LEGISLATIVE COUNCIL

Tuesday 26 November 1996

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

LOCAL GOVERNMENT (CITY OF ADELAIDE) BILL

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

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

Motion carried.

RACIAL VILIFICATION BILL

The following recommendation of the conference was reported to the Council:

That the Legislative Council do not further insist on its amendments.

Consideration in Committee of the recommendation of the conference.

The Hon. R.I. LUCAS: I move:

That the recommendation of the conference be agreed to.

In doing so, I report to all members of the Legislative Council that the five managers on behalf of the Legislative Council went to the conference of managers and vigorously and passionately defended the position of the Legislative Council and, as the resolution indicates, after some considerable discussion a position acceptable to managers representing both Houses was eventually arrived at.

One of the key issues concerning members of the Legislative Council was that South Australians have access not only to the courts in certain circumstances but, on occasions and in certain circumstances, to conciliation proceedings. I will not go into the detail of the particular procedure which the Legislative Council had adopted upon the amendment of the Hon. Mr Nocella and which was supported by the majority in the Legislative Council, but nevertheless the import of the amendment was to provide a procedure whereby South Australians could access conciliation.

In a moment I will read a statement which I am authorised to do on behalf of the Premier—and he will make a similar statement in the House of Assembly when the results of the conference of managers is reported in that House—but, in essence, the resolution will allow access to conciliation. The first option is to delegate to the South Australian Equal Opportunity Commission jurisdiction in relation to the Federal Racial Discrimination Act as amended by the Racial Hatred Act. That would allow South Australians access to the South Australian Equal Opportunity Commission for conciliation proceedings under the Federal legislation. The Premier has indicated that, if after 12 months a satisfactory arrangement has not been arrived at with the Commonwealth Government to allow that to be achieved, the State Government will review the operations of relevant State law with a view to introducing legislation to provide for conciliation. The statement that was agreed to is as follows:

The South Australian Government will forthwith approach the Federal Government with the objective of delegating to the South Australian Equal Opportunity Commission jurisdiction in relation to the Federal Racial Discrimination Act as amended by the Racial Hatred Act which will provide for conciliation. If after 12 months the delegation has not occurred then the State Government will review the operation of the relevant State law with a view to introducing legislation to provide for conciliation.

That is an entirely satisfactory compromise that has been arrived at by managers representing both Houses of Parliament. It will allow access to conciliation. Advice was received on the original procedures and certainly there are some advantages for people who want conciliation. There are some advantages in the proposed arrangement. Certainly, there are some advantages in relation to aspects of the Federal legislation which the proposed procedure will allow access to and will therefore provide that advantage for people wishing to complain under the relevant legislation.

I do not think I need add any more than that, other than thanking the managers who represented the Legislative Council at the conference of managers. I thank them for the sensible discussion that ensued. A productive discussion was conducted without any animosity or rancour. It was an example of how the conference resolution procedures can work to the advantage of the broader South Australian community in resolving differences of opinion between the Houses of Parliament. It is a good example of the way the procedures can be used to the betterment of the South Australian community.

The Hon. P. NOCELLA: With respect to this matter I will not canvass again the arguments introduced to this Council during the various stages. They are well known to members of this Chamber, and the Opposition remains convinced that the amendments it introduced in addition to the Government's proposed legislation were sensible, based on common sense and capable of achieving the objective of completing the spectrum of circumstances that almost inevitably will arise to deal with cases of racial vilification. Equally, we remain unconvinced that the form in which the legislation will be passed is capable of doing that. In the harsh reality of the conference—and faced with the Government's unconciliatory position whereby it was very firm and not at all prepared to accept, even in part, our amendments—we behaved in a manner that will produce some legislation for South Australia. Unfortunately, we lost an opportunity that could have been utilised but, nonetheless, there is some legislation and an undertaking that appropriate machinery will be introduced by the State Government to make it possible for South Australians to access the provisions of the Federal legislation through the delegated powers of the Human Rights and Equal Opportunity Commission to the Equal Opportunity Commission of South Australia.

It is a process which may not take that long but, in any event, a 12 month deadline is what we want, and we will monitor this interim period so that that implementation takes place. As the Leader of the Government said, should that not happen appropriate steps shall be introduced so that a review and possibly amendments of the legislation would be considered. In view of that and of the tragic events which took place at Parafield Primary School 10 days ago where school children of Asian backgrounds had to be protected by police because of the threatening demonstration by National Action, we feel that in the interests of South Australia we should not wait one extra day but facilitate the process of this legislation at this stage. I signal our support.

The Hon. SANDRA KANCK: I indicate the Democrats' support for the outcome of the deadlock conference but we

recognise that what we have is second best. I was never able to plum the depths of the thoughts of Liberal members within the deadlock conference to understand why they opposed the Opposition's amendments to the Bill. Through this process, which took 12 months, Liberal members held a very strong view against having these conciliatory aspects of the Bill encompassed at a South Australian level. At all times I have been advised in this matter by the ethnic communities themselves through the Multicultural Communities Council. No-one knows better than them what will work for them. The Government has seen fit to have it its way. One of the interesting outcomes—

The Hon. R.I. Lucas: You agreed.

The Hon. SANDRA KANCK: I agreed with what? I agree with the Multicultural Communities Council that something is better than nothing. That is what it said at the end, that if there was a risk of losing the Bill, it would rather have it in its original form, rather than play that sort of brinkmanship. Because of that something-is-better-than-nothing approach, I accept the Bill in its original form, with this undertaking from the Premier.

As it transpired in the deadlock conference, Government members believed, erroneously as they found out, that people could easily lodge complaints with the Human Rights Commission in South Australia, and it seems that they worked with that opinion for the past 12 months. They finally discovered that is not the case. Given that the original Bill has been accepted, I am pleased to note that the Premier and the Government have given an undertaking to make an effort to get the powers delegated from the Commonwealth. However, in the interim, people who are the subject of racial vilification will face either time delays in communicating with Sydney by mail or cost factors in doing it via telephone. That is a responsibility that the Government has to bear and for which it must be prepared to answer. On that basis, I support the outcome of the conference.

The Hon. R.D. LAWSON: I, too, support the motion before the Committee. The notion expressed by the Hon. Sandra Kanck, that she accepts this outcome because something is better than nothing, and by the Hon. Paolo Nocella, that some legislation is better than none, ought to be laid to rest. The legislation that the conference agreed to is the best legislation that is available in any State of the Commonwealth of Australia.

The Hon. Sandra Kanck: It could have been better.

The Hon. R.D. LAWSON: It could not be better. It encompasses all elements necessary. Members ought to be reminded that the Bill the Government introduced provided legal protection against racially based threats to personal property, and it also provided redress for persons who suffered any detriment in consequence of racial vilification. The Bill proposed by the Opposition and supported by the Democrats was based solely upon the New South Wales anti-discrimination Act of 1989. The Bill the Opposition proposed and the amendments proposed in this Chamber were to adopt the New South Wales model, which had been established in that State in 1989.

The proponents overlooked the fact that in 1995 the Commonwealth passed legislation which had a lower threshold, which was a more liberal test for complainants and which cast the net wider than the New South Wales legislation. Those opposite wished to go back to the New South Wales situation. However, the Government adopted the position, which is perfectly reasonable in the circumstances—

The Hon. R.R. Roberts: Who?

The Hon. R.D. LAWSON: The Government.

The Hon. R.R. Roberts: You mean the conference of managers.

The Hon. R.D. LAWSON: No, the Government.

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: The conference accepted that the protection offered in the New South Wales legislation and reproduced in the Opposition's proposed amendments was a narrower test than that applying under the Commonwealth law. South Australian citizens now have an amalgam of redress. They have the redress under the South Australian provision, which we are passing today and which is the most comprehensive available in any State, and they also have the right, which all Australian citizens have, to invoke the Federal Racial Hatred Act and to invoke the assistance of the Human Rights and Equal Opportunity Commission. So, far from being better than nothing, this legislation is in fact the best. It is not a second class solution; it is a first class solution—and the conference ought to be congratulated for reaching such a sensible conclusion.

The Hon. T. CROTHERS: In light of some of the contributions made, I feel constrained to offer an utterance for the consideration of members.

The Hon. R.I. Lucas interjecting:

The Hon. T. CROTHERS: I well remember de Valera being referred to as a man with a falling instep; I hope I am not that. At the conference, it was clear to me that the other place was threatening to pull the Bill. As at least one of the speakers at the conference pointed out, if the members of the Lower House had sustained that threat to withdraw the Bill, the Upper House could then have reintroduced a similar Bill. That would have meant that, assuming that it passed the Council, the Government of the day would then have had to vote, and no doubt it would have voted to defeat it in the other place. Given the odium that that might have encouraged in respect of members of both the Upper House and the Lower House, some of us thought that that would be too big a price to pay.

It was clear that there would have been no consensus or agreement on this matter except for the fact that the Premier gave an assurance that his Government was prepared to make a statement in the House in respect of certain matters. Some reservation was expressed that this Bill would not work because, where there are two authorities involved, at times that is a recipe for disaster. Certainly, in respect of Federal and State industrial law, it is the Chamber of Commerce's view that that is the case; and certainly it is the case with respect to other laws in both the criminal and civil jurisdictions. However, from time to time enormous sums of money are spent in an appellate court trying to determine which of those laws are at fault or hold sway, and that would have been a very large price to pay for our migrant community, of whom I am one, for having some protection under the State Act. But, make no mistake about it, the assurance given to us is that, if this Bill does not work—for whatever reason—or if the Federal Government is not prepared to hand over its powers to the State commissioner, the Bill will be revisited.

Those are the assurances that were given to the members of the committee. They have been accepted in good faith, as I think they were given in good faith but, as in all matters, time is of the essence in determining whether or not the members of the Committee of this Council were in order in respect of accepting the assurances that were given. I hope they are in order—I have no reason to believe they are not—

but, if they are, equally I have no reason to believe that members of this Council will revisit this position. I do not think it is a question of accepting something that is not as good as it could have been, because when a compromise is reached that is always the case. I think we have accepted a position which may or may not work. The only way we can make that determination will be with the passage of time in respect of the application of the Act that is now in front of us. I certainly have no objection whatsoever to commending the recommendation of the Committee to this Council, and I hope and trust that members will support it on the basis that I have outlined, namely, the compromise offered by the mover of the Bill in the Lower House.

