passed.

CRIMINAL INJURIES COMPENSATION (LEVY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 July. Page 1655.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. The Opposition recognises the need to increase the victims of crime levy. The fact is that payouts for compensation exceed the receipts into the compensation fund, and expenditure from general revenue makes up the difference to ensure that victims of crime receive the compensation to which they are entitled under the statute. The Opposition does not advocate that compensation for victims of crime be reduced. On the contrary, I have arranged for amendments to be placed on file today which will make the compensation scheme fairer without blowing the budget. Under these circumstances, and assuming my amendments are well received by the Government, it is entirely appropriate that the levy is increased so that marginal but important improvements to the compensation scheme can be effected.

I call on all members to support my amendments, because they are entirely based on the recommendations of the Legislative Review Committee, chaired by the Hon. Robert Lawson QC; recommendations which were contained in a report that is now over 15 months old. There are essentially four aspects to the amendments. First, we seek CPI indexing for all types of compensation provided for by the Act. This will avoid the necessity for Parliament periodically to revisit the dollar amounts of compensation set out in the Act. Greater fairness will be achieved, because the amendment will lead to comparable amounts of compensation being awarded in real terms for identical injuries sustained at different points in time.

Secondly, we seek to reduce the minimum or qualifying amount of compensation. Members will be aware that the court presently cannot award compensation at all if the proper amount of compensation would otherwise come to less than $1 000. In other words, if one is pushed over in the street and attends hospital to be treated for a minor cut or bruise, one may be left with an injury worth $500, medical bills of $50 and perhaps damage to clothing to the value of $50, and one would not get one cent of compensation for that under our statutory compensation scheme. The then Labor Government initiated a tightening of the scheme in 1993, when the qualifying compensation level was raised from $100 to $1 000. The Legislative Review Committee has found that this has led to injustice in a number of cases.

Thirdly, proof of commission of the criminal act said to result in the injuries should be provable on the civil standard of proof, known as the balance of probabilities, rather than the more onerous burden of proof beyond reasonable doubt. In many cases where there is no conviction, although it looks likely to everyone, including the Crown Solicitor's office, that a violent offence has been committed but there may be a slight element of doubt, under the present scheme applicants could not get compensation. The remedy is essentially a civil one, so the Legislative Review Committee considered that a civil standard of proof would be appropriate in these cases.

Finally, I have on file an amendment to require the Attorney-General to report annually to Parliament on the operation of the victims of crime compensation scheme. That should be fairly non-contentious. The amendment is proposed with a genuine desire to bring the benefits and shortcomings of the compensation scheme into the public arena for monitoring and informed debate.

The Opposition hopes that the Government will support these amendments, because they have emanated from the report of the Legislative Review Committee, which is comprised of members from both sides and is chaired by the Hon. Mr Lawson, who is a member of the Government.

The Hon. A.J. REDFORD secured the adjournment of the debate.

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

A quorum having been formed:

FISHERIES (PROTECTION OF FISH FARMS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 May. Page 1459.)

The Hon. R.R. ROBERTS: Let me say at the outset that it is my view and that of the Opposition that this Bill is not necessary. When one examines the provisions of the Bill it is easy to understand what is trying to be achieved, but substantially—or almost exclusively—the provisions that this Bill seeks to introduce are reflected in the Summary Offences Act and in other Acts. In many instances, what is trying to be achieved can be achieved by simple amendment to the Fisheries Protection Act 1982.

I will go through the points that are worth raising in this debate. I refer to the report as presented by the Minister in another place. The Minister referred to one of the most successful ventures in aquaculture being the farming of southern blue fish tuna. The operators net the tuna and transport the catch to cages in Port Lincoln waters, where the fish are fattened before sale to the lucrative Japanese market.

The Japanese market raises an important point, because this is a lucrative industry. In relation to fish farms, I now raise some questions which need to be asked and answered by this Government and which, furthermore, ought to be taken into consideration by the Federal Government. I am advised that many tuna are caught but that, because of the method used to catch and transport them, many of them die before reaching the fish farm. If one considers the tuna fishery as an Australian industry, one must ask how many fish die before the quota is taken.

In the Estimates Committee in another place a couple of weeks ago the Opposition asked questions in respect of these matters and was told that scientific instruments are used to count the fish and accurately estimate the tonnage of fish in fish farms. We have asked questions about the loss rate of tuna which have been transported to fish farms in South Australia. I am still waiting for this Government to provide me with the answers. A senior fisheries person in South Australia—almost the ultimate authority—has suggested to me that this industry is very lucrative for South Australia and that we should not worry about the quota, because value-adding provides the export income for this State.

I do not think that as responsible participants in the Australian fishing industry we can afford to take that narrow view of the fishery. I invite the Fisheries Department to expand on the questions that we have already asked, and I hope that it can provide some accurate information on what is happening with our tuna stocks. Further in his report, he says:

> The operators have attempted to minimise theft by seeking police assistance and by hiring private security guards. In addition the industry has requested the introduction of legislation to minimise theft of fish from aquaculture sites, specifically, amendments to the Fisheries Act 1982.

We have heard on many occasions about the theft of fish from fish farms. We have asked questions on how many fish actually die in the experimental farm and to date we have not received any replies. Again I pose the question to the Attorney-General, representing the Minister for Primary Industries: what is the incidence of theft reports from fish farms in the Port Lincoln area, how much has allegedly been lost, and how many have died for one reason or another? Given the Minister's answers in another place as to how accurate they can be in estimating losses and how many fish are there, I do not think that is an unreasonable question to ask so that people can actually judge for themselves the efficiency or otherwise of tuna farm activities in the Port Lincoln area.

The Minister has stated that a provision in the Fisheries Act makes it an offence for a person to interfere with a lawful fishing activity. However, as a lawful fishing activity is defined in the context of taking fish and not farming fish, the provision does not cover instances involving theft of farm fish from aquaculture sites. I have taken some advice on these matters and I will come back to that further in my contribution. The report goes on:

> Although the matter has been raised by tuna farm operators, other marine fish farm operators—for example, oysters, muscles and fin fish—would be susceptible to the same problems. Therefore, my amendments to the Fisheries Act should encompass all marine fish farming activities.

What we could be talking about here is children stealing a handful of oysters. I do note that the only penalty in this proposed Bill appears to be a gaol sentence. This is probably overkill. The Minister further states:

> It is proposed to amend the Fisheries Act to include trespass provisions based on those contained in the Summary Offences Act 1953.

There is a clear recognition that this is actually covered in the Summary Offences Act. I have taken the trouble to compare the penalties proposed in this amendment Bill with the penalties for similar offences under the Summary Offences Act, and in most cases they mirror one another. It is my understanding that, when development plans are being proposed for fish farms and aquaculture sites, these are confirmed or denied by the Minister responsible for fisheries, and that raises another question. A development Bill is to be introduced into this place in the next couple of weeks. The Bill currently before the Council seeks to reflect on water land-based activities in the development of particular industries. When proponents want to develop farms or undertake new farming activities on land, they come under the purview of the Development Act. This raises the question whether the development of fish farms ought to be looked at under the Development Act. That is a discussion I will pursue when amendments to the Development Act come before us.

As I said earlier—and my colleagues have taken the same view—I do not believe that this Bill needs to be enacted. I have sought advice from a number of sources and have been fortunate to obtain opinions from people in the industry. Although the response has not been overwhelming, I am thankful for the information and advice I have received. I am concerned that some people when asked to give advice—those who often come to the Opposition with complaints that their point of view is never taken into account—have not availed themselves of the opportunity to make submissions so that their views may be taken into consideration when this Bill is being debated.

Advice provided to me from a source which I am not prepared to name at this stage comments on this Bill. It confirms the view which I had already taken—that this is an unnecessary piece of legislation. The Minister's second reading explanation notes that there is a provision in the Fisheries Act that makes it an offence to interfere with lawful fishing activity. However, it is claimed:

> A lawful fishing activity is defined in the context of taking fish, not fish farming; this provision does not cover instances of theft of farm fish from aquaculture sites.

Two points should be noted. If this is true, the situation could be rectified by substituting the words 'lawful fishing or fish farming activities' for the words 'lawful fishing activities' in section 45 of the Fisheries Act 1982. I invite the Attorney-General to consider that point before responding to the second reading contributions.

However, in the Act the definition of 'fishing activities' means the act of taking fish, or an act preparatory to, or involved in, the taking of fish. In relation to fish, 'take' means catch, take or obtain fish (whether alive or dead) from any waters, or kill or destroy fish in any waters. It should be noted that in the Commonwealth Fisheries Management Act 1991, which is relevant to the State Act, division 3, with respect to the management of particular fisheries, the word 'take' is defined to include 'harvesting'. The licence for fin fish farming allows for the harvesting of fish. Also during discussions in recent years involving the tourist industry and based on the viewing of white pointer sharks, which had been attracted to a boat using berley, the then Director of Fisheries, Mr Rob Lewis, stated that a Crown Law opinion had been obtained that this activity was included as a fishing activity even though the fish were not being captured.

I believe that this indicates the possibility that the term 'take' may cover a wide range of activities that would include harvesting of farm fish. The phrase 'preparatory to the taking of fish' could cover the farming of these fish. My advice is that this definition could raise quite a few problems, because it would place some aquaculture under the jurisdiction of the Scheme of Management (Miscellaneous Fishery) Regulations 1984. Section 6 of these regulations defines the scope of the regulations to cover the taking of all or any of the species of fish of a class of fish specified in schedule 1 in the waters of the State, including any act preparatory to or involved in the taking of such fish. Schedule 1 includes all fish other than fish of the following species: abalone of all species, southern rock lobster and western king prawns. The major thrust of these regulations is threefold: licences should be allocated by tender; one licence per person should be issued; and only people and not companies can hold licences.

If fish farming was included in these regulations, it would mean that most current aquaculture licences would be invalid. This point should be clarified by amendment to the Fisheries Act 1982 specifically excluding fish farming from the definition of 'fishing activities' and including a definition of 'fish farming'. Again I invite the Government to consider that before responding. When the Act was prepared in 1982, it was not envisaged that aquaculture would become such an important industry, nor that it would be included as a development. The Act needs amendment to recognise this. I have already noted that, given the level of development in aquaculture, including oysters and fin fish, and particularly tuna, it is probably time that these activities were subjected to close scrutiny to ascertain how those plans for marine development meshed in with the general development provisions and requirements for all development in South Australia. As I say, that is something at which this Parliament will be looking very soon.

Some details of the Fisheries (Protection of Fish Farms) Bill as it stands also needs to be looked at critically. The term 'marked-off area' is not clearly defined in the fin fish licence. The licensee is required to place markers at the corners of the lease and to use markers to divide the long boundary into three. Only one section of these leases can be used at one time. The question arises: does 'marked-off area' refer to the whole area of the lease or to just the one third that is being used at the time?

Section 4 refers to the use of offensive language by persons infringing on the marked off area. This is surely an offence under another Act—the Summary Offences Act.

Perhaps the offence is greater in this instance. It should be an offence for anyone to use offensive language on or near a lease at any time, as sound carries long distances over the water. The penalty for section 8 is rather extreme. This offence could include pilfering of a handful of oysters from a rack—an offence which is surely similar to nicking fruit from an orchard or, at most, shoplifting. For the only punishment to be a jail sentence is, I believe, taking things a little too seriously. A person who, through negligence, may collide and interfere with a buoy that marks off a lease is also subject to a prison sentence.

Serious questions are to be asked about the penalties in this Bill and I ask again that the Attorney-General take it up with his college the Minister for Fisheries in another place and consider the points I have made. The penalty for interfering with lawful fishing activities, covered by section 45 of the Fisheries Act, is a division 7 fine. The Minister needs to state clearly why the penalty for interfering with aquaculture, under proposed new section 8, is so much more severe.

I will not go through the Bill clause by clause in great detail, but I will make a couple of observations. Proposed new section 53A(3) on page 2 of the Bill states:

> If a person who has entered the marked-off area of a fish farm is asked by an authorised person to leave the area, the person—
> (a) must not fail, without reasonable excuse, to leave the area immediately; and
> (b) must not enter the area again without the express permission of the authorised person or a reasonable excuse.

The penalty is a division 7 fine, which is $2 000 or a division 7 imprisonment for six months. That is just for entering the fishery. It also talks of an authorised person. What constitutes authorisation? Does that authorisation of a person who is on a fish farm include someone who has had trouble with a boat? Anyone could say he was the owner or someone authorised by the owner. We need something more definite to identify those persons. A person who, while present in the marked-off area on a fish farm contrary to subsection (3), uses offensive language or behaves in an offensive manner is guilty of an offence. For that we are talking of a division 8 fine, which is $1 000. I do not condone offensive language, but advising someone that his parents may or may not have been married hardly warrants a $1 000 fine.

A person who is present on a marked-off area of a fish farm must, if asked to do so by an authorised person—again we talk of authorisation—give his or her name and address to the authorised person. If they fail to, again the fine is $1 000. Proposed subsection (6) states:

> An authorised person, on asking another person to leave a marked-off area of a fish farm or to give a name and address, must, if the other person so requests, inform the other person of—
> (a) the authorised person's name and address; and
> (b) the capacity in which the person is authorised under this section.

If the member of the public fails to provide that information, he is fined $1 000; however, I note that the penalty for the so-called authorised person is only $500. That is another inconsistency which I think cripples this Bill. Proposed subsection (8) states:

> A person must not, without lawful excuse—
> (a) take or interfere with fish within a marked-off area of a fish farm.

I again ask which is the area of the fish farm. Is it the third being used for the actual farming of fish or the other two-thirds which has been marked-off as part of the lease? It continues:

> (b) interfere with the equipment that is being used in fish farming, including equipment that is being used to mark off or indicate the marked-off area of the fish farm.

This involves a Division 5 penalty, which is two years imprisonment. Further, proposed new subsection (9) states:

> A person must not enter the marked-off area of a fish farm intending to commit an offence against subsection (8) in any area.

He may be on the site with no intention of committing an offence, but during the course of the activities undertaken he may pick up some of the stock therein and he is then facing Division 6 imprisonment. There is not even the option of a fine or imprisonment: it is just imprisonment.

The Hon. Caroline Schaefer: How do you accidentally take fish out of a fish farm?

The Hon. R.R. ROBERTS: No-one said that he accidentally took them out.

The Hon. Caroline Schaefer: Inadvertently.

The Hon. R.R. ROBERTS: I did not say inadvertently, either. I said that during the course of the activities that he undertook he picked up some fish—not inadvertently; it could have been quite deliberately. This clause states that he entered the fish farm intending to commit an offence. So we have the question of his reason for being there in the first place. I reiterate that we are talking about a Division 6 imprisonment penalty and there is no provision for a fine. I conclude my remarks by saying that it is the opinion of the Opposition that this Bill is not necessary for the implementation of the things that it is trying to achieve by its terms. I do assert that most of the offences are covered by other Acts and that the minor issues that need to be clarified, such as definitions, can be done simply by amending section 45 of the Fisheries Act 1982.

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

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

A quorum having been formed:

FRIENDLY SOCIETIES (OBJECTS OF FUNDS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 July. Page 1658.)

The Hon. A.J. REDFORD: I support the second reading and the general thrust of this Bill. The legislation is in line with the Government objective, and I believe it is a bipartisan objective that the Australian economy be a vibrant and a competitive economy. The purpose of the Bill is to enable friendly societies in South Australia to offer new products to the public, and to more fairly compete with other interstate and intrastate financial institutions in the financial services market. The legislation enables friendly societies to respond to Federal legislation, which enabled the Department of Social Security to assess income from investments in friendly societies for the purpose of determining pensioner eligibility and entitlement.

The particular product, which is known as a bonus bond, was designed by the Australian Friendly Societies Association for adoption nationally and, that being so, individual States or their legislation were not considered. As I understand the position, the Registrar of Friendly Societies will need to approve any products before the Governor issues a

proclamation, and that assurance was given by the Treasurer in the other place.

Friendly societies play an important role in investments made by retirees and others, and have done so for a long time. Friendly societies and credit unions were one of the very few competitors with banks, which for 40 years had become uncompetitive prior to the deregulation of the banking system, initially instigated by the current Prime Minister, John Howard, and followed through by the former Prime Minister and then Treasurer, the Hon. Paul Keating.

In areas where people in institutions are entrusted with public money there is a need for a regulatory framework. In that regard South Australia has had a good history, with the exception of the State Bank fiasco, which everybody has heard about. South Australia has not had a Pyramid collapse, it has not had a building society collapse and, apart from the odd trip down to Rundle Mall by the then Premier Don Dunstan to tell people that their money was safe, people generally in South Australia have had confidence in their public financial institutions. The importance of regulation and its defects is borne out by a case in which I was recently involved, and it is important that I set out to members what actually happened as an illustration that there are occasions when regulation and institutions do not by themselves protect small investors and small people.

The case involved a Queensland friendly society, the Family Security Friendly Society, colloquially known as FSFS, which was commenced under the Queensland legislation in 1989. FSFS purported to offer a product described as a secured insurance bond to the public. There was no prospectus and, indeed, there were two components to the product which ultimately led to the financial collapse of FSFS. I will not go into all the details, but effectively what happened was that investors were approached through various marketing methods, and they in turn invested money through agents in FSFS, and FSFS in turn on-lent moneys to the then Managing Director's companies. The Managing Director, a man by the name of Max Cook, who has since been convicted of various offences arising from the collapse of this friendly society in Queensland, lost those moneys.

FSFS existed for a period of only nearly three years, which meant that it submitted only two annual returns to the Queensland Registrar of Friendly Societies. Despite the regulatory framework existing in Queensland to protect these investors, it is interesting to note that each and every set of accounts presented publicly to the Registrar, published and tabled in Parliament, etc., was given a qualified audit. I am not talking about minor qualifications but very serious qualifications. It is clear that throughout the whole of that period the Registrar had the capacity to intervene and to prevent further funds from being invested in this friendly society. Notwithstanding that, the Registrar, for reasons known only to him, did not take that step until after the second qualified audit report.

I think $30 million was invested in FSFS in its three-year life. That money was lost on poor real estate investments, overseas trips and Max Cook's extravagant lifestyle. Of the $24 million deficit, some $20 million came from small investors in South Australia. One might wonder why people in South Australia would be the predominant investors in a small friendly society such as the Family Security Friendly Society in a State as far away as Queensland. Again, one needs to look at how the product which caused many small investors in South Australia to lose their money was marketed.

The product was described on the various promotional brochures and statements as being fully secured and backed by a substantial international bank. In reality, the only security was the promise by Max Cook that he would pay any shortfall. Given Max Cook's previous financial record, that promise was not worth much but, of course, these small investors did not know that. The only involvement of this major international bank, which I will not name because it is not at fault in this whole bizarre fiasco, was as the banker of FSFS. All it did was receive moneys from various sources, from investors and investors' advisers, and bank them in that bank. I must say that the money stayed there for only a very short time before it was transferred to Max Cook's accounts.

The product was marketed through three principal sources in South Australia. First, it was marketed by an investment advising company by the name of Bennett Johnson, which ultimately went into liquidation. One of the directors went bankrupt, and I understand that if the other director is not already bankrupt he is in the process of becoming so. The second institution that became involved in the marketing of this product was a well established institution known as the Police Credit Union.

The third was the Public Service Credit Union, which has been described by various names over the past 10 years but which everyone knows to be the Public Service Credit Union. It used a threefold method. First, there was a series of radio advertisements and one of the principals of Bennett Johnson used to appear regularly on 5DN and 5AA in the evening purporting to give investment advice to the general public at large. His number was always made available and, when investors responded to that advice, invariably they were encouraged to invest in this small friendly society. As to how Bennett Johnson marketed the product, Mr Johnson was the principal marketer and spent an extraordinary amount on trips to Queensland to meet with Max Cook, and it encouraged all its investors to invest in FSFS. The commissions were substantial.