The Hon. R.I. LUCAS: I thank members and indicate that, whilst the Hon. Mr Crothers might want to appear to be otherwise during this debate, the honourable member was certainly, from my judgment any way, the very essence of reasonableness during the conference of managers. He led the forces of reason in discussion and was, I think, in no small portion responsible for the agreement of the conference of managers that is before us this afternoon. Whilst the honourable member might want to appear otherwise in this Chamber, and I admire his loyalty, as I said, he adopted a very reasonable position, and I congratulate him—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: I am congratulating the honourable member for his being reasonable. I see nothing wrong with congratulating someone for being reasonable, and I again congratulate the honourable member. However, I make the point that some members have indicated that the House of Assembly adopted a position of threatening to drop the Bill completely. As a member of the conference, whilst I do not want to refer to the details of the conference, that claim has been made by members in this Chamber. I attended all the meetings, as did my colleague the Hon. Robert Lawson, and I do not recall that claim being made at any stage by any person representing the House of Assembly—certainly not during the time I attended the meetings of the conference of managers.

The Hon. R.D. Lawson: Or at all.

The Hon. R.I. LUCAS: My colleague the Hon. Mr Lawson, who was present at all times, indicates 'or at all' for the whole of the period. Given that that claim has been made in this Chamber, I want to place on the record the fact that no such claim was stated during the conference of managers.

Motion carried.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 2, 3, 15, 41, 42, 55, 59, 71, 75 to 78, 80, 82, 84, 85, 92, 94, 97 and 101.

SOUTHERN EXPRESSWAY

2. **The Hon. T.G. CAMERON:**

1. As no specific funding for a Veloway appeared in the initial budget for the Southern Expressway, how is the planned Veloway to be funded?

2. As the Southern Expressway is to be a single carriageway operating on a reversible flow basis, when will the Government be in a position to determine the timetable for the direction of the flow of traffic?

3. As there is concern over the need to make sure all the cars have left the expressway before traffic is allowed to flow the other way, how is the expressway to be cleared before the flow of traffic changes direction?

4. What will happen to cars and trucks that break down on the expressway?

5. (a) Is the required legislation in place for stranded cars and trucks to be legally towed away to prevent obstruction of the expressway?
(b) If not, when does the Government envisage bringing in such legislation?

6. As the expressway will require a system of video cameras for safety reasons to monitor the traffic and ensure cars are not running in the wrong direction—
(a) How many cameras will be installed?
(b) How much will they cost?
(c) Is the cost of providing video cameras contained in the Southern Expressway budget or are they an extra cost?
(d) Will they be monitored electronically or by technicians?
(e) (i) Will measures be put in place to preclude the cameras abusing reasonable privacy of motorists?
(ii) If not, why not?

7. When will the 'traffic management systems' currently being trialled for the Southern Expressway be completed?

8. Could the Minister supply a summary of all the environmental and Aboriginal issues that have been raised with her department over the building of the Southern Expressway and the responses made to them?

The Hon. DIANA LAIDLAW:

1. The cost of the Veloway is to be accommodated within the budget for Stage 1 of the Southern Expressway project.

2. The unique reversible nature of the Southern Expressway necessitates the need to develop a system for the safe and effective management of the road. A Traffic Management System is being developed by the Department of Transport and Maunsell Pty Ltd, the project manager with the assistance of a working group which includes representatives of Government agencies.

The Traffic Management System is currently out to tender. The contract covers the design, supply, installation, commissioning, training and, for the start up period the maintenance and operation, of the Traffic Management System.

The Traffic Management System will consist of a number of subsystems including control, incident detection, surveillance, incident management, intersection management, driver information and communications.

As was advised publicly when the Southern Expressway project was launched in March 1995 the reversible traffic system is designed to relieve the pressures on the existing road network, catering for northbound traffic in the morning and southbound traffic in the afternoon on normal working weekdays. The direction for normal weekends is yet to be determined but as with normal working weekdays, the actual time of change of direction on weekends will be predetermined and standard.

The direction of flow for other times and special events will remain flexible but will be determined on the basis of optimising the benefits to the south which will flow as a result of building the Southern Expressway. Non standard times will be signposted and advertised in advance.

3. As has been advised previously, sufficient time will be allowed between the changes in traffic flow to clear the Southern Expressway of traffic. The Traffic Management System contractor will address the specific amount of time to be allowed for this purpose, and related issues.

4. A range of options are to be examined as part of the development of the Traffic Management System.

5. (a) The Southern Expressway provides for emergency stopping lanes for cars and trucks to safely park outside of the normal traffic flow. So the need to tow away cars and trucks from the expressway is not considered to be an issue any more than it is on any other road in the network.

6. (a) A requirement of the Traffic Management System contract is to provide video surveillance of the whole Southern Expressway and approaches. The contractor will determine the number and type of cameras to be installed to satisfy the requirements of the contract.
(b) The cost of the cameras, their installation, the communications, control and monitoring systems will not be known until after tenders are received and assessed.
(c) An estimate of the cost of the surveillance system is allowed for in the Southern Expressway budget.

(d) The surveillance system will be monitored from the Department of Transport's Traffic Control Centre by the operators of the centre.

(e) (i) The Department of Transport currently monitors cameras surveilling many of the signalised intersections in Adelaide. The surveillance system for the Southern Expressway will be monitored from the same control centre using existing protocols.

7. The traffic management systems are not currently being trialled, but as stated above are currently out to tender. As the contractor delivers the Traffic Management System the system will be progressively tested for compliance with the contract and finally the entire system will be subject to commissioning tests prior to the opening of the expressway.

Technical reason dictates that the Traffic Management System will be one of the last elements of the road completed. As such the system is programmed to be completed shortly prior to the opening of Stage 1 of the Southern Expressway in December 1997.

8. With regard to the environmental issues, an Environmental Report was prepared last year by Acer Wargon Chapman and was publicly exhibited for a period of four weeks, towards the end of 1995, at the Marion Council offices and the Noarlunga library.

Many hundreds of people visited the visual displays of the route alignment and landscaping proposals, 36 people (including a class of school children) provided comment or asked questions on the reply form provided. Submissions were received from individuals/groups and from Government agencies. Replies have been sent in response to all submissions received from those who provided addresses.

The more frequent issues from the general public which arose from the public exhibition were:

- Alignment and proximity to individuals
- Details of design in the Sturt Triangle
- Entrance and exit arrangements for the Bedford Park area
- Noise and visual impacts
- Severances of access in the Sturt area
- Impact on O'Halloran Hill Recreation Park
- Security issues in the Sturt/Darlington area
- General philosophical views that the Expressway will not solve the traffic problems and that public transport should be provided instead

From the Government Agencies:

- Specific issues relating to the South Australian Housing Trust
- Noise
- Air quality
- Water quality
- Environmental Management

Responses have been made to all of these inquiries to clarify matters already dealt with in the Environmental Report.

With regard to Aboriginal issues, an Agreement was signed on 23 August between the Kaurna Aboriginal Community and the Department of Transport relating to the treatment of three Aboriginal heritage sites along the route of the Southern Expressway, plus employment opportunities.

STATE BUDGET

3. **The Hon. T.G. CAMERON:**

1. (a) With regard to this year's State Budget, will the Minister for Small Business and Regional Services provide a guarantee that small business will be quarantined from any cuts to this year's Industry and Business Assistance Budget?

(b) If not, why not?

2. (a) Is the Minister concerned about the fall in retail turnover for seven consecutive months (ABS Cat. No.: Retail Trade, 8501.0, April 1996, p.11) given the importance of small business and its prominence within the retail sector?

(b) What is the Government doing about this fall?

3. (a) What analysis has been undertaken by the Minister with regard to the impact of cuts to the Commonwealth Industry Assistance upon South Australian small firms that overwhelmingly dominate this State's manufacturing and services industries?

(b) What is the Government doing to off-set the cuts?

4. Can the Minister provide the values of South Australian Government business assistance to this State's firms during 1995-96 broken down into the following categories:

(a) less than 20 employees?

(b) 20 to 49 employees?

(c) 50 to 100 employees?

(d) 100 to 500 employees?

(e) 500 and over?

5. (a) Can the minister outline what the Government has done to make outsourcing contracts assistance available to small business?

(b) How many small businesses have applied and how many were successful in the 1995-96 financial year?

The Hon. R.I. LUCAS:

1. (a) The South Australian Government is committed to eliminating the Budget deficit by June 1998. It is doing this through sustainable reductions in Government spending rather than by increasing revenue through increases in payroll tax, WorkCover levies and the like. The Government has gone to considerable lengths to ensure that small businesses are sheltered from Budget cuts and tax imposts because it recognises small business as the engine of growth in output and employment.

In recognition of the importance of small business, the 1996-97 Budget has allocated considerable funding toward initiatives which aim to assist South Australian small businesses. In particular:

- The New Exporters Challenge Scheme (NECS) will receive $500 000 in State Government funding in 1996-97. NECS is designed to take some of the risk out of exploring new export markets by providing up to a 50 per cent subsidy of the cost of exploring new export markets.
- Cabinet has recently endorsed a number of changes to the jobs package which have seen an extra $250 000 allocated to the Employment Broker Scheme in 1996-97 and the funding of a new Self Starter Program aimed at assisting young people establish themselves in small business. Other programs have needed to be cut where funds can be expended more effectively and efficiently elsewhere.
- The Business Plan Development Scheme has received a budget allocation in 1996-97 of $400 000. The scheme which provides an average subsidy toward the cost of a business plan of $4300, has received excellent feedback from participants.
- The Small Business Advisory Council (SBAC), which was formed in early 1995 to advise the Government on small business issues, has also had its funding maintained for 1996-97.
- Program funding support to the South Australian Centre for Manufacturing (SACFM) has increased significantly from $1.6 million in 1995-96 to $5.1 million in 1996-97. AusIndustry program funds have been maintained at 1995-96 levels.
- Support for SACFM's foundry and tooling programs will rise to a total of $900 000 in 1996-97, up from $565 000 in 1995-96. The 1996-97 budget also provides $2 million for the establishment of a Cast Metals Precinct at a 40 Ha site at Wingfield in Adelaide's north-west industrial area.