The Police Credit Union and later the Public Service Credit Union were approached by Bennett Johnson with a deal for them that appeared too good to be true. The deal was that Bennett Johnson would share any commissions from any long-term investments with the credit unions. The credit unions felt that they could offer their members a new and additional service, that is, investment advice. The two credit unions did not take a great role of supervision over what Bennett Johnson were encouraging their customers to do. The two credit unions went through computer records of all small investors: I am talking about retired police officers and public servants and existing police officers and public servants. They identified every one with a sum greater than $1 500 that had remained in a bank account longer than 12 months. Having ascertained a list of people who fell into that category, they wrote to each of them saying that Bennett Johnson had been engaged as an investment adviser and that people should come in and see Bennett Johnson consultants with a view to receiving investment advice.

One would imagine that many of these people were not familiar with the wiles and intricacies of the financial system and would have thought that the credit union had investigated and made proper inquiries about Bennett Johnson and the nature and type of investments it was encouraging customers to enter into. The final player in the whole scenario was Bain and Company, a German merchant bank, a substantial and large merchant bank well respected in financial circles throughout the world. Bain and Company had a number of

advantages. It had an involvement with Bennett Johnson and at one stage during the regulatory framework, when the securities industries legislation was promulgated by the Federal Government—and I note it has since been repealed—Bain and Company had what I would describe for the purposes of this debate as a primary licence. It was the equivalent of the land agent. Bennett Johnson did not have the financial banking or expertise and had what I would call the B class licence, the investor advising licence, equivalent to the land salesman and it was out in the field encouraging people to invest. Bennett Johnson could not have operated without the auspices of Bain and Co. In instituting that relationship, what Bain and Co. and Bennett Johnson did was to register a business name so that the trading entity that was presented to the public was Bennett Johnson Bain and Co.

Bain and Co. also marketed itself as an institution that had a substantial ability to monitor investments and a substantial number of good, well educated, quality people who would monitor the markets, check investments and ensure that people's investments were kept safe and secure. In addition, Bain and Co., jointly with Bennett Johnson, conducted a number of investment seminars at Police Credit Union premises, at premises of Bennett Johnson and at various other places throughout Adelaide.

It is interesting to see that an extraordinary number of people were advised, contrary to any general advice that I have heard on radio and read in books, to put all their eggs in one basket; that is, to invest in this friendly society which had been around for only a couple of years and which on every occasion had had a qualified audit. It was through this marketing program that South Australians contributed five-sixths of the total net shortfall that ultimately was brought about by the collapse of the Family Security Friendly Society. Indeed, the Public Service Credit Union allowed Bennett Johnson to have an office in its premises, as did the Police Credit Union, and a large number of investors had no idea of the existence of Bennett Johnson and felt that these credit unions were the principals as opposed to someone sharing their premises and sharing commission.

The income to the Public Service Credit Union by way of commissions was quite extraordinary for 18 months. Notwithstanding that, it allowed Bennett Johnson to continue to offer substantial advice to retired people to invest in this company. Indeed, I know of a retired police officer who invested all his liquid funds, an amount of $65 000, into FSFS. I am sure that if the Hon. Legh Davis were in this place he would be interjecting and saying, 'You should have a balanced investment portfolio.' That simply did not occur.

The Hon. P. Holloway interjecting:

The Hon. A.J. REDFORD: Absolutely, as the Hon. Mr Holloway interjects. In fact, what Bennett Johnson engaged in was a practice whereby any investment, no matter where it was, no matter how it was placed, no matter how successful it was, when it matured was diverted into the Family Security Friendly Society. The investors were retired public sector employees. They were unskilled in the wiles of the financial world and, as such, they felt that they should get the best advice. They went to their credit union, and no-one can be critical of them, but the credit union pointed them to an investment adviser. They were told that the investment adviser was reputable and reliable, and they invested amounts between $1 500 and $120 000 as individuals in FSFS. The bulk of people who invested moneys invested about $8 000 to $12 000.

It is also important to note that, notwithstanding that these people were dealing with what they thought to be substantial financial institutions—and I again mention the credit unions—but also Bain and Co., and, despite the fact that there was this regulatory system, they lost their money. Then, having been failed by these financial institutions and by the regulatory system, they sought redress through the legal system. I am pleased to advise that the legal system, with all its faults and delays, enabled these people to get back the bulk of their investments by taking legal action against Bain and Co., Bennett Johnson, which ultimately did not contribute anything, and the credit unions.

I wish to single out Bain and Co.'s attitude. Bain and Co. made Pontius Pilate look as though he was an interventionist. It sat there and said, 'We had no idea that was going on. We had no idea that our agent in Adelaide was advising all these people to invest money in some unknown friendly society in Queensland.' It said, 'It wasn't our responsibility. Bennett Johnson was out on a frolic of its own.' Bain and Co. was saying that, despite all its promises of research and of strong financial backing—and I say this in an implied sense—and that Bennett Johnson was a good and reputable company with which to deal, as soon as the heat was put on, it went running.

We are talking not about the loss of money by people who were investing in the share markets (and we all know how risky that is) but about small people—retired public servants at the end of their lives and people who have no capacity whatsoever to recover from any financial setback—who were left hanging high and dry by Bain and Co. Indeed, during the three year legal fight to get back their money, the most significant offer, apart from the last few months from Bain and Co., was an offer to the effect of 5 per cent of the small investors' losses. I would have to say—and I say this in this place and not outside—that the conduct of Bain and Co. as a major financial institution in this country was absolutely reprehensible. It was negligent and brought a great deal of ill repute on the investment industry at large.

I am also sad to say that the regulatory industry did not do much better. It did not pick up FSFS in time and, indeed, even worse it forced these small investors to take the fight on themselves. Indeed, at one stage during the legal proceedings, we had these small investors, having lost on average between $8 000 and $12 000, fighting Bain and Co., the largest merchant bank in the country which, in turn, joined the second largest bank in the world which, in turn, joined two credit unions which, in turn, joined three out of the four largest insurance companies in the world. It was a very difficult and intimidating scenario that these small investors faced.

When one looks at the whole scenario, one sees that the investors were let down by the regulations and by the people to whom they went for advice. Indeed, on no less than seven occasions the Legal Services Commission was approached, but they received no help, and I can understand why, given the commission's budgetary difficulties, which extended before the life of this Government. They went to the Law Society fund, which was established by the Law Society, and they received no help from that source, either. I can understand that, too, because that institution was only newly created from private funds, and there simply was not sufficient to enable a substantial action such as this to be funded.

Finally, they went to the Trade Practices Commission, and they went to the ASC. I am told that the ASC had spent considerable resources looking at prosecuting Max Cook.

Ultimately, as I understand it, it was not the ASC that prosecuted Max Cook but the Queensland authorities. I understand that they investigated Bennett Johnson some six or seven years ago. Nothing came out of that investigation or, if it did, the small investors who lost their money certainly were not advised of what occurred. The ASC did not provide the small investors or their solicitors with any voluntary assistance at all. When documents were sought they were told they would be made available, only to find later that the documents were not available or they could be made available only at enormous cost. Frankly, it did come within the purview of the ASC as a regulator, which, particularly with regard to the conduct of Bennett Johnson and the early conduct in respect of the licensing, did absolutely nothing for these small investors. I think it stands condemned for its inaction.

The other group that was looked at was the Trade Practices Commission. I know that the commission has the power to take legal action on behalf of small investors and small consumers, particularly when confronted with the awesome legal resources of companies such as Bain and Company, and the insurers of friendly societies and auditors, but the Trade Practices Commission was of no help to these small investors. I know that they are Commonwealth institutions, but I have to say that if ever an institution such as the ASC or the Trade Practices Commission was set up to help people it was in a case such as this, where small investors who had no resources, who had done nothing wrong themselves and who had taken every correct step needed assistance in their fight to get justice and their money back. Did these institutions do that with their swanky board rooms, lectures, regular press releases and browbeating over how they were looking after the small consumer? Did they do anything? No; they did nothing. In fact, those people were left to fight their own battle. Fortunately, although I would not say there was a happy ending, it was an ending that could have been a lot worse, and I will not go through all the details of that.

I have to say that that experience (and I did have a small part to play in it) does not leave me with a great deal of confidence in some of the regulatory systems that currently exist in this country. I can understand some of the centralisation of regulation that has occurred, and I agree that we need national corporations laws for the sort of trading we have, but I sometimes wonder whether, if some of these resources were delegated to State authorities, there might have been more interest in looking after smaller investors. All the mechanisms and pious statements made in all the Parliaments around this country about looking after small investors, and all the lessons learnt from the Bond and Skase collapses and things of that nature came to nothing as far as these small investors were concerned.

I can understand investors in shares and substantial institutional investors being left to their own devices, but I cannot understand how these small investors, who had no resources to fight a legal battle, who had no high contacts, who had no future in any commercial sense—indeed, they had no past in any commercial sense—and who had no experience with the legal system in any personal sense, were allowed to fend for themselves in this regulatory framework. You pick up the books on corporations law and investment law and the need for prospectuses and so on, and, if weight were security, these people should have been secure. We have book after book on law after law, but at the end of the day that did nothing for these people. In fact, it was only through general principles under the Fair Trading Act and the Trade Practices Act that companies should not engage in misleading and deceptive conduct and through the law of negligence that these people had a chance. It really is disappointing.

I hope that in considering competition principles and how we regulate financial institutions we will have a fairly careful look at how we can ensure that small investors receive the sort of assistance that they might require when there is a financial collapse. There will be financial collapses: that is the nature of a capitalist economy. However, everything should be done to protect these small investors, who did everything they could. They got professional advice and went to reputable institutions, yet they still lost their money. The one saving grace is that only $24 million was involved, but we could easily imagine small investors being caught for more substantial amounts.

The Hon. P. Holloway: Small superannuation funds are a real worry, too.

The Hon. A.J. REDFORD: The Hon. Mr Holloway interjects that small superannuation funds are a real worry. Two or three years ago, when the legislation went through—and I am starting to see papers on it now—I said that the next great scams, which will make the Alan Bond and Christopher Skase scams look like minor shop theft, will be within superannuation funds.

The Hon. T.G. Cameron: That could involve millions of dollars.

The Hon. A.J. REDFORD: It will not be hundreds of millions; it will be billions. As legislators and members of Parliament, we must ensure that small investors, who rely on us to legislate properly, on bureaucrats to administer the legislation and on substantial financial institutions to look after them, get justice in the most painless manner possible. It is a story that I have been wanting to get off my chest for some time. This Bill has enabled me to do that, and I hope that it has been of some interest to members. I commend the Bill to the Council.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank honourable members for their contributions to the second reading debate and their indications of support for the Bill.

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

ROAD TRAFFIC (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 July. Page 1631.)

The Hon. T.G. CAMERON: I rise in general support of the Bill, except in relation to the Government's amendments to section 20 of the Act. At this point in the second reading debate the Opposition remains unconvinced of the necessity for the Government's proposed amendments to section 20. Perhaps it might be simpler if I ran through the main aims of the Bill and indicated to the Government where we support the Bill. I will then outline to the Government our concerns about section 20.

The Bill has three principal aims. One is to increase from 25 km/h to 40 km/h the speed limits where workmen are working on or around the roads; another is to increase from 60 km/h to 80 km/h the speed limit where roadworks are in progress but where no men or women working. That is a section about which we have concern.

The remainder of the Bill, that is, the amendments to section 40 (which allows certain vehicles to be exempted from the provisions of the Act), deals with the exemption of certain vehicles from compliance with certain provisions under the Act. I indicate that the Opposition supports that section, although I remain unconvinced at this stage as to why the Australian Customs Service would fit into this exempt category of vehicle. I therefore ask the Minister why the Australian Customs Service is included under clause 4.

The other main section of the Bill refers to vehicles that can be fitted with a bell or siren which one assumes would be rung to warn vehicles of their approach. Again, the Opposition believes that the Government's amendments in relation to section 134 of the Act merit support. But, again, I signal that I am not quite sure why an Australian Customs vehicle would want to be fitted with a bell or a siren and why it would need exemption from speed limits in South Australia. I look forward to receiving a reply from the Minister in relation to that.

There is also a further set of minor amendments which provide for people working on road sites to be exempt from certain traffic laws. For example, it could be people conducting road inspections, people monitoring traffic or workers driving a vehicle across a line in the middle of the road. I understand that this provision is designed to exempt these people, under certain conditions, from the provisions of the Act. We will be supporting that set of amendments.

Apart from the Australian Customs Service vehicles, the clause of this Bill with which we have most concern is clause 3, which amends section 20. It might be useful if one were to look at the history of the current 25 km/h and 60 km/h speed limits. It seems to me that, every time a Liberal Government is elected, it is not too long before it is trying to alter the speed limits which apply on road sites.

I am not quite sure where the push is coming from, but back in 1980 the Minister for Transport (Mr Wilson) in the Tonkin Liberal Government introduced legislation to remove the 25 km/h speed limit and replace it with nothing—at least that was certainly the interpretation placed on it by the Opposition at the time. That would have meant, as I understand it, that, where there was a general speed limit of 60 km/h, that would have been the only limit that would have applied in and around the work site. However, out in the country, where a 110 km/h limit prevailed, it would appear that that would have been the speed limit to apply. In effect, the Bill sought to completely remove the 25 km/h speed limit from the legislation.

Because no information was provided with the legislation when it was introduced, I thought I would search through the relevant copies of *Hansard* to see what happened in 1980. It was not terribly illuminating. The then Transport Minister's speech in relation to this amendment took up only seven lines of *Hansard*. No supporting reasons were put forward. It is interesting to note that, in the contribution on the amendments being sought this time, again there is very little, if any, supporting evidence. In fact, no evidence was supplied as to why this speed limit should be varied.

However, the alterations to the Act which were sought by Mr Wilson were opposed by the Labor Opposition. Jack Wright spoke briefly on the Bill in the Lower House, and one can understand Jack Wright's being concerned by the Government's action at that stage, because he was a former Secretary of the Australian Workers Union and an organiser of that union for many years. In fact, he took over as the Secretary of the Australian Workers Union from my father. He expressed concern about the proposed amendments to the Act.

It is interesting to note some of the contributions made by members in the Upper House. The Hon. Frank Blevins opposed the legislation. He talked about the obvious need for a 25 km/h speed limit and the fact that the legislation was designed to protect those working in, on and around the roads from speeding traffic.

The purpose of the law was also to provide some protection for those vehicles that might speed in and around these sites. It could be summed up by saying that there were two primary objectives: first, to provide protection for the workers who were often required to work in dangerous situations around these road sites; and, secondly, to provide some protection for vehicles. The Hon. Frank Blevins during that debate stated—and I would like the Minister to take some note of it:

> The idea of the 25 km/h limit is obvious: it is designed to protect the vehicles using the road on which the works are taking place by forcing them to slow down near possible hazards (road-mending equipment and things of that nature). Also, ultimately, it is designed to protect road workers from vehicles travelling at a speed that is dangerous to them when they are engaged in work on the roads.

I understand that subsequent to this amendments were moved. The Hon. Frank Blevins in that contribution further said:

> I can see that there would be value in having some flexibility in the speed limit that can be imposed, and the Opposition will support the clause inasmuch as it does that. Obviously, the people actually on the roadworks site should have the power to say that 5 km/h, 10 km/h, 15 km/h, or whatever, is the safe speed to pass that particular section of the road, but the flexibility should not extend to being able to set a speed above 25 km/h.

There was also a contribution from the Hon. M.B. Dawkins—and I must confess to having never heard of the Hon. M.B. Dawkins. The honourable member was arguing in favour of the lifting of the 20 km/h speed limit. At one stage during his contribution the honourable member said:

> It may well be necessary to apply such a limit over portion of that distance, and apply a higher speed limit, say, 40-50 km/h, or even in some cases 60 km/h, over another section that is partly completed, especially when, at the time the vehicle is passing, no actual work is in progress.

The honourable member further said:

> This provision enables this change to be undertaken by the authority of the board and would overcome what is in some cases an unnecessarily restrictive limitation, especially as in many cases it is largely ignored, although where there is a higher limit such as that which I have outlined—

and he is talking about 40, 50 or 60 km/h—

> that might not be the case.

In other words, the honourable member seemed to be making out a case that, even if this limit were to be extended, the flexibility would need to be extended only to 40 km/h or 50 km/h , or, as he said, 'or even in some cases 60 km/h'. The Hon. Mr Dawkins seemed to be arguing that no-one was taking any notice of the 25 km/h limit, it was being ignored, people were out in the country—and I assume from the honourable member's contribution that he was a country member—

The Hon. Diana Laidlaw: Yes, he was.

The Hon. T.G. CAMERON: Yes, one can draw that interpretation from his speech. I do not think the honourable member got on very well with the Hon. Norm Foster, but still.

The Hon. P. Holloway: Probably not too many did.

The Hon. T.G. CAMERON: Not too many did. Anyway, the honourable member seemed to be arguing that no-one was taking any notice of the 25 km/h speed limit. For instance, people slow down a bit but they do not slow down that much and a more sensible approach might be to have a higher limit and perhaps do something with it so there is some flexibility and, if road works are not in progress, or for some other reason there are no men or women around working on the site, 25 km/h would be a bit too restrictive and perhaps we ought to be looking at something a little higher, such as 40, 50 or 60 km/h. But to mount an argument on the fact that people are breaking the law and taking no notice of the 25 km/h limit hardly seems to be a reason for changing it. What we are talking about here is the safety of working men and women at work. He went on also to say:

> I hope there will be some provisions made for a more realistic speed limit on those parts of reconstructed roads which are not being worked on when vehicles are using that part of the road.

One could almost interpret that he was throwing out a hint that, whilst he did not agree with the 25 km/h speed limit, he was suggesting that there may be some circumstances in which that could be extended to 40, 50 or even 60 km/h.

The particular Bill that Minister Wilson put forward at that time sought to remove any speed limit, but the Hon. Mr Dawkins seemed to be suggesting that a restriction on the speed limit should be put in place. It is clear from what he said back in 1980 that that was his view. This matter then took a particular turn. It was left to the Hon. Mr Griffin, who I suspect may not have been a Minister back in those days, to introduce amendments (which became the current law in this matter) to provide for a situation that, where working men and women were present, the maximum speed limit would be kept at 25 km/h, but in certain other circumstances, such as where there may be roadmaking equipment around, but it may be one or two kilometres from the actual work site, he questioned the need to keep the speed limit down to 25 km/h in those circumstances.

Mr Griffin I have found at times to be not only an extremely decent and fair-minded individual but also one possessed of a great deal of commonsense—not that I always agree with him. However, I certainly agree with the amendments he moved back in 1980 and with some of the supporting reasons that he put forward. I take this opportunity to prevail upon the Hon. Mr Griffin to speak with the Minister for Transport so that he can inject some of that decency and commonsense into a consideration of this section for which she is arguing.

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. CAMERON: The Hon. Diana Laidlaw interjects and asks me why I do not speak to the unions concerned. One can only assume from her interjection that she has spoken to the unions. I understood that she had spoken to the Australian Workers Union, but on contacting the Secretary of the Australian Workers Union late this afternoon Bob Sneath advised me that he has had no communication with the Minister either verbally or in writing and that the first mention of any real substance in relation to this matter was when he got my letter asking for his opinion on the proposed amendments. So, the question of union consultation is something that I would redirect back to the Minister. Which unions has she consulted on this matter? I will come back to that because the Australian Workers Union is the principal union affected by these changes. However, in relation to this matter the Hon. Mr Griffin said:

> We acknowledge that there needs to be some flexibility and that when persons are working on a road, as a number of honourable members have already said, 25 kilometres might be an excessive speed and that it might be more appropriate to keep it to 10 kilometres. Yet when persons are not working on a road but roadworks are in progress, a speed of 20 km/h past those roadworks may be too slow, particularly in country areas where a number of kilometres of roadworks may be in progress. To require persons to keep to a maximum speed of 25 kilometres over such a long stretch of road would be an imposition and would not serve any useful purpose in preserving the roadworks. We are seeking with this subsequent amendment, which will follow this one, to provide flexibility to enable road conditions to be taken into account in the placing of signs and in fixing speed limits past workmen or work in progress.