2. (a) Smoothed, seasonally adjusted (or trend) estimates of retail turnover, and indeed ordinary seasonally adjusted estimates of retail turnover, are subject to continual revision as new figures are released and better information becomes available.

The latest trend figures indicate that South Australian retail turnover has grown for six consecutive months to August 1996 at an average monthly growth significantly above the national average. Seasonally adjusted growth in August 1996 was an impressive 1.8 per cent.

(b) While the South Australian economy will always be subject to the short term cyclical influences of the national economy, this Government is committed to creating a regulatory environment which is conducive to business and employment growth.

3. (a) Commonwealth cuts to industry assistance will obviously have an impact on programs aimed at assisting South Australian businesses. While the State Government has already announced its intention not to fund any shortfall, where possible, agencies will attempt to minimise the impact.

For example, despite cuts to AusIndustry, the South Australian Government will continue to maintain an enterprise development program, albeit on a more modest level. The bilateral agreement with the Commonwealth will be replaced with a simple service agreement outlining what services the South Australian Government will provide with the Commonwealth funding allocated.

The Commonwealth Government's Budget cuts reflect their weak budgetary circumstances. While the cuts will have a detrimental impact on industry assistance programs, South Australian small businesses have benefited in a number of other ways, including:

- a reduction in the threshold for the Export Market Development Grant (EMDG);
- a reduction in the provisional tax uplift factor from 8 per cent to 6 per cent; and
- the introduction of a capital gains tax exemption on rollover which will apply when selling a small business if funds are used to purchase or establish the same or another like business within 12 months.

4. No.

5. (a) The Government provides assistance to small businesses competing for Government contracts through three primary mechanisms.

(1) The Business Centre (TBC) regularly provides assistance to small business people and aspiring small business people intending to tender for Commonwealth, State and Local Government contracts. An adviser is available at TBC with extensive experience in the contracting proves and TBC also maintains a database of external consultants who are able to provide further assistance if required. Government agencies involved in the contracting out proves regularly refer small business people to TBC.

(2) The Industrial Supplies Office (ISO) is also located at The Business Centre and actively encourages small businesses to register their capabilities on the ISO database. ISO staff also liaise with Government agencies and private sector project managers to ensure they are aware of local expertise.

(3) The AusIndustry Network Broker Scheme is able to assist small businesses establish a network. Networks can be used as a means to form consortiums of small businesses to tender for government contracts. Probia, a network comprising Promet, Procast, Pro-die and Beverley Foundries, recently won a contract to supply high quality valves to the water industry. Another network, Organic Recyclers, matches two small businesses, Bio-Recycling Asia Pty Ltd and Peats Soil and Garden Supplies, with United Water to convert human waste from Bolivar into organic fertiliser.

(b) While comprehensive records are kept on the tendering process and the successful applicants by individual agencies, there is currently no central database for storing such information.

ALDINGA SCHOOL

15. **The Hon. CAROLYN PICKLES:**

1. Has the Government investigated the need to establish a secondary school in the Aldinga area?
2. Are there any plans to construct a new secondary school?
3. If so, has a site been chosen?
4. What is the location?
5. When is construction scheduled to commence?

The Hon. R.I. LUCAS:

1. The Department for Education and Children's Services (DECS) has previously investigated the feasibility of establishing a secondary school in the Aldinga area.

2. DECS has determined that a secondary school at Aldinga is not required as the recently established Seaford 6-12 School has been zoned to cater for secondary students to the area slightly south of Maslins Beach. Students in the Aldinga Area will therefore be able to continue to attend Willunga High School, a well established and resourced secondary school.

3, 4 and 5. See 2.

ROAD FUNDING

41. **The Hon. T.G. CAMERON:**

1. In view of the Minister's promise, as part of the Liberal Party's 1993 transport policy, to increase spending on road construction purposes by $10 million (indexed) each year from State fuel tax, has this increased spending occurred?

2. If not, why not?

3. How much money has been spent by the Government on road construction and maintenance for the years—
(a) 1993-94;
(b) 1994-95;
(c) 1995-96?

4. What percentage of State fuel tax has been spent on new road construction and road maintenance for the years—
(a) 1993-94;
(b) 1994-95;
(c) 1995-96?

The Hon. DIANA LAIDLAW:

1. and 2. The Liberal Party Transport Policy stated 'A Liberal Government will increase by $10 million (indexed) the level of funds allocated each year from the highways fund for road construction purposes.' This commitment makes no mention of the State fuel franchise levy.

As a result of the Strategic Review of the Department of Transport (DoT), and the structural change that has followed, DoT has generated efficiency savings well beyond the figure of $10 million—enabling the Government to far surpass its policy commitment to invest new funds in road construction initiatives.

3. Construction and maintenance road expenditure for the past three years is as listed below:

1993-94	1994-95	1995-96
$179.807 m	$170.594 m	$211.150 m

These figures represent road construction and maintenance costs only and do not include other important Department of Transport expenditure items such as driver education, vehicle regulation enforcement, driver and vehicle registration costs etc.

Note: The large decrease in 1994-95, then increase in 1995-96, is primarily due to the delay of contract implementation in early 1995 because of bad weather. This resulted in a variation of expenditure levels with the outcome being a transfer of funds from 1994-95 to 1995-96 of approximately $10 million.

4. The monies raised from State fuel levies and transferred to the Highways Fund (The Department of Transport's banking account) are not allocated specifically to a new construction or maintenance project. The fuel franchise levy receipts are one of a number of revenue sources such as Motor Registration and Driver Licence receipts that are used to fund the annual Department of Transport Program. Included in the annual program are many new projects.

For the three years in question, the amount of State fuel franchise levy receipts made available to the Highways Fund was $25.726 million per annum.

TRANSPORT PLAN

42. **The Hon. T.G. CAMERON:** In view of the Minister's promise, as part of the Liberal Party's 1993 Transport Policy, to develop a 10 year and 20 year Strategic Plan for Transport which was to focus on integrating road and public transport network to cater for Adelaide's long term passenger and freight needs, where is the strategic plan?

When can we expect to see a draft copy?

1. What Government departments or agencies are involved in its production?
2. How much will it cost?
3. What community, business and local government groups are to be consulted?
4. What consultants are involved and how much are they being paid?
5. Will the strategic plan be released before the next State election?
6. If not, why not?

The Hon. DIANA LAIDLAW: By its very nature, development of a long term Strategic Plan for Transport must be an on-going process and integrated with the Planning Strategy for Metropolitan Adelaide.

Considerable progress has been made, including the preparation of supporting strategies embracing cycling and freight movement. The Cycling Strategy was released last month.

Meanwhile, a background technical report on the development of transport in Adelaide over the last 20 or so years was prepared in late 1994. This report collated and analysed a wealth of transport data covering this period, a task that had not been undertaken for many years. In early 1995, a Steering Group of senior people representing the Department of Transport (DoT) and Passenger Transport Board (PTB), Department of Housing and Urban Development (DHUD) and Local Government, was formed to oversee ongoing work. A brochure was published in July 1995 to present objectives, initial findings and future intended work on the transport strategy.

The next stage, scenario planning, commenced in October 1995 using a broad consultative process involving a total of 38 people representing a broad range of interests including industry, local government, Government departments, community groups, transport user groups and professional organisations.

A transport directions paper, presenting directions for the future development of transport in Adelaide as identified in the work undertaken to date, will be released next year.

Meanwhile, the Government's overriding objective has been to ensure that transport planning is integrated within the broader context of metropolitan planning, as transport occurs as a result of urban activities rather than being an end in itself.

Accordingly, the section on Access in the recently updated Planning Strategy for Metropolitan Adelaide took into account all the work undertaken to date on the transport strategy. The ongoing review of the Planning Strategy, under the broad guidance of the Infrastructure and Urban Development Sub-committee of Cabinet, will be used to fully integrate strategies on transport with broader land use, economic and environmental planning at the metropolitan level.

In addition to the core areas of the DoT, PTB and DHUD the other departments, agencies and groups involved so far in the transport planning process include: Office for the Status of Women; Premier and Cabinet; Manufacturing Industry Small Business and Regional Development; Environment and Natural Resources; MFP Australia; Bus and Coach Association; People for Public Transport; RAA; Local Government Association; SA Employer's Chamber of Commerce and Industry; SA Council of Social Services; Bicycle Institute of SA; Australian Conservation Foundation; SA Road Transport Association; SA Taxi Association; Royal Australian Planning Institute; Westfield Shopping Centre Management Co.; and Mitsubishi Motors. In addition, local Government personnel have been among a wide range of people interviewed in the course of research in Adelaide.

Much of the work undertaken by Government staff has been integrated with their usual responsibilities. The contributions by the reference group and others consulted during the scenario planning process was at no charge. One consultant, D J Bray and Associates Pty Ltd has been engaged to help the Department with many transport planning initiatives, including the Transport Strategy, and overall this consultancy has cost $174 232 over 3 years. A related consultancy let to Australian Business Network (ABN) for direction of the process, for the preparation of scenarios and for documentation of the scenarios, has cost $103 019.46.

LOTTERIES COMMISSION

55. **The Hon. T.G. CAMERON:**

1. Why was the increase necessary in the amount spent on marketing from $3 713 000 in 1995 to $5 627 000 in 1996, as stated on page 23 of the Lotteries Commission Report?

2. Will the Minister for Recreation, Sport and Racing explain why, after an increase of $1 914 000 was spent on marketing in 1995-96, the gross sales only increased by $1 574 000?

3. Does the Minister consider the additional money spent on marketing to have been effective?

4. In the future, will the Minister ensure that moneys spent on marketing by the Lotteries Commission are controlled to ensure that they are spent effectively?

5. What is the breakdown of expenditure spent on marketing by the Lotteries Commission, TAB, for radio, television and print media for the years—

(a) 1992-93;
(b) 1993-94;
(c) 1994-95;
(d) 1995-96?

The Hon. K.T. GRIFFIN:

1. The increase was necessary to fund a number of key marketing activities during the year to enable SA Lotteries to maintain, and build for the future, its position in the gaming market, especially in view of the introduction of gaming machines in July 1994

It should be noted that the 1996 expenditure is 2 per cent of net sales and is in line with that of other lotteries jurisdictions in Australia.