This amendment was subsequently supported by the Hon. M.D. Dawkins and it transpired that that is now the existing law. The current provisions in the Act were introduced by the then Transport Minister, Mr Wilson, opposed by the Labor Party, subsequently amended by the Hon. Mr Griffin who, in his fair and decent manner, could see the merit in the argument, as could the Hon. Mr Dawkins, that at the very maximum the speed should be set at 60 km/h, and that is the current law.

The current amendments that are sought in this Bill seek to increase the limits from 25 to 40 and from 60 to 80. That is well in excess of a 50 per cent increase in the case where men and women are working in, on or around the roads and a 33 per cent increase when only roadworks are in progress. I find it somewhat curious that the Minister has tried to rush this Bill through Parliament because it could make working life much more dangerous for men and women working in, on and around roads. I find it curious that she is seeking to raise the speed limits in this instance, yet, as I understand it, the Minister is considering lowering speed limits from 60 to 50 in some instances in the metropolitan area. I also understand that the Government is considering examining the country speed limit as well and that consideration is being given to dropping that from 110 to 100; but I have no doubts that the country lobby in the Party will get on to this and that it probably will not eventuate.

Mr Acting President, whilst I am sure that you appreciate some of my background, I would like to detail it for the benefit of the Minister and other members. I spent nearly 10 years working with the Australian Workers Union as an industrial advocate on their awards. I spent eight years looking after the Local Government Employees SA Award. I also looked after the Adelaide City Conciliation Committee Award and the old Government General Construction Workers Conciliation Committee Award. In fact, I looked after all the awards that the AWU handled at that time which covered members who worked in, on and around roads, repairing roads etc. In other words, as an industrial advocate for the union I was often required to work with members and their families when one of our members was injured by a passing vehicle.

I had occasion to do that a number of times. When I was an industrial advocate for the local government award the AWU probably had well over, and might still have, 1 000 members who were working in, on and around about roads. During my time as an industrial advocate for the Australian Workers Union, it established the Local Government Steering Committee, and one member who gave me more assistance than any member or official at the time in setting up that committee was John Thomas, who is now the President of the Australian Workers Union in this State.

However, he was not the President of the union back in 1980 when amendments were sought to this award: he was working on a jackhammer as a construction worker on roads for the Burnside council. I can recall the alarm expressed by AWU members employed by local government and the Highways Department, as it was then known, when an attempt was made to lift the 25km/h speed limit. The matter was discussed by the Local Government Steering Committee, and a host of letters were sent to the union by representatives of local government and the Highways Department expressing concern that any removal of the 25km/h limit, particularly for men working on the road gangs on site, would place their lives in danger.

The current Minister might not have had my background of working with and alongside members who worked on road gangs, and I appreciate that her background is somewhat different from my own. I am sure it comes as no surprise to the Minister that my father and my uncle were both Secretaries of the Australian Workers Union. In fact, all my father's brothers were officials of the AWU at one stage. In addition, I have two uncles who currently work for local government as council workers. They are not town clerks, they are not high fliers, they are just council workers. I can recall over the decades having discussions—long before I joined the Australian Workers Union—about the fights and struggles of the union in order to gain some semblance of protection for its members who were working in and around sites.

It is all very easy for us to sit here in this Chamber; we do not work on a road. You are standing on the side of a road, perhaps no more than a few feet away—

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. CAMERON: Listen and learn. The Minister might find out a little bit about some of the fears and concerns of ordinary working men and women, and I can tell the Minister that it would do her good.

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. CAMERON: Then why don't you get off your backside and get out there and consult with the unions?

The Hon. Diana Laidlaw: I have.

The Hon. T.G. CAMERON: You have not consulted with the AWU—it has not heard a peep from you. However, I will not be diverted. If we were one of these people working on the side of a road, no more than a few feet away from passing vehicles, then we would jump when a vehicle goes past at 40, 45 or 50km/h. There is a big difference between 25km/h and 40km/h—a big difference, indeed. I would prevail upon the Minister to look at the comments made by the current Attorney-General. He could not see his way clear to support the Government's amendments at the time. I hope that some good commonsense will come from the other side.

I will keep an open mind on this as I did with the trade plates Bill. I kept an open mind on that Bill, and eventually the Minister was able to convince me that there was some merit in what she was putting forward. But the Minister should not come in here and expect us to accept the contribution that she made on this Bill, to increase the speed limit from 25km/h to 40km/h.

The Hon. Diana Laidlaw: It does not.

The Hon. T.G. CAMERON: You will get your opportunity to address this matter later. As I have said, I will keep an open mind on this. As I indicated earlier, I have had some discussions with Bob Sneath, the Secretary of the Australian Workers Union. He has expressed to me concern about this matter. He has advised me that he wants to take it to his representatives in local government, and he would like the opportunity to consult and discuss this matter with his representatives on the Local Government Steering Committee and the union representatives working with the Department of Transport. I am curious to know where the push for this legislation is coming from. It seems somewhat strange that shortly after the Liberal Party won office in 1979 it tried to lift the speed limit in and around work sites and not too long after getting back in again it tries again to increase the speed limits at which—

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. CAMERON: I am not quite sure what you are up to, but I would like to know who you have consulted in relation to this legislation. The Minister certainly has not consulted the Australian Workers Union. I wonder whether she has consulted the Earthmoving Contractors Association or the RAA. I am sure that she has consulted the Motor Trade Association: tricky Dick has probably given the Minister a whole lot of information on this. But the Minister has not consulted the unions, and one wonders whether she has even consulted the Chamber of Commerce and Industry. I am interested to hear from the Minister what evidence—

The Hon. Diana Laidlaw: I would be very interested if you would read the Bill.

The Hon. T.G. CAMERON: I have read the Bill. I would be interested to hear what evidence the Minister can put forward in support of the amendments she seeks. But she should not come into the Council and expect us to put up our hands, roll over and accept her legislation when she does not provide any evidence or any supporting reasons, or tell us why she wants these changes. We will need a little more convincing than that. If the Secretary of the Australian Workers Union, which probably has 2 000 members who will be affected by this legislation, says that he has not heard a peep out of the Minister, there is something wrong.

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. CAMERON: You challenged me about whether I have consulted the unions. Yes, I have. I challenge you: have you consulted the unions? What is Bob Sneath's view? What is Bob Heffernan's view? What is the view of the United Trades and Labor Council? Before I support these amendments sought by the Minister, I intend to canvass widely the community's views and those of any organisation, in particular trade unions, who have members who will be affected by it. I know that the Minister does not know a lot about the concerns of trade unions, that she has not had a lot to do with them, but one of their principal concerns is the welfare and safety of their members while at work.

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. CAMERON: You asked me whether I have consulted the unions, and I am telling you that I have and that I expect to have further consultations. Perhaps it might be incumbent upon the Minister to consult with these people. She should not hide behind the department, she should get out there and do it herself, because the Australian Workers Union is not convinced of the merits of this legislation. The Minister will need to convince us that this move will not increase the likelihood of ordinary men and women working on the roads being injured.

Is the Minister going to rely on the ridiculous argument of the Hon. M.B. Dawkins that people are not taking any notice of the speed limit and are speeding past, so we had better increase the limit so that people can drive within the law. What a load of codswallop! It is incumbent on the Minister, if her department has good reason, if it has consulted with unions—these mysterious consultations with the

unions—and has union support for the amendment, to come into this Council and say so. Perhaps in her next contribution she can give us the names of the officials that she or her department consulted with. She may have spoken at a consultative committee with a job rep or a former official, but she certainly has not consulted with the union or with its reps.

Another concern is that since the Government came to office it has put the knife through the Department of Transport and has rapidly outsourced as many jobs as it could to private contractors. What are the views of the Earthmoving Contractors Association? It represents many contractors. Has the Minister consulted the CFMEU, which has members from the old FUDFA that it amalgamated with? The Earthmoving Contractors Association is an employer association akin to a union that looks after small business people. If you have conducted these consultations and if there is this widespread community support for the move, and if we increase speed limits or allow more flexibility for speed limits to be increased, what is the supporting evidence to justify this change?

There has been no attempt by the Minister to refer to accident statistics. I do not have access to such statistics but I am sure that you as Minister do. I would like to see what these statistics show. Since we agreed to support the Hon. Mr Griffin's amendments back in 1980, what has been the history in this matter? That is something else the Minister should provide to the Parliament. I went off the track a bit there but, in relation to contractors, many hundreds of jobs have been outsourced to private contractors. When I worked at the union for nine years I went to hundreds of work sites and from time to time I would come into contact with private contractors. My observations were that private contractors were not as rigorous or scrupulous when it came to safety and putting signs out to ensure that safety laws were complied with.

True, they have the problem of trying to juggle making a profit and complying with safety requirements. Perhaps the Minister has been approached by all the new beneficiaries of her outsourcing program. Are these people arguing for more flexibility so that they are not held down to such a tight speed limit of 25 km/h and 60 km/h? I do not know and the Minister has provided us with no evidence. If these people are lobbying the Minister to increase the speed limit because it would enable them to work more productively, efficiently and make greater profits, the Minister should come into the Council and tell us.

As I said, we do not have a closed mind at this stage. We need much more information in relation to that section to which I have referred. The Minister missed the earlier part of my contribution, so I will just canvass that again for her. We only have a problem with the amendments that she is seeking to section 20. As I indicated in her absence earlier, we do not really have a problem in relation to clause 4, although I am not quite sure why Customs vehicles are being exempted or why they will need bells and sirens on them. Again, we are very open to advice and information on that matter. And as I have said, we have an open mind in relation to clause 3, the amendments to section 20.