2. The modest increase in gross sales was primarily due to the impact of gaming machines, which achieved turnover of more than $2.6 B in 1995-96. This gave them a 67 per cent market share of the gaming/gambling market. The increase in expenditure assisted SA Lotteries to maintain its gross sales performance in the second year after the introduction of gaming machines, which is a noteworthy achievement. The increase in expenditure was certainly effective as can be evidenced by the initiatives listed below.

3. Yes. During 1995-96, SA Lotteries undertook several key marketing initiatives which had not been previously implemented. These included:

- The launch of the new brand Powerball in May 1995. This included a major television advertising campaign, new point of sale, and a series of regionally based product launches and agent training conferences.
- The launch of Saturday Lotto Double Draw in November 1995. This required further investment in marketing activities to launch this game.
- New logos and brand identities were created for Lotto, Keno and Instant Scratchies. New advertising platforms for these brands were also created, several of which have received Australian and international awards.
- Establishment of the Agency Excellence Awards, a program aimed at assessing agency performance and rewarding outstanding service achievement This program has been well received and will form a key part in strengthening SA Lotteries-Agent relationships in the future.
- Three direct mail campaigns were implemented during the year targeting Easiplay Club members. These mailouts were aimed at loyalty building amongst key players.
- A new retail brand 'Lotteries' was established to enable greater identity of agency outlets.
- The creation of a new corporate fitout was undertaken, the design of which will serve SA Lotteries well for the next five to 10 years. This design has also received national awards for design excellence.
- Consumer and trade promotions were instigated which had previously not been undertaken. These included competitions and education programs.

The full benefits of these will be realised in the course of the next few years as SA Lotteries recaptures market share through building on the initiatives that were implemented during 1995-96.

4. The controls in place for managing marketing expenditures are as follows.

- Detailed expenditure budgets based on marketing and distribution plans are set prior to commencement of each financial year. These are budgeted to achieve the desired marketing and distribution objectives.
- Within these budgets are forecasts of weekly game sales and weekly marketing expenditures, based on the set plans.
- Monthly reports are provided which review sales performance of each brand for the month against budget and against last years sales
- Monthly expenditure variation reports are prepared for SA Lotteries management.
- Quarterly budget forecast reviews are undertaken where year end sales and expenditure projections are assessed.
- Job orders and or briefs are raised for each job and no job can commence until it is duly authorised by the manager with relevant authority.
- All expenditure for the marketing department is authorised by the Director Marketing (after confirmation of goods/services received), unless these require authorisation by the Chief Executive Officer.
- Records of expenditures are maintained within the Marketing Department to assist in expenditure control.
- Work in progress meetings are held on a weekly basis with the advertising agencies where all jobs and costs are discussed and reviewed.

5. The media expenditures by SA Lotteries during these years are summarised in the table below. The split between TV, press and radio has remained reasonably steady although in 1995-96 the proportional expenditure increased on TV and decreased on radio as the Powerball and the Saturday Lotto Double Draw campaigns were largely TV based.

Media Expenditure 1992-93 to 1995-96 for SA Lotteries

	1992-93		1993-94		1994-95		1995-96	
	$	Per cent	$	Per cent	$	Per cent	$	Per cent
TV	1 909 739	68	1 924 933	66	1 577 155	64	2 550 186	72
Radio	331 899	12	379 479	13	270 117	11	186 020	5
Press	570 278	20	621 373	21	627 429	25	796 686	23
Total Media	2 811 916	100	2 925 785	100	2 474 701	100	3 532 892	100

Note: Includes production and media placement.

The TAB expenditure on advertising, promotions and Sponsorship since]992-93 which incorporates radio, television and print media, is as follows:

	Advertising and Promotions	Sponsorship	Total
	$	$	$
1992-93	751 152	43 750	794 902
1993-94	712 371	57 500	769 871
1994-95	600 078	48 500	648 578
1995-96	648 873	58 620	707 493

If expenditure for radio race broadcasting, SKY channel and TABGuide in the *Advertiser* and TABForm is considered a part of marketing, then the following needs to be added to the above total:

1992-93 $4 636 635
1993-94 $5 129 440
1994-95 $5 330 611
1995-96 $4 316 052

TRANSADELAIDE

59. **The Hon. T.G. CAMERON:**

1. With respect to the Auditor-General observing on page 902 of the Auditor-General's Report that a formal agreement does not exist between the Department of Transport and TransAdelaide in relation to the leasing of bus and depot assets, why is there no formal agreement in relation to leases of bus and depot assets?

2. Considering TransAdelaide indicated to the Auditor-General that a formal agreement would be developed promptly, when will this agreement be signed and will it be before the next election?

The Hon. DIANA LAIDLAW:

1. Where tenders have been called and let by the Passenger Transport Board for service parcels and these tenders have been won by TransAdelaide, a formal contract does exist between the Department of Transport (DoT) and TransAdelaide for the use of the buses and depots owned by DoT.

2. For those assets not subject to current contracts, draft leases have been prepared and are currently being negotiated between the two parties. I am advised that the documents should be signed by the respective Chief Executives prior to the end of this year.

QANTAS

71. **The Hon. T.G. CAMERON:**

1. How much has the State Government spent on subsidising the Qantas direct freight flights to Hong Kong or any other overseas destination since 1 January 1994?

2. How many flights were involved?

3. When did the Government subsidy finish?

The Hon. DIANA LAIDLAW:

1. To facilitate the introduction of a trial Qantas freighter program to Hong Kong in 1995, the Government agreed to underwrite losses incurred in operating the program. The amount paid was subject to a commercial agreement between Qantas and the Government which I am not prepared to divulge. The Government has not subsidised other Qantas flights.

The trial provided valuable information for the launch last year of the first ever regular weekly charter freight service from Adelaide to Kuala Lumpur, operated by Malaysia Airlines.

2. Seven.

3. 30 March 1995.

MEMBERS' INTERESTS

75. **The Hon. SANDRA KANCK:**

1. Has the Deputy Premier owned any shares in Western Mining Corporation at any time since 1 July 1996 and, if so, how many?

2. Has the Deputy Premier had an interest in any trust that held shares in Western Mining Corporation at any time since 1 July 1996 and, if so, what kind of interest?

3. Has the Deputy Premier's spouse owned any shares in Western Mining Corporation at any time since 1 July 1996 and, if so, how many?

The Hon. R.I. LUCAS:

1. No.
2. No.
3. No.

76. **The Hon. SANDRA KANCK:**

1. Has the Minister for Industry, Manufacturing, Small Business and Regional Development owned any shares in Western Mining Corporation at any time since 1 July 1996 and, if so, how many?

2. Has the Minister had an interest in any trust that held shares in Western Mining Corporation at any time since 1 July 1996 and, if so, what kind of interest?

3. Has the Minister's spouse owned any shares in Western Mining Corporation at any time since 1 July 1996 and, if so, how many?

The Hon. R.I. LUCAS:

1. No.
2. No.
3. No.

77. **The Hon. SANDRA KANCK:**

1. Has the Minister for Employment, Training and Further Education owned any shares in Western Mining Corporation at any time since 1 July 1996 and, if so, how many?

2. Has the Minister had an interest in any trust that held shares in Western Mining Corporation at any time since 1 July 1996 and, if so, what kind of interest?

3. Has the Minister's spouse owned any shares in Western Mining Corporation at any time since 1 July 1996 and, if so, how many?

The Hon. R.I. LUCAS:

1. No.
2. No.
3. No.

78. **The Hon. SANDRA KANCK:**

1. Has the Attorney-General owned any shares in Western Mining Corporation at any time since 1 July 1996 and, if so, how many?

2. Has the Attorney-General had an interest in any trust that held shares in Western Mining Corporation at any time since 1 July 1996 and, if so, what kind of interest?

3. Has the Attorney-General's spouse owned any shares in Western Mining Corporation at any time since 1 July 1996 and, if so, how many?

The Hon. R.I. LUCAS:

1. No.
2. No.
3. No.

80. **The Hon. SANDRA KANCK:**
1. Has the Minister for Emergency Services owned any shares in Western Mining Corporation at any time since 1 July 1996 and, if so, how many?
2. Has the Minister had an interest in any trust that held shares in Western Mining Corporation at any time since 1 July 1996 and, if so, what kind of interest?
3. Has the Minister's spouse owned any shares in Western Mining Corporation at any time since 1 July 1996 and, if so, how many?

The Hon. K.T. GRIFFIN:
1. No.
2. No.
3. No.

82. **The Hon. SANDRA KANCK:**
1. Has the Minister for Transport owned any shares in Western Mining Corporation at any time since 1 July 1996 and, if so, how many?
2. Has the Minister had an interest in any trust that held shares in Western Mining Corporation at any time since 1 July 1996 and, if so, what kind of interest?

The Hon. DIANA LAIDLAW:
1. No.
2. No.

84. **The Hon. SANDRA KANCK:**
1. Has the Minister for Environment and Natural Resources owned any shares in Western Mining Corporation at any time since 1 July 1996 and, if so, how many?
2. Has the Minister had any interest in any trust that held shares in Western Mining Corporation at any time since 1 July 1996 and, if so, what kind of interest?
3. Has the Minister's spouse owned any shares in Western Mining Corporation at any time since 1 July 1996 and, if so, how many?

The Hon. DIANA LAIDLAW:
1. No.
2. No.
3. No.

85. **The Hon. SANDRA KANCK:**
1. Has the Minister for Housing, Urban Development and Local Government Relations owned any shares in Western Mining Corporation at any time since 1 July 1996 and, if so, how many?
2. Has the Minister had an interest in any trust that held shares in Western Mining Corporation at any time since 1 July 1996 and, if so, what kind of interest?
3. Has the Minister's spouse owned any shares in Western Mining Corporation at any time since 1 July 1996 and, if so, how many?

The Hon. DIANA LAIDLAW:
1. No.
2. No.
3. No.

92. **The Hon. M.J. ELLIOTT:**
1. As of 30 June 1996, did the Deputy Premier, Treasurer, Minister for Police and Minister for Mines and Energy, or his spouse, hold interests in retail properties, either directly or indirectly?
2. What are the names of the companies in which interests were held?