It is my intention to have consultations with these other groups and further consultations with the union movement. The Minister graciously offered yesterday to give me some briefings on this matter and I look forward to arranging those with her over the next few weeks. It may well be that the Minister can put forward sufficient evidence and argument to support this amendment but, unless she can, we are happy to stay where we are, with the Hon. Mr Griffin's amendments to this Act, which were introduced back in 1980.

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

APPROPRIATION BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1697.)

The Hon. J.C. IRWIN: I support the Bill. Despite the pain, I am excited by the progress made by the Brown Government in addressing the problems of the State that it inherited at the election in December 1993.

Members interjecting:

The Hon. J.C. IRWIN: It is nice to be excited, and I am excited about my State at last. No-one has denied the problems there are, which were inherited by this Government in 1993. Even today they have been reiterated, and I acknowledge that this State has problems in front of it, which this Government is now trying to address. There are, of course, some arguments about how these economic problems should be addressed. Both sides of the Council certainly cannot agree on the ideal course to take.

With the completion of two State budgets—1994-95 and 1995-96—I am confident that the correct building blocks have been put down on which the future for South Australia can be built. Major financial, cultural and public sector structural changes are required. The State will not progress until a number of these issues are addressed, and some of them are very difficult to address. No-one denies that some hard decisions must be made. I want to reflect briefly on where we are now, after two Brown-Baker budgets, and how the Appropriation Bill will build on this position.

I begin by reiterating—and I do not mind how often I hear this in this place from this side of the Council—the key objectives of the Government: to restore the financial position of the State; to cut the state debt; to remove underlying budget deficits; to undertake major asset sales; to restore confidence in the economy; to create jobs; to boost the gross State product; to reform the public sector; to reduce the public sector work force and introduce competitive tendering and contracting out of services; to provide high quality Government services; to provide world class health care; to provide world class education; to provide efficient and flexible public transport; and to protect the environment.

In the area of restoring the financial position, we have heard quite a bit about major asset sales. The progressive proceeds are as follows: $1.2 billion from 31 October 1995, which has been actually achieved; $1.4 billion to 31 December 1995, which has been actually achieved; $1.8 billion to 30 June 1996, which is forecast to be on target; and $2.1 billion to 31 March 1997, which is not many months away—early into the next year—and which is forecast and on target. We have the imminent sale of assets in the State. The Government is negotiating and has almost wrapped up the sale of Forwood Products and the bulk loading facilities of the Ports Corporation. I note, as no doubt the Hon. Mr Roberts would note, that the SAMCOR sale is not proceeding. However, I understand that there is still the determination to find the right avenue through which to make that sale as one of the major asset sales in the Government's forecasting.

In the rebuilding of South Australia, we find that we are one of the lowest taxing States in Australia. We are 23 per cent below Victoria and 26 per cent below New South Wales. We have the second lowest payroll tax rate of all the States in Australia, and we have a 50 per cent rebate on payroll tax for new exports. We are projecting a strong growth in gross State product, and we had the highest quarterly and annual growth of all the States for the December quarter, seasonally adjusted. That comes under the heading of restoring confidence in the State economy.

The quarterly growth for South Australia to December 1995 of 1.7 per cent was the best of any State. I am becoming a little tired of some of my friends in the business community and social friends in South Australia who implore me to speak to the Premier and to my colleagues in Executive Government in this State and ask, 'Why are we not doing as well as Victoria?' Most of the matters I will raise briefly in my contribution will clearly indicate that we are at least equal to Victoria in many economic indicators, and in front of it in quite a number of them.

I have already mentioned that December quarter growth, which was more than three times the national average. We are looking at 1.7 per cent compared with Victoria's .8 per cent and .1 per cent for New South Wales. For the December quarter 1994 to the December quarter 1995, South Australian growth was 4.9 per cent, by far the best of any State and more than double the national figure of 2.4 per cent. The figures for real growth in gross State product for the 12 months to the December quarter 1995, seasonally adjusted, show South Australia at 5 per cent—well out in front of Western Australia at 3 per cent, Victoria at about 2.9 per cent, Queensland at 2.5 per cent, New South Wales at 2 per cent, and Tasmania at minus 1 per cent. I am quoting from a chart on which it is easy to see that the figures favour South Australia, and that is why I have some excitement about the direction that we are taking.

The Government is heading in the right direction in respect of the restoration of the State's financial position, with a decreased State debt and eventually the elimination of budget deficits. As for the current budget forecast, when the Liberals assumed office Labor had been spending about $350 million a year more than it received in revenue. All of us should be able to relate that to our own family budget, if we have such a thing; but certainly we have bank balances that are either positive or negative and, if they run into the negative, it does not take long for the bank manager to call us in. When this principle is applied to a Government that is spending $350 million a year more than it receives in revenue, the alarm bells must be heeded. The Liberal Government implemented a deficit reduction strategy which is well known but which I want to reiterate.

The forecast shows that the Government is on track to produce a surplus. For instance, we are looking at a $114 million deficit for the 1995-96 year—just completed—which is on target; a $64 million deficit for the coming financial year 1996-97, to which this Appropriation Bill applies; and a projected $5 million surplus for 1997-98, which is next year. That will be a wonderful achievement. It must be reiterated that every time the budget goes into deficit it incurs a cumulative interest rate, because it is an accumulating deficit. But, even if a one-year deficit is carried forward to the next year, interest accrues which has to be paid and which takes money away from other deserving areas of the State economy or the services that the Ministers and the Executive Government provide in important areas. They are all important areas, but particularly important are education and health and such services as the police. When we get into surplus in 1997-98 we will have eliminated the need for the interest payment. That is an accumulated effect, with the asset sales and the reduction of the total State debt, and it is quite dramatic in being able to give the Government some extra funds to spend on positive things rather than paying back debt.

I now refer briefly to the reform of the public sector. Meeting targets for public sector work force reductions remains crucial to the achievement of the budget target of 9 680 reductions in the three years to 1994-95. The Government has a target of 12 400 fewer jobs in the five years to 1996-97; and competitive tendering and contracting out of data processing, metropolitan water and waste water, public hospital management, metropolitan public transport and prison management are expected to produce a saving of more than $40 million per annum. That is a reflection of a better way of providing a service that the public demand the Government should provide. If the Government can save $40 million by efficient measures, that is a better way of using and being accountable for the public dollar.

I want to reiterate the strong growth in exports focusing on elaborate transformed manufactured goods, known as ETMs. I am happy to acknowledge that from 1988-89 to 1991-92 there was a shallow increase in ETMs, but in 1992-93 we saw quite a reasonable jump in ETMs of about $800 million; in 1993-94 it moved to $900 million; and in 1994 the figure was over $1 000 million. These are South Australian exports which are a great focus of this Government and a crucial component in the economic health of the State. We must match our efficient productivity with the delivery of services. If we can export some of those services and agricultural products, on which I shall not spend any time tonight, into Asia and the rest of the world, it will be a pleasing and necessary achievement for South Australia.

I turn now to Correctional Services. I am delighted to work closely with the Minister, Wayne Matthew, and share his vision and expectations for the important Correctional Services portfolio. There are changing and exciting times ahead in Correctional Services. The Minister's team, including the departmental team under its competent Chief Executive Officer, Sue Vardon, is working well, under great difficulties at times, in bringing modern cost-effective and humanitarian management to the State's prisons. That management includes innovative programs for the benefit of prisoners. From my experience here and overseas, I can say that the better the prisoner's satisfaction the better the correctional officer's satisfaction with his or her job. The satisfaction at Yatala, which is admittedly based on old buildings with a very old feeling, of both the correctional officer and the prisoner is nothing compared with what we have seen in the one year of the contract for the Mount Gambier Prison under private management, about which I will say something later.

The Liberal Party's election policy of 1993 regarding Correctional Services, in quick dot point form, was to abolish the automatic early release system for prisoners and introduce truth in sentencing; make good behaviour, abstention from drugs and participation in productive work and training a condition for parole; conduct an investigation into corruption and drug-taking in our prisons; expand education and skills training for prisoners as part of their rehabilitation program (I have already briefly touched on that important area which has now started to take off quite well); allow police and

victims of crime to make submissions to the Parole Board on parole applications; and insist on courts fixing a maximum period of imprisonment which must be served before parole will be allowed by the Parole Board.

The present Government's achievements from the Liberal election policy of 1993 are, again, in reasonably simple and brief order. We significantly changed the conditions for home detention. Prisoners convicted of serious offences such as rape, murder, robbery with violence, assault, or child sex offenders are no longer eligible for home detention. We abolished the Labor Government's automatic early release system from prison. Truth in sentencing legislation was passed through State Parliament and took effect from 1 September 1994. This gave police and victims of crime the ability to make submissions to the Parole Board. Another aim was to reduce Correctional Services staff by 10 per cent to assist in the reduction of the cost of keeping a person in prison. Under the Labor Government, Correctional Services costs rose to 25 per cent more per prisoner than the average of all Australian States. As at 31 May 1996 this Government had reduced the cost per prisoner rate (excluding debt servicing) from $52 000 in 1992-94 to $38 000 in 1995-96. So, apples with apples, there was a $14 000 per prisoner reduction in cost.

The Hon. R.R. Roberts: What about the comparison for escapes?

The Hon. J.C. IRWIN: I do not have those figures. I would be quite happy to find the escape figures for the honourable member and make a five minute contribution on that later.

The Hon. R.R. Roberts interjecting:

The Hon. J.C. IRWIN: I do not think that the number of escapes throughout South Australia are any worse than what they were under the former Government. We have commenced the expansion of education and skills training for prisoners as part of the rehabilitation process in a bid to reduce the rate of reoffending by prisoners. On Monday, I was privileged to attend a one day seminar briefing, as the first part of two training sessions by people who have been contracted into the system to train our Correctional Services officers in one area of prisoner rehabilitation. From international experience it is hoped that, if the correct prisoners are put into this program, recidivism rates can be reduced by up to 60 per cent. That will be a very major achievement if it is successful.