The Hon. R.I. LUCAS:
1. No.
2. Not applicable.

94. **The Hon. M.J. ELLIOTT:**
1. As of 30 June 1996, did the Minister for Employment, Training and Further Education and Minister for Youth Affairs, or his spouse, hold interests in retail properties, either directly or indirectly?
2. What are the names of the companies in which interests were held?

The Hon. R.I. LUCAS:
1. No.
2. Not applicable.

97. **The Hon. M.J. ELLIOTT:**
1. As of 30 June 1996, did the Minister for Emergency Services, Minister for Correctional Services and Minister for State Government Services, or his spouse, hold interests in retail properties, either directly or indirectly?
2. What are the names of the companies in which interests were held?

The Hon. K.T. GRIFFIN:
1. No.
2. See 1.

101. **The Hon. M.J. ELLIOTT:**
1. As of 30 June 1996, did the Minister for the Environment and Natural Resources, Minister for Family and Community Services and Minister for the Ageing, or his spouse, hold interests in retail properties, either directly or indirectly?
2. What are the names of the companies in which interests were held?

The Hon. DIANA LAIDLAW:
1. No.
2. Not applicable.

PAPERS TABLED

The following papers were laid on the table:

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

Australian Financial Institutions Commission—Report, 1995-96

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

Reports, 1995-96—
- Construction Industry Long Service Leave Board
- Construction Industry Long Service Leave Board—Actuarial
- Courts Administration Authority
- Department for Industrial Affairs
- Dog Fence Board
- Dried Fruits Board of South Australia
- Racecourses Development Board
- Soil Conservation Council of South Australia
- South Australian Greyhound Racing Authority

Citrus Board of South Australia—Report for the year ended 30 April 1996 and Strategic Plan 1996-2000

Regulations under the following Acts—
- Correction Services Act 1982—New Prisoners
- Sheriffs Act 1978—Fees

Rules of Court—
- Supreme Court—Supreme Court Act—
  - Interest on Judgments
  - Mediators—Various
  - Sittings of Adelaide Criminal Court

By the Minister for Consumer Affairs (Hon. K.T. Griffin)—

Regulation under the following Act—
- Liquor Licensing Act 1985—Dry Areas—Murray Bridge

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

Reports, 1995-96
- Aboriginal Lands Trust
- National Road Transport Commission

Development Act 1993—The Administration of the Development Act for period 1 July 1995 to 30 June 1996

Regulation under the following Act—
- Development Act 1993—Special Events

Corporation By-laws—
- Marion—No. 3—Council Land

District Council By-laws—
- Yankalilla—No. 13—Dogs and Cats.

STATE DEBT

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a copy of a

ministerial statement on State finances made in another place today by the Deputy Premier and Treasurer.

Leave granted.

MAERSK VICTORY

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a copy of a ministerial statement on the Gulf St Vincent drilling rig, *Maersk Victory*, made in another place today by the Deputy Premier and Treasurer.

Leave granted.

PROPRIETARY RACING

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a ministerial statement by the Minister for Recreation, Sport and Racing in another place on the subject of proprietary racing.

Leave granted.

WESTERN FLOWER THRIP

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a ministerial statement by the Minister for Primary Industries made in another place this day on western flower thrips.

Leave granted.

FILM AND VIDEOTAPE CLASSIFICATION

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to make a ministerial statement on the subject of guidelines for the classification of films and videotapes.

Leave granted.

The Hon. K.T. GRIFFIN: Section 18 of the South Australia Classification (Publications, Films and Computer Games) Act 1995 provides that publications, films and computer games are to be classified by the council or the Minister in accordance with the National Classification Code and the national classification guidelines. Section 9 of the Commonwealth Classification (Publications, Films and Computer Games) Act 1995 (to which I will refer as the Commonwealth Act) mirrors this provision.

Section 12(1) of the Commonwealth Act provides that the Minister administering the Commonwealth Act may, with the agreement of participating State and Territory Ministers with censorship responsibilities, determine classification guidelines to assist the Commonwealth Classification Board in applying the criteria in the National Classification Code.

During the July 1995 Standing Committee of Attorneys-General and in light of the commencement of the new national classification scheme on 1 January 1996, Ministers approved a sequential review of the classification guidelines. This would commence with a review of the film and video guidelines and be followed by reviews of the publications guidelines and computer guidelines thereafter. A detailed review process was approved which included extensive public consultation, independent scrutiny and expert input. An amended set of guidelines was put before Ministers for consideration in March 1996.

At the Standing Committee of Attorneys-General meeting on 11 July 1996, Ministers agreed to the amended classification guidelines for films and videotapes. In accordance with section 12(4) of the Commonwealth Act, the Commonwealth Minister has caused a copy of the amended guidelines to be published in the *Commonwealth Gazette*. The intergovernmental agreement on censorship matters, previously tabled in this place, provides that classification guidelines must be tabled in Federal, State and Territory Parliaments. Accordingly, I seek leave to table the amended guidelines for the classification of films and videotapes.

Leave granted.

HEALTH MINISTER

The Hon. DIANA LAIDLAW (Minister for Transport): I seek leave to table a ministerial statement issued today by the Minister for Health on the subject of shareholdings.

Leave granted.

AUSTRALIAN NATIONAL

The Hon. DIANA LAIDLAW (Minister for Transport): I seek leave to make a ministerial statement on the subject of Australian National.

Leave granted.

The Hon. DIANA LAIDLAW: Last Sunday, 24 November 1994, the Commonwealth Minister for Transport and Regional Department, John Sharp, announced a $2 billion reform package '...to rejuvenate rail services in Australia through private sector involvement and a competitive rail track access regime'. The Government will offer Australian National for sale, unencumbered by debt, and will sell the Commonwealth's interest in the National Rail Corporation.

The sheer size of what is essentially a bail out—$2 billion—reflects the gravity of the situation facing rail in this country. The sum of money is equivalent to two-thirds of the State Bank debt. If decisive action is not taken now, the taxpayer subsidy per rail worker in Australia will be $222 000 by next year. Such a prospect is unacceptable. I seek leave to insert in *Hansard* a list noting the components of the $2 billion reform package.

Leave granted.

What are the components of the $2 billion reform package?

	$m	
Redundancies	112.0	Cost of expected redundancies
Unfunded provisions	90.0	Cost of employee leave entitlements and workers compensation
Outstanding contracts and liabilities	125.7	Provision for outstanding contracts and other commitments that will need to be met
Environmental costs	50.0	
Other costs	8.0	Cost of managing the sale process and other miscellaneous costs
Acquisition of debt	779.4	Acquisition of AN's debt at book value. Market value likely to be higher
Regional assistance	20.0	Two year regional adjustment package to mitigate the effect of restructuring

Superannuation	580.0	Superannuation costs for employees in Commonwealth and former SA and Tasmanian schemes
National Track Authority	161.4	Funding over three years for the establishment of a national track infrastructure authority to control and manage the interstate rail network
AN subsidy	30.1	1996-97 Budget subsidy
Total	1 956.6	

The Hon. DIANA LAIDLAW: In the broadest sense, the South Australian Government views the fate of AN and NR as a sad but inevitable outcome of 13 years of confused policy decisions by Labor leading to poor investment and management practices. The king hit came in 1991-92 with the establishment of NR. The Commonwealth was now involved in the operations of two rail businesses, as the sole shareholder of AN and the majority investor in NR. Incidentally, it was not the majority shareholder.

At no time during this period was any regard given to the impact on AN and its work force. No plan was formulated to enable AN to adjust to the changed working environment. While AN's work force made determined efforts to adopt best practice and management scaled back the work force by 7 000, AN received no reward for these efforts. Instead, to make NR look superficially good in a commercial sense, AN was progressively stripped of its assets and its most profitable business ventures such as the Pasminco trade between Broken Hill and Port Pirie, but left with the debt and a work force that had good reason to feel betrayed.

In these circumstances, the South Australian Government considers the Coalition's reform package to be the only realistic option now available to secure a strong rail business in South Australia—a business that can guarantee long-term jobs by performing as a viable competitor to road transport. It is our belief that all the essential elements, including a skilled, committed work force, are in place for the establishment of a rail business in South Australia focused on growth.

Some concern has been expressed about the length of time taken by the Commonwealth Government to finalise its response to the Brew inquiry. However, it was important that the Commonwealth devoted time to getting it right by closely examining the complex nature of the rail business and all possible reform options. Meanwhile, the time frame has permitted the South Australian Government—probably for the first time since the State sold its non-metropolitan rail business to the Commonwealth in 1975—to influence the outcomes. In this task, we have received excellent support from South Australian Federal members of Parliament, the member for Barker, the Hon. Ian McLachlan, the member for Grey, Mr Barry Wakelin, and the member for Adelaide, Ms Trish Worth.

The reform package incorporates the key elements that the South Australian Government argued for, and we welcome the Commonwealth Government's commitment:

1. to address its entire interest in rail, including NR and not just AN;
2. to take over all debts and liabilities;
3. to establish a national rail access company, owned by the Commonwealth, and to base this company in Adelaide;
4. to inject new life into the management of rail freight by seeking expressions of interest from the private sector;
5. to honour in full all its obligations to the work force, including entitlements and superannuation;
6. to provide a $20 million regional development fund initiative including retraining opportunities; and
7. to invest $5 million to clean up contaminated land at Islington, and $50 million overall to remediate other AN sites.

If the Commonwealth was to get out of the rail freight business, it would be hard to justify the Commonwealth continuing to own the workshops at Port Augusta and Islington. Also, since the outset of the Brew inquiry, the South Australian Government's preferred position has been that, if AN's business was offered to sale, it be offered as a whole—not simply in parts with any private sector bidder able to pick out the eyes and leave all the other elements for the State Government to address.

From my discussions with union representatives and the AN work force, I note that they support this case. From investigations undertaken by the State Government in recent months, we know that there is interest from the private sector to invest in South Australia's rail freight and workshop operations at Port Augusta and elsewhere.

It has been argued that the South Australian Government should frustrate the reform process announced by the Commonwealth Government by immediately invoking provisions of the Rail Transfer Agreement 1975. However, at this time, the Government prefers to adopt a more constructive path by working with the Commonwealth, not against it, to achieve a positive result in the shortest possible time frame. The work force has already faced enough uncertainty, and they deserve our best endeavours, not political grandstanding. Incidentally, I should add that, even if we wanted to act differently, the Federal Government has not triggered the mechanisms under the Rail Transfer Agreement for us to do so. Even if it had, at this time we would be taking the course I have outlined, that is, to take the more constructive path of working with not against the Federal Government. Resorting to arbitration at this time would simply increase the uncertainty by delaying the inevitable. Of course, arbitration remains an option, but simply as a last resort if all else fails—but I do not anticipate such an outcome.

Accordingly, on Friday this week I, together with other South Australian Government officers, will meet with Mr Mike Hutchison from the Commonwealth Office of Assets Sales who is reporting to the Federal Minister for Finance and who will head the scoping study and assessment of all expressions of interest from private sector investors. This is the first step in the Commonwealth's understanding that South Australia will be involved in the entire process in order to ensure that we get the best outcome for South Australia and minimise job loss.

The recent progress on the proposed Alice Springs to Darwin railway and the massive expansion program by Western Mining Corporation at Roxby Downs provides Port Augusta with a strong case to expand its rail workshop operations to include general engineering work. Also I am confident that South Australia's geographically central location, skills base and low cost operating environment will be important considerations for the Commonwealth when it assesses the case presented by the State Government of South Australia to be the base for the operation of interstate passenger rail.

DISTINGUISHED VISITOR

The PRESIDENT: I notice in the gallery a distinguished visitor, Mr Arthur Donahoe QC, Secretary-General of the Commonwealth Parliamentary Association and I extend to him a very cordial welcome to the South Australian Parliament. I invite Mr Donahoe to take a seat on the floor of the Council and I ask the Minister for Education and Children's Services and the Leader of the Opposition to escort Mr Donahoe to a seat on the floor of the Council.

Mr Arthur Donahoe was escorted by the Hon. Mr Lucas and the Hon. Ms Pickles to a seat on the floor of the Council.

QUESTION TIME

SCHOOL FEES

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 1997 school fees.

Leave granted.

The Hon. CAROLYN PICKLES: Many parents will discover how the cuts to education funding are biting when they receive notices demanding the school fees that they will be required to pay next year. For example, if your child is in year 8 at Glenunga High School, the basic minimum fees will total $533. If your child wants to go to the school camp, make that $623. The circular to parents says that these fees include facilities upgrade, essential furniture, computers and a library fee of $100 per family. Other fees are materials and charges, $310; book deposit, $50; voluntary contribution, $50; school magazine, $12; ID card, $6; and year 8 camp, $90. I am glad they did not have things such as that when my son was at Glenunga High School. In addition, the kids have to buy their books and stationery. The circular says that this has been outsourced. The circular also says:

> Payment of fees in full is required before your student commences the 1997 school year.

My question to the Minister is: has the Minister authorised schools to deny admission to children if school fees are not paid and, if not, on whose authority has Glenunga informed parents that fees must be paid before a student commences school?

The Hon. R.I. LUCAS: First, I was delighted to be able to announce a month or so ago that the Government was increasing the size of the School support grant by 3 per cent next year, which will provide further assistance. Over $18 million in school support grants will now be provided to schools. I am also delighted that we are in the final stages of the DECSTech 2001 computer subsidy scheme. The purchase of computers has taken so much effort in terms of fundraising for parents and school councils for so many years. Under the previous Labor administration, a total sum of some $360 000 for all the schools in South Australia was provided to assist parents in the purchase of computers and technology. When one looks at 650-odd schools and another 300 children service work sites—almost 1 000 work sites in South Australia—one does not have to wonder how far that $360 000 was going to be spread amongst those 1 000 work sites.

This Government for the first time ever has committed a significant sum of money to schools for computer and technology purchase. This year, $15 million has been committed in the first year of a five year technology program. Parents have been delighted that, for the first time, a Government of any political persuasion has given that sort of funding commitment to technology purchase.

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: Labor never did it and, as I said, $360 000 was the total amount it could find for technology purchase. For the Leader of the Opposition to suggest that funding restrictions are forcing parents to spend more on computers and technology is an absolute nonsense. It is this Government that is increasing the amount of money being made available to our schools for technology infrastructure and computer purchases, from $360 000 to $15 million. The Government rejects the essential premise of this question; that is, that in some way funding restrictions are forcing significant sums of money having to be raised from parents for technology or computer purchases and leasing.

In relation to the specific questions about the powers of schools and school councils, I will need to take legal advice and upon taking legal advice I will be happy to provide the honourable member with a definitive response. I have to say that as Minister I am not aware of any school preventing the enrolment at the start of the year of a student from a family unable to pay their materials and services charges to a Government school in South Australia.

AUSTRALIAN NATIONAL

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport a question about the sale of Australian National and its implication for AN workers.

Leave granted.

The Hon. T.G. CAMERON: The job losses in Port Augusta will be devastating for the region. Neither a small share of the $20 million regional adjustment funds offered nor the vague promises from Liberal Governments of a bright future for rail will be of much help to Port Augusta. In the *Advertiser* yesterday the State Minister for Transport was quoted as saying, 'This is not bad news for the workers.' What the Minister for Transport describes as 'not bad news for the workers', the Passenger Transport Union says will cost up to 400 jobs. Adelaide will almost certainly lose another slice of its heavy industry with the Islington workshop under threat. What level of job losses would the Minister describe as 'bad news'?

The Hon. DIANA LAIDLAW: Considering the future and the steady decline of rail in this State over the Federal Labor Government's years, this package is comprehensive and provides promise for Australian National revamped and offered for sale. The union has suggested that about 300 jobs may go at the workshops. The honourable member is not keen to know the facts and refuses to listen to the work force itself. As I have stated, AN has not won business in terms of maintenance of locomotives and other engineering business in the rail industry. The work is not available: it has gone to Newcastle, to Victoria in terms of Gonninon and to Western Australia as part of NR's order of new locomotives. To AN's credit, it has sought other work outside the rail industry. It has tendered for 10 engineering jobs around the State of which it has not won one. In part, that is because of the uncertain future for Australian National.

Now that the Federal Minister has indicated what he calls a 'new era' in rail with private sector involvement, AN will be able to reassure the people for whom it is bidding for work that there is a stronger base for that work to be undertaken in

future than that which it has provided in terms of such confidence or reassurance over the past few months. In the meantime, the Hon. Mr Cameron would know that in terms of the—

The Hon. T.G. Cameron: You are not answering the question.

The Hon. DIANA LAIDLAW: I am answering the question. In terms of the executive summary of the Brew report, Mr Brew said that the Port Augusta workshops should close. It is apparent from subsequent developments in the area and from my discussions with Mr Sharp that he agrees with the South Australian Government, the Port Augusta council and the unions in Port Augusta that there is no basis for the closure of rail workshops in Port Augusta. Since the Brew report was presented to the Federal Government, Western Mining has announced the biggest mining expansion for many years not only in this State but in Australia. That provides direct engineering jobs and many other jobs in the mining sector in this State.

The Hon. R.R. Roberts interjecting:

The Hon. DIANA LAIDLAW: As the Hon. Mr Roberts knows, Roxby Downs has won much of its work force from people who have sought jobs from other areas in the community, for instance, farmers and other people in engineering fields.

Therefore, the package of regional development, including training initiatives, is particularly important, because a number of people may wish to leave that workshop area and seek jobs in the mining industry. Retraining will help them. If they wish to seek engineering work—and that is the way in which the private sector will develop the business in Port Augusta—restructuring, redevelopment, regional development and retraining opportunities are there.

The private sector, the Port Augusta council, the rail unions and the work force want construction of the Alice Springs-Darwin railway to take place. We now have the most promising prospect for construction of that railway since the Federal Government in 1911 promised to build it. That commitment from Mr Sharp, Mr Costello, the Prime Minister and others in terms of transport infrastructure, bonds and inclusion of the Tarcoola-Alice Springs railway line is extraordinarily important in building up confidence in Port Augusta to make the business attractive for private sector interest. If Mr Cameron or any members of the Labor Party want to depress the opportunities for jobs in this State, they should continue the line that Mr Cameron has just adopted. We will do everything that we possibly can—and so we should—on behalf of the work force and rail jobs, in particular, in this State to ensure that we build up for private sector interests the prospects of business opportunities in this State. That is exceedingly important. I hope that the Hon. Mr Cameron, like the PTU, the unions and the work force representatives, will work with this Government to ensure that personnel in transport—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: Yes, but I have indicated that there are other—

The Hon. T.G. Cameron: So you agree that 400 jobs will go?

The Hon. DIANA LAIDLAW: I have never said that any jobs will go, and I would not be in the game of speculating about that, because that is not in the best interests of building up interest from the private sector to invest in this State. That is my job and that is what I will do. In terms of rail jobs, there are opportunities for a new employer. So, there would be a change of employer and employment. There are opportunities in other fields in the Port Augusta regional area which are clearly outlined. Those are areas where the work force will explore opportunities. I have indicated, too, that it was exceedingly important that the decision was made. It was a courageous decision by the Federal Government, particularly when one considers the history of rail policy in this country. I look forward to working with the Federal Government to get the best outcome for rail in this State with private sector interest, and the best outcome, in particular, for the work force.

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

Leave granted.

The Hon. T.G. CAMERON: In yesterday's *Advertiser* the Minister for Transport said that she was committed to a one buyer policy for Australian National and that there had been 'expressions of interest from people wanting to buy parts of AN but we're saying "Don't pick the eyes out. What we want is a viable buyer."' What parts of the Australian National operation does the Minister see as not viable as stand alone businesses and therefore liable to closure after privatisation?

The Hon. DIANA LAIDLAW: We are not suggesting that any part of the business close with or without privatisation.

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport a question about Australian rail freight and the grain industry.

Leave granted.

The Hon. R.R. ROBERTS: The Australian National South Australian freight operation comprises 1 650 kilometres of track of three gauges and employs 160 people. Annually, it carries 6 million tonnes of freight. The South Australian freight operation is critical to the State economy as it serves ETSA, Leigh Creek coal field, the grain industry, some parts of the mining industry, South Australian Cooperative Bulk Handling Limited, the Australian Wheat Board and the Australian Barley Board. My particular interest is in the affairs of South Australian Cooperative Bulk Handling and the farming community. Will the Minister guarantee the South Australian grain industry that, after privatisation of Australian National, the industry will continue to receive the current or a better standard of freight service and that the charges for that service will not rise?