The Government has financed and resolved construction-related difficulties with the Port Augusta prison. On coming to government we found that work was at a standstill and that the main contractors had gone into liquidation. Prison extensions are now complete, with 88 extra beds being provided. I understand from reports I have heard that the Government is very happy with the way in which the Port Augusta prison is being managed at the moment and with the way that any problems within that system are being contained. Of course, I realise that when one says anything such as this one touches wood. Port Augusta has been a difficult area, and the management there is doing very well.

We have reconfigured Port Lincoln prison by adding nine more prisoners and reducing the staff by five, making it a more cost-effective institution. The prison has leased additional farming land in an effort to create expanded work opportunities for prisoners. Everyone in this Council would understand that the Port Lincoln prison is quite small and is based on farming land. This provides work experience for the clients there. We have integrated the preparation of a forward plan Prison 2010, a blueprint for the configuration of the prisons system from now to the year 2010 and beyond. I understand that this plan will be released publicly very soon. We have reconfigured Yatala Labour Prison providing the harshest accommodation at the start of a sentence, better accommodation being earned as prisoners advance in their rehabilitation.

We have expanded Labor's inappropriate and expensive 56-bed prison of houses at Mount Gambier to a 110-bed prison by adding a cost effective cell block. This South Australian Government owned prison is now under the management of Group 4 Correctional Services Pty Ltd, a private firm that provides cost effective and innovative management of the prison. Some members would know that this contract has now proceeded for more than 12 months and again I understand that the contractor, Group 4, has met or bettered the targets of its contract in every single area. One would hope that the Minister is in a position to make that assessment available publicly.

Members would know that a select committee has been set up by this Chamber to look at the Mount Gambier Prison private contract, and it is in the process of meeting. All I can say at this stage, as Chair of that select committee, is that I am extremely disappointed that we cannot get members to attend meetings. We seem to drag on from week to week without having meetings. Quite frankly—and I direct my remarks to my Leader and others on my side of the Chamber—if the Council wants to have any other select committees set up in the next few months, they will have to await some of those in progress now.

The Mount Gambier Prison select committee has met a few times and has visited Mount Gambier to inspect the prison. Although it has not yet considered it, the committee has received from the Minister's office a very extensive explanation in plain English of every clause of the contract. I must say I am disappointed with our progress there, and hopefully we can wrap it up fairly soon.

The Hon. R.I. Lucas: When are you meeting next?

The Hon. J.C. IRWIN: We do not have a date for the next meeting. With respect to prison industries, a significant innovation has been the establishment of PRIME (Prisoners Rehabilitative Industries and Manufacturing Enterprises), the corporate arm of the prison industries. The establishment of a specialist organisation to run the commercial activities of prison industries has created an identity readily accessible to the private sector. So far to date PRIME has overseen the introduction of six new industries: the manufacturing of sofa components, mud bricks, card tables, light poles, touch lighting components and playground equipment.

This signalled the beginning of a new era of prison industries in South Australia, introducing commercial operations in partnership with private sector companies. Increasingly, these types of arrangements, where the private sector provides the design, marketing and some capital, and prisoners provide labour, supervision and facilities, will become the norm as PRIME expands. I do not need to reiterate that the Department of Correctional Services and these industries go to great pains not to be in a position where they are competing with the private sector and/or not to take legitimate jobs away from the labour force in South Australia, whether or not they be unionised. It is a very important part of rehabilitation to go through some sort of skills program, learning the work ethic and skills, and obviously filling constructively the long time (in some cases) prisoners spend behind barbed wire and razor wire fences. It is very important

that, if there is any profit in that whole project in monetary terms, something go back into the department, which provides all the funds for running the prisons in the first place.

A recent example of this industry is Carramar, a company that imports high volumes of lights for distribution to major retail outlets. The company has designed a product that can use a combination of imported and locally made components, to be powder coated, assembled and packaged by PRIME. This product replaces a range that would otherwise have been fully imported.

The work provided for prisoners is seen as part of their rehabilitation, and currently 330 prisoners are working in PRIME. This represents 24.2 per cent of the average prison population and they are employed in the following areas: farm produce-cannery, fresh and canned products for correctional institutions; laundry, processing of institutional clothes, bedding and towels; bakery, baking of bread loaves and rolls, pies and pasties for correctional institutions; bed slats, manufacture of bed slats for a number of furniture industry clients; packaging boxes and stands manufacture of wooden packaging boxes for Beerenberg; vehicle repair-respray of State Fleet cars and spray painting of forklifts for TNT—I assume that the State Fleet car work has now disappeared; trailer manufacture assembly; weld, paint and electrical wiring of kits; and fabricated metal products to specification of State Supply, LGA and private firms.

A new industry shed will be built at the Adelaide Women's Prison at a cost of $95 000 and it will provide additional space. Currently, women prisoners are involved in the manufacture of textile products for correctional institutions and private sector clients. In March 1995 the Mobile Outback Work Camps (MOWCAMPS) commenced. This program, which is administered from the Port Augusta Prison, provided the opportunity for up to 12 selected low security prisoners to work on environmental and tourism projects in the far north. These prisoners stay at the work location for up to four weeks and are accompanied by correctional officers from the prison. Successfully completed projects to date include the laying of concrete pads for the Royal Flying Doctor Service and extensive maintenance work in the Gammon Ranges, Danggali and Mount Remarkable National Parks. In addition, MOWCAMPS has been seen as beneficial to both the prisoner participants and the communities involved, with participants being given the opportunity to learn new skills and work ethics and the community benefiting from the work undertaken.

A user pays system has been introduced for community service work in partnership with local councils, Government departments and community organisations. This arrangement requires the agency either to supervise offenders performing community service work or to pay for supervision provided by DCS. Additional benefits have been that the projects have become long-term and provide more meaningful work to benefit both the community and the offender.

Recent community service work performed on the user pays basis includes the following projects. The TransAdelaide program involves rubbish collection along train tracks; tree trimming and the removal of dead branches; landscaping; graffiti removal from station platforms; and the repair and installation of fencing. The Brukunga CFS project, which is funded by the CFS, has involved extensive brick paving of the fire service area. The Torrens River clean-up project, which is funded by the River Torrens Catchment Board, involves the removal of rubbish along the Torrens River. The Madison Park Pre-school project involved groups of 15 to 20 community service clients who worked over 16 Saturdays to complete the project. The work included a complete rebuilding of the outdoor play equipment and landscape gardening. The project was fully funded by the pre-school. The West Terrace Cemetery project involves groups of up to 10 people every Monday and Tuesday working at this site. The work includes grave restoration, cleaning of graves and weeding of the grounds.

The main roads clean up is an ongoing major commitment under an agreement with KESAB, which will see community service work gangs regularly clean up the roadside. In the Port River area a more recent project has involved the removal of plastic shopping bags from the river. Tree planting is conducted across the State by the community service clients. Projects have begun at Murray Bridge and Tailem Bend using local native seeds collected by the offenders, while the extensive greening of Marla and Coober Pedy in the Far North of the State is under way. Unsightly graffiti is being removed by people on community service orders. With pest plant removal, the department undertook a joint project with the East Torrens District Council which saw 10 offenders allocated to the Morialta Reserve, Norton Summit Road Reserve and the Wayfield Reserve. Work undertaken included the cutting down and removal of proclaimed pest plants such as olive trees and blackberries. The project lasted for three months and has significantly reduced the bushfire risk in these reserves.

We can see from the 10 or 12 projects that I have outlined that community services orders have been of benefit to the community. Anyone looking at that list or anyone who has seen community service orders being carried out by offenders (from wherever they have come to get their community service order) would realise that the community has benefited. I am sure that in many areas both the community service worker and people in the prison system have benefited in doing hard work for the benefit of the community. Maybe some see it as a damn nuisance and a chore that they have to work off their penalty by doing community service orders, but they may get some benefit from the work they do.

I now refer to the drug strategy. Before coming to office the Liberal Government was concerned at the high usage of drugs within the prison system and the impact it had on South Australia's crime levels when inmates were released. As a direct result of the investigation of drugs in prisons in South Australia, commissioned by the Government early in its term in 1994, at last someone was doing something about the problem. Instead of sitting on its hands and letting it get worse, the department has a three pronged attack on drug use in prisons, with both narcotics and wrongful use of prescribed medicines being the targets. The three directions are: reduction of supply, reduction of demand and adoption of a high minimisation strategy. In order to reduce the supply of drugs in prisons we have introduced specialist clothing for contact visits, the banning of any visitor who introduces or attempts to introduce drugs into prisons and regular searches by the Dog Squad of prisoner accommodation areas, either at random or on recent receipt of intelligence.

Additionally, we have in place policies which aim to reduce the demand for drugs in prisons, which concentrate on incentives, education and training. In particular, if prisoners prove to management that they remain drug free, they become eligible for better accommodation in drug free units, more freedom, plus the use of allowable privileges and amenities. The first of these has been established at Cadell Training

Centre and it is expected that others will follow. The aim of the unit will be to deliver a structured program which targets prisoners with identified substance abuse problems.

The department provides programs, work and education as three elements of reducing the negative effect of imprisonment and thus, by providing these alternatives to drug use, it is expected that demand will reduce. For those prisoners who persist in taking drugs, urine analysis appears to be the most effective method of detecting the consumption of drugs. Currently, random samples are taken across the entire system or when a correctional officer has reason to suspect that drugs have been taken. Last financial year (1994-95) saw 1 476 prisoners' urine samples analysed of which 46 per cent returned a positive result, with cannabis being the most common drug being detected. Even at 46 per cent, that is an astoundingly high figure and obviously the target for this Government and the present Minister would be to reduce that dramatically over the next few years.

A new Government initiative in the drug strategy has been installation of a new prisoner telephone system and a computerised 'sniffer dog' (Itemiser N) which is expected to have an effect on reducing drug trafficking. In particular, the telephone system will restrict prisoners to a set number of calls and allow for the monitoring and recording of conversations. Work has been completed on installing the new telephone system at the Adelaide Remand Centre, staff are currently undertaking training and the input of data prior to prisoners being able use the new telephone system at the ARC (Adelaide Remand Centre). It is expected that progressive installation of the telephone system through the rest of the prison system will be completed by the end of August this year.