The Hon. DIANA LAIDLAW: The honourable member would know that South Australian Cooperative Bulk Handling has been undertaking a considerable amount of work in association with the Wheat Board and the Barley Board to look at arrangements which would be more economically viable, so that the price provided to farmers for the transport of grain will be more competitive than it is at present. One of the difficulties that Australian National faces is that South Australian Cooperative Bulk Handling provides many collection facilities and it involves a very expensive operation by rail to service all those facilities.

The honourable member would know that, under the Acts of Parliament that establish the Wheat Board, the Barley Board and others, those boards must provide for farmers the transport of grain at the best price. Therefore, it is imperative that rail be financially viable and competitive compared with road. At present, that is becoming increasingly difficult, given the way in which they operate. I know that there have been

discussions between Australian National, SACBH, the Wheat and Barley Boards and possibly others—

The Hon. R.R. Roberts interjecting:

The Hon. DIANA LAIDLAW: Yes, and the transport industry, to see how they can keep the carriage of grain on rail, because that is everybody's first preference, and off the road, but it must be competitive to rail, and this is a really big issue. This is a particularly important issue for the Mid North areas and the Murray Mallee. In terms of the Eyre Peninsula, I understand that the narrow gauge operation is a more economically viable operation now than the other areas of the grain freight business operated by Australian National. However, even there, there can be cost savings to farmers to persuade them to continue to use rail rather than road by adjustments being made in Australian National's practice, but Australian National is hamstrung by the investment decisions that have been made by SACBH in the past in terms of grain storage facilities.

It is important that all those parties continue to talk and the decisions made by the Federal Government at the weekend will bring to a head a lot of those discussions. I would be very pleased to talk further with the honourable member about some of these issues because they are particularly important, not only for the transport industry in general but for rural communities.

MODBURY HOSPITAL

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Health, a question regarding Modbury Public Hospital.

Leave granted.

The Hon. SANDRA KANCK: I have been alerted to an incident involving a patient's treatment at the Modbury Public Hospital which is apparently considered standard practice. The woman concerned injured her ankle one recent Saturday afternoon. By Sunday, she believed that it might have been more substantial than a sprain, so she went to the Modbury Public Hospital to have it x-rayed. That was done and the doctor on duty who examined the x-ray told her that it was not fractured. Her ankle was bandaged and she was given crutches and told to keep off her ankle.

This patient is a teacher so, upon leaving, she asked whether she could take her x-rays with her because she thought they could be useful for her in her teaching program. To her astonishment she was informed by the hospital that they had to hold them because the correct doctors were not there that day and they would have to re-examine the x-rays. They told her that, should it be found that the weekend doctor had misdiagnosed the problem, the hospital would contact her. She went home and, to her surprise late on Wednesday afternoon, she got a phone call to say that they had found bone chips showing on the x-ray and that they recommended that plaster be put on her ankle. When she expressed her dismay that this had happened, she was told by the orderlies that this was standard practice. My questions to the Minister are:

1. Will the Minister advise whether this type of delay in having x-rays correctly diagnosed is standard practice at Modbury Hospital?

2. Will the Minister also advise whether this type of delay is standard practice in other public hospitals as well as private hospitals?

3. Does the Minister agree with the woman concerned that, even if, to keep costs down, the appropriately trained doctors could not be made available on the weekend, at least she should have been informed on the Monday and not as late as Wednesday?

4. Will the Minister also advise what redress would have been available if the woman's condition had been exacerbated by the delay in her treatment?

The Hon. DIANA LAIDLAW: There is no indication that delay has exacerbated any problem, so that is highly speculative. I know from my own experience with family members with bone difficulties that that same practice happened at a public hospital, and from all my other knowledge of the hospital system I know that this practice has been in place for many years. This woman may have felt disadvantaged by this practice and, when one has to go to hospital at any time, one wants to receive the best treatment. I hope that, by this stage, she has made sound progress. I will refer the honourable member's question for further response.

COURTS, APPEALS

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Attorney-General a question about the Attorney-General's power to appeal.

Leave granted.

The Hon. J.C. IRWIN: The Director of Public Prosecutions recently successfully appealed against the sentence of Corey Krawtschenko, who pleaded guilty to unlawful sexual intercourse and gross indecency with a person under the age of 12. The victim was a five year old girl. Mr Krawtschenko also videotaped the sexual assaults. The offender originally received two years and three months gaol, with a non-parole period of 18 months. On appeal by the DPP, the sentence was doubled to 4½ years gaol with a three year non-parole period.

It has been drawn to my attention that the Attorney-General did not wish to appeal the case. On Friday 22 November on the Bob Francis show, shadow Attorney-General Michael Atkinson told Radio 5AA listeners that:

> ...the Attorney-General didn't want to appeal that case... Congratulations to the DPP. But in a case like that, that causes so much public outrage, in my view the Attorney-General, Trevor Griffin, should have made the decision himself [to appeal, rather than leaving it to the DPP].

My questions to the Attorney are:

1. Did the Attorney-General choose not to appeal the case, or are we merely hearing the ramblings of someone who professes to be well acquainted with the law but who in fact has never practised the law?

2. What is the current status in relation to lodging appeals against sentences, and does the Attorney-General have any power to intervene?

The Hon. K.T. GRIFFIN: Another interesting thing about that discussion on Radio 5AA—

Members interjecting:

The Hon. K.T. GRIFFIN: It's a good question. Another interesting thing about the discussion with Mr Bob Francis is that (referring to the Attorney-General) Mr Atkinson said:

> And he was put under a lot of pressure through your program and others to appeal the case, and I know that as a result of things I had heard on your program I asked him a few parliamentary questions about it.

Mr Atkinson is in the House of Assembly; he did not ask me any questions about it.

Members interjecting:

The Hon. K.T. GRIFFIN: He did not even ask me a question on notice about it. The fact is that he is misrepresenting quite blatantly the way in which this issue has developed. To suggest on Bob Francis's program that he asked me a few parliamentary questions about it is blatantly dishonest and misrepresents the position.

The Hon. Diana Laidlaw: He's meant to be the shadow Attorney-General.

The Hon. K.T. GRIFFIN: Well, he is the shadow Attorney-General, or he is meant to be. I think the people of South Australia ought to be very concerned about the fact that, as the State's—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: I think the people of South Australia ought to be very concerned indeed that the State's shadow Attorney-General has little or no understanding of the law in this area. I suppose one could assume that if he were Attorney-General he would have taken this matter into his own hands and told the Director of Public Prosecutions what he ought to do. If that is the case it would be quite extraordinary, because he would have found himself on the front page of every newspaper around Australia, not just in South Australia, for the stance that he took—but for the wrong reason. The shadow Attorney-General appears to be ignorant of the law or, if he is not, he has a blatant disregard for the due processes which exist in our criminal justice system. I do not seek to guess which is the case, but I think the community ought to be gravely concerned about Mr Atkinson's motivation for these outrageous and misleading claims. They offend and frighten the community, and they are a blatant misrepresentation of the position.

I will tell you what happened, Mr President. Immediately after the trial, the Director of Public Prosecutions, Mr Paul Rofe QC, examined the sentencing remarks in an effort to determine whether there were grounds to apply for leave to appeal. That is the normal course of events for those who have had anything to do with the law: the DPP looks at each case and says, 'In these circumstances is this a matter on which I should appeal?' On 25 July, the DPP did, in fact, seek to appeal, because the sentence was manifestly inadequate for a number of reasons. Those reasons were: first, that it failed to reflect adequately the seriousness of the criminal conduct (and that is quite an appropriate basis for appeal); secondly, it failed to maintain an adequate standard of punishment for sexual offenders involving children under the age of 12; thirdly, it failed to reflect adequately the principle of general deterrence; and, fourthly, it was so disproportionate to the seriousness of the offending as to shock the public conscience—all good grounds for appeal.

Let me just clarify the law for members present and, if Mr Atkinson reads the *Hansard*, for his purposes too. The Attorney-General in South Australia does not—I repeat: does not—have the power to intervene in any case to determine whether there should be an appeal. That is because in 1993 under the previous Labor Government, my predecessor, the Hon. Mr Sumner as Attorney-General, introduced the Director of Public Prosecutions Bill, making the office independent. The Opposition supported that because it thought it was a good—

The Hon. Diana Laidlaw interjecting:

The Hon. K.T. GRIFFIN: I'm not sure; I think he must have done something, because he was part of the backbone of the Government of the day. The DPP Act specifically provides:

> The Director is entirely independent of direction or control by the Crown or any Minister or officer of the Crown.

That reform occurred.

Members interjecting:

The Hon. K.T. GRIFFIN: Well, as I said, if Mr Atkinson were Attorney-General, there would be headlines across Australia.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: The reform occurred with bipartisan support, because both sides—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: —and the Australian Democrats agreed that we should enhance the independent aspects of the judicial system and ensure that the DPP was removed from the potential for political influence. That was the rationale for it, and that means the Attorney-General is prevented from giving directions in relation to specific matters. The Attorney-General can only do so generally if it is in writing and published in the Government *Gazette*. Rather than interfering in the role of the DPP, it is my job as Attorney-General, on my and the Government's behalf, to pursue legislative reform for the good of the community and to formulate policy which keeps up with demands and expectations.

That is why we have done a number of things in this area of sexual offending and child abuse. We have created a penalty of life imprisonment for persistent sexual abuse of a child; we have clarified the definition of rape and other sexual offences so that victims are clearly protected by the criminal law; and quite an exciting policy initiative was agreed to in May, namely, the establishment of the inter-agency child abuse assessment panel, which is focused upon children who are the alleged victims of sexual abuse.

That is a culmination of about 18 months work, involving the Attorney-General's Office, the DPP's committal unit, the Bar Association, the police through the Victims of Crime Branch, the Family and Community Services Department and the Child Protection Service within Flinders Medical Centre. That panel is responsible for overseeing the referral, assessment and therapy process when children make allegations of sexual abuse; providing early assessments as to whether a notification of alleged child abuse should be referred for criminal investigation or welfare support; and assessing the risk of harm for children. That is a very important initiative on the policy side, designed to ease the trauma which victims of alleged sexual abuse suffer. It also aims to ensure that the best possible evidence is available and collected at an early stage.