The Itemiser N can be used to detect up to 24 separate drugs within seconds, including heroin, during normal searches of prisoners and visitors. The process is simple, quick and non-invasive. The ultra-sensitive sensor is swiped across the person or item being checked and then connected to the computer. Within a matter of seconds the computer displays the results of the test and identifies the illicit drug that has been detected. Anecdotally, I have heard that when visitors to the prison have seen that Itemiser N is being used, before they get to the gate they turn around and go away because it is a very sensitive and accurate tester which simply has to be swiped across the clothes to detect that the person has at least handled drugs in the past 24 hours.

Finally, I refer to the outsourcing of non-core functions. The Audit Commission recommended that the Department for Correctional Services should explore and detail the options for outsourcing various support and security functions with the aim of reducing these costs to Government. Prisoner transport and medical services were included as services that should be included. Currently, there are approximately 60 000 prisoner and young offender movements and in-court management tasks carried out in South Australia annually. I underline 'South Australia itself'; I am talking not just about metropolitan Adelaide but from Ceduna to Mount Gambier.

The services are currently carried out by four Government agencies: Department of Community Services, South Australian Police Force, FACS and CAA. The tenders for the outsourcing of this prisoner and young offender movement contract closed on 17 June this year. The tenders will be assessed by the Probity Auditor and agency representatives from all four Government departments. The CAA, of course, is the Courts Administration Authority under the control of the Chief Justice, so four high-powered agencies are involved in this contract. As I say, the tenders closed on 17 June and are now being processed. The tenders will be assessed by the Probity Auditor and agency representatives from the four Government departments and it is expected to take approximately one month before a recommendation is made to Cabinet. That takes it up to mid July, so we are not far away from wrapping up the outsourcing of prisoner transport, and I hope above hope that it is not a precursor to another select committee.

The Government is outsourcing the prisoner medical service. The service is currently provided by five Government agencies, as well as a number of private sector service providers, and has an expenditure of the order of $8 million a year. An interim service level agreement has been negotiated and signed by the parties involved to enable the service to be formally contracted out by January 1997.

A board, comprising senior executives from Health, Correctional and other service providers, has been established to oversight the management of prison health. All services are being maintained and information concerning costs and statistics is being collated to assist in tender preparation. Correspondence has been forwarded to a number of possible service providers in South Australia, interstate and overseas to generate interest for the competitive tender of this service.

I thank members for their indulgence in allowing me to make a contribution to the Appropriation Bill. I wanted to reiterate the way in which the present Government is rebuilding South Australia and putting the building blocks in place, and I am satisfied that there is now a firm basis for the State to rebound. It is not an easy process: no-one would say it is not without a fair amount of pain, and that pain has certainly been taken by the people at the forefront—the Ministers in each portfolio who have been trying to address the problems as a team; each portfolio area has taken a certain amount of that pain.

It has not been easy but, as I say, the building blocks are there. We will not see cranes on South Australia's skyline, probably, for many years. There are some cranes visible now on the university buildings at the western end of North Terrace, and certainly a few can be seen around the skyline but, taking into account the current situation with the central business district, private enterprise cranes will not be seen for a while. However, things are slowly being done in the correct way to build the future of South Australia.

I wanted to take the time to run through an area in which I have no responsibility, but I am the Parliamentary Secretary to the Minister for Correctional Services, and I enjoy that position very much. I am briefed frequently by the Minister and his departmental heads in the areas of correctional and emergency services, which includes the Country Fire Service, the Metropolitan Fire Service and the SES. I enjoy being given some insight into this area, and particularly the correctional services area. The Minister and I have long had an interest in this field, and with our combined overseas experience and similar views on where correctional services should be heading in South Australia—for the benefit of the inmate as much as that of the paying public—we can link up with what is being done through the Attorney-General's area in the courts to bring about a much safer South Australia, and I am very proud to be part of that in a very small way. I thank members for their indulgence.

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

STATUTES AMENDMENT (WATERWORKS AND SEWERAGE) BILL

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

The Hon. R.I. LUCAS (Minister for Education and Children's Services): 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 is primarily of a housekeeping nature and clarifies some of the regulation making powers under the Waterworks Act 1932 and the Sewerage Act 1929, preparatory to remaking the regulations under those Acts, which expire on 1 September 1996.

The Bill also makes a number of other minor amendments that either simplify or ratify administrative procedures and practices. Amongst other things, it:

simplifies the procedure for declaring Water Districts and Drainage Areas

Water Districts and Drainage Areas are administrative prerequisites for rating—only land within Water Districts and Drainage Areas may be rated. As the water and sewerage infrastructure is extended it becomes necessary to extend the boundaries of the Water Districts and Drainage Areas. This must be done by notice in the Gazette and the current requirement is for these proclamations to be made by the Governor in Executive Council. As this is purely an administrative requirement it is appropriate that the South Australian Water Corporation take responsibility for publishing these notices.

transfers from the regulations to the Waterworks Act the ability of the Corporation to reduce the supply of water to consumers where adverse supply conditions prevail

The regulations under the Waterworks Act provide that where there is a shortage of supply the Minister may discontinue supply for certain purposes. It is appropriate that such a power be contained in the Act rather than the regulations. The power can only be exercised with the approval of the Minister.

The regulations also provide that where the supply to a particular consumer is likely to effect the hydraulics of the supply system, that consumer may be required to provide and use a flow reduction device to reduce the draw on the system.

provides a clear power to reduce the water supply for non-payment of rates

The Waterworks Act provides that the water supply may be cut-off for breaches of the Act, including the non-payment of rates. In practice, where rates remain unpaid, the water supply is reduced rather than completely cut-off. It is desirable that the power to reduce the water supply be separately and clearly provided for.

provides for the Corporation to authorise entry on to its land subject to conditions

In a number of instances the public is permitted onto reservoirs and other land owned by the Corporation. There is no power for the Corporation to set conditions of entry and police them. This power cures that deficiency.

I commend this Bill to the House.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Interpretation

Clause 3 provides for references to the principal Act in Part 2 and 3 of the Bill.

Clause 4: Amendment of s. 4—Interpretation

Clause 4 inserts provisions that explain how the term 'adjacent land' in the *Waterworks Act 1932* works in relation to land divided by a strata plan or a community plan.

Clause 5: Insertion of Part 1A

Clause 5 inserts a standard delegation provision that will enable the Minister to delegate his or her functions, powers and duties to the Corporation or any other person. Subsection (3) provides that the Minister cannot delegate his or her functions, powers or duties to set water rates under Part 5 of the *Waterworks Act 1932*.

Clause 6: Substitution of s. 6

Clause 6 replaces section 6 of the principal Act with a streamlined provision that will enable the Corporation to declare water districts.

Clause 7: Amendment of s. 10—Regulations

Clause 7 amends section 10 of the *Waterworks Act 1932* which is the section providing the power to make regulations. The regulations under the *Waterworks Act* expire on 1 September this year. In the process of redrafting these regulation it appeared desirable to amend the Act to make it clear that the regulations are within the regulating making powers of the Act.

Clause 8: Amendment of s. 33—Power to lessen or discontinue supply

Clause 8 amends section 33 of the principal Act. This section enables the Corporation to reduce or discontinue the supply of water in time of drought with the Governor's approval. The amendment provides that the Minister's approval is required instead.

Clause 9: Insertion of s. 33A

Clause 9 inserts new section 33A into the principal Act. This section provides for restrictions on the purposes for which and the manner in which water can be used in drought conditions. It replaces regulation 14 of the *Waterworks Regulations 1974*. It is considered that a provision restricting the use of water should be in the Act and not in the regulations.

Clause 10: Insertion of s. 35A

Clause 10 inserts new section 35A. This section provides a mechanism for the rate at which water is supplied to land to be reduced at peak periods. Without this precaution the pressure at peak periods may be reduced to a point where an inadequate supply of water is provided to consumers.

Clause 11: Amendment of s. 54—Power to cut off or reduce water supply

Clause 11 amends section 54 of the principal Act to enable the supply of water to a consumer who has failed to pay rates or is in breach of the Act to be reduced as an alternative to it being cut off completely. Although the Corporation is subject to the direction and control of the Minister (see section 6(1)*(b)* of the *Public Corporations Act 1993*) the Corporation must obtain the approval of the Minister before cutting off a supply of water under section 54 (see new subsection (2)).

Clause 12: Substitution of s. 65

Clause 12 replaces section 65 of the principal Act with a provision that provides for authorised entry onto the Corporation's land subject to conditions that can be imposed in a number of ways.

Clause 13: Amendment of s. 87—Recovery of money by Corporation

Clause 13 makes consequential changes to section 87 of the principal Act.

Clause 14: Amendment of s. 90—Gazetted mains

Clause 14 makes a consequential change to section 90 of the *Waterworks Act 1932*.

Clause 15: Insertion of Part 2

Clause 15 inserts a standard delegation provision in the *Sewerage Act 1929* similar to the provision inserted in the *Waterworks Act 1932* by clause 5 of the Bill.

Clause 16: Amendment of s. 13—Regulations

Clause 16 amends the regulation making powers in the *Sewerage Act 1929*. The *Sewerage Regulations 1973* expire on 1 September 1996. In the process of redrafting these regulations it appeared desirable to amend the Act to make it clear that the regulations are within the regulating making powers of the Act.

Clause 17: Substitution of s. 18

Clause 17 replaces section 18 of the *Sewerage Act 1929* with a provision that enables the Corporation to declare, alter and abolish drainage areas.

Clause 18: Amendment of s. 80—Notice of amount payable

Clause 18 amends section 80 of the *Sewerage Act 1929*.

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

INDUSTRIAL AND EMPLOYEE RELATIONS (MISCELLANEOUS) AMENDMENT BILL

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

ADJOURNMENT

At 11.30 p.m. the Council adjourned until Thursday 11 July at 2.15 p.m.