They are the policy obligations of government. When it comes to running the criminal justice system in terms of appeals, deciding who should be prosecuted and not prosecuted, that is a matter for the DPP. It is independent of the Attorney-General. If I had accepted the advice that Mr Atkinson gave after the event, I would have been in direct contradiction and contravention of the DPP Act and certainly would be acting contrary to the way in which my predecessor and the former Labor Government would have intended the DPP Act to perform and certainly contrary to the way in which I think the system ought to operate. I hope that Mr Atkinson will learn from that very significant error and blatant misrepresentation. Next time he should try to ask me some questions, not necessarily sitting as a member of this

Council, and I will be very happy to give him a lesson on the responsibilities of the Attorney-General.

LOCUM SERVICES

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before directing a question to the Minister representing the Minister for Police a question about medical locum services.

Leave granted.

The Hon. BERNICE PFITZNER: We were all shocked when a hard working and committed medical doctor, Dr Peter Goh, recently met his death in such a tragic fashion. A large part of medical locum services is provided during out of normal working hours, usually between 7 p.m. and 7 a.m. At one stage, I did locum home visiting work in the Port Adelaide area until late at night, usually about midnight. However, during that time—some 20 years ago—one could be quite confident that a doctor's call-out was genuine. Not once did I encounter any threatening situations, and that is a wonder when I recall some of the derelict places that I visited but, as I said, that was 20 years ago.

I note that the Minister for Police has had discussions with relevant groups, such as the AMA, the police and others in order to address this disgusting situation. Some of the measures that have been suggested to improve security include: special alarm systems, chaperones and the screening of patients. However, I am concerned to note also that the Minister stated that about 200 000 medical house calls per year are carried out in South Australia. The Minister stated further:

> The number of incidents compared to the number of visits were low, with an estimated 250 incidents involving some form of threatening behaviour and four serious incidents in recent years.

This, however, amounts to a rate of 1.25 per cent—a rate which is unacceptably high, according to the community. My questions are:

1. Does the Minister really believe that 250 incidents of doctors being threatened per year is low?

2. Or, to put it another way: as an attack will occur five times per week through the year, how can the Minister justify his statement that the rate is low?

3. Will the Minister put in place some adequate safety measures to address this situation, which I believe is placing doctors at a high risk of attack?

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

STUDY ABROAD SCHEME

In reply to **Hon. P. NOCELLA** (24 October).

The Hon. R.I. LUCAS: The Minister for Employment, Training and Further Education has provided the following information.

The Centre for Languages was formed in December 1995 as a result of an agreement between each of the universities and the Department for Employment, Training and Further Education. A commitment was made by the Government to support the Centre through the provision of financial resources for an Executive Officer and the expenses of the administration of the Centre for Languages Management Committee, for three years.

The Study Abroad Scheme is a component of the work of the centre but is separately funded through the residual finances of the South Australian Institute for Languages (SAIL) which amounted to $50 000.

These funds are those which SAIL had set aside for a very similar scheme, to sponsor and fund a student exchange program, in conjunction with the universities. SAIL in establishing this fund recognised that it would be necessary to supplement the $50 000 with sponsorship and donations from private companies and interest groups, such as the ethnic communities and associations.

Consequently it is understood that the Centre for Languages will need to seek external resources to support the expansion of its activities, including the Study Abroad Scheme through sponsorship by companies and community groups.

The Centre for Languages has not completed its report on the Study Abroad Scheme. I am therefore not in a position to respond to the advice from the university experts referred to by the Hon. Mr Nocella, nor to review the funding arrangements for the Study Abroad Scheme.

The Minister for Employment, Training and Further Education expects a progress report from the centre by the end of 1996 and the Minister will keep the honourable member informed.

STATE BANK

In reply to **Hon. L.H. DAVIS** (23 October).

The Hon. R.I. LUCAS: The Treasurer has provided the following information.

1. On the 16 April 1993, the then SA Treasurer the Hon. Frank Blevins wrote to the Commonwealth Treasurer in respect of the $600 million Commonwealth assistance amount, *inter alia*, in the following terms:

> 'I confirm that the South Australian Government has agreed to commence a process to sell the State Bank, with the intention of achieving corporatisation as soon as feasible and sale as soon as market conditions permit on acceptable terms.'

2. The Deputy Leader of the Opposition should receive remedial mathematics lessons as a first priority, so that he can begin to cope with even the simplest economic concepts.

It is not proposed to make special facilities available. I am sure that there are a number of suitable courses or avenues of private tuition which he could pursue.

MARLESTON TAFE COLLEGE

In reply to **Hon. J.F. STEFANI** (23 October).

The Hon. R.I. LUCAS: The Minister for Employment, Training and Further Education has provided the following information.

1. A full investigation into this matter has been undertaken by the Department for Employment, Training and Further Education (DETAFE). The lecturer concerned has been interviewed and has admitted that he said to the student in question, words to the effect of 'if you were in my class I would fail you'.

The lecturer has acknowledged his act was improper and has provided the student with a verbal apology which the student has accepted.

DETAFE has, as a result of the investigation, found the lecturer guilty of improper conduct on the basis that his actions constituted a threat to the student, which is viewed as a fundamental breach of trust between the student and the lecturer. The lecturer has been formally reprimanded by the department. A reprimand has been deemed to be appropriate on the basis that the lecturer acknowledged his action to be inappropriate, a verbal apology has been made by him to the student and this was the first such incident the lecturer has been involved in.

The lecturer also has been formally warned that any future act of this nature will lead to a more severe sanction against him and possible dismissal.

2. None of the students who crossed the picket line will be penalised.

The particular student at the centre of this investigation has been assured by the Institute Director that he will not incur any disadvantage as a consequence of the lecturer's action. To ensure no disadvantage occurs, an educational manager will oversee that student's assessments. The student's employer has been advised of all action being taken by DETAFE and has received a formal apology.

MINERAL EXPLORATION

In reply to **Hon. R.D. LAWSON** (22 October).

The Hon. R.I. LUCAS: The Minister for Mines and Energy has provided the following information.

1. Mineral Exploration

As reported in the Mines and Energy South Australia (MESA) Annual Report 1995-96, expenditure by companies on mineral exploration licences for calender year 1995 was $20.8 million, the

highest level since 1986 and a 3 per cent increase on 1994 ($20.2 million).

Approximately 105 companies were engaged in exploration on 265 licences with 312 000 km^2 (31 per cent) of the State under licence or application.

In terms of the above parameters, exploration during 1995 has been sustained at the significant level experienced in 1994.

The expenditure figures are based on company reports submitted to MESA under licence conditions.

The figures for 1996 can not be finalised by MESA until the end of March 1997.

Based on current exploration licence expenditure commitments of $30 million and the record number of drilling proposals (current approvals total 200 000 m which is double 1995 approvals) approved by MESA to date, an increase in exploration during 1996 is expected.

However, uncertainty with native title issues continues to inhibit industry expenditure and this could effect the result for 1996. An expenditure of about $25 million is expected.

Petroleum

In 1996 MESA expects approximately $90 million to be spent on petroleum exploration in South Australia.

2. Mineral Exploration

Prospects for SA mineral exploration are excellent and it is expected that exploration expenditure will increase during 1996 and beyond.

It is difficult to predict the exact level of activity but expenditure levels between $30 and $40 million are not unrealistic for 1997 and beyond provided native title issues are resolved or contained.

The record levels of gold and copper-gold exploration in the Gawler Craton and Curnamona Province have resulted in new promising gold discoveries.

The Resolute Samantha-Dominion Mining joint venture exploration in the Gawler Craton continues to produce encouraging results and the companies have recently announced plans to move towards defining a mineable resource at the Challenger Gold prospect.

Resolute-Dominion have also announced two new significant gold discoveries at Golf Bore and Campfire Bore which continues to emphasise the prospectivity of this large gold province in the Western Gawler Craton.

The prospects for commercial gold developments in the region are rated very high by industry.

Petroleum

Similar to 1996, expenditure on petroleum exploration for 1997 is expected to be in the order of $80-90 million and slightly lower for 1998 (in the range of $70-80 million). Based on the early 1996 Santos announcement of a $200 million, 3 year exploration program, Santos expects to spend $60 million in 1996, and should spend at least an equivalent amount in each of 1997 and 1998.

In February 1999 Santos' licences PELs 5 and 6 expire and it is assumed that 1999 will have a low level of exploration until new licences are offered to industry and granted late in 1999, and early 2000. The non-Cooper exploration level will depend on the success of drilling during 1996-1997 in the Otway Basin in the SE as well as in the Cambrian basins near Adelaide, Lake Frome and Marla and the Eromanga Basin in the north of the State. Significant discoveries in any of these areas would substantially increase exploration expenditure during 1998 to 2000.

Trends in world oil prices and progress with resolution of Native Title may also have significant effects on the future level of exploration.

MARION HIGH SCHOOL

In reply to **Hon. P. HOLLOWAY** (15 October).

The Hon. R.I. LUCAS: Further to my answer on 15 October 1996, I provide the following information.

Vacancies exist in all high schools in the area. There is the capacity to enrol up to three hundred more year 11 and year 12 students.

Secondary schools with vacancies in years 8, 9 and 10 include Hamilton Secondary College, Daws Road High School, Hallett Cove R-12 School, Reynella East High School, Plympton High School and Morphett Vale High School.

Hamilton Secondary College has vacancies for a further 30 year 8 students. Seaview High School can only enrol further students at years 9 and 10 from within its zone. Vacancies for up to 30 students in senior secondary exist.

Seaview High School and Brighton Secondary School have ceilings for year 8 enrolments and all students within their zones have been accepted for 1997.

Brighton Secondary School can only accept year 10, 11 and 12 students from within its zone or those who obtain places in the special interest music or volleyball programs.

EDUCATION DEPARTMENT SITES HERITAGE LISTING

In reply to **Hon. T.G. ROBERTS** (3 October).

The Hon. R.I. LUCAS:

1. I am advised there are currently approximately 17 buildings on Department for Education and Children's Services grounds which are entered on the State heritage register as having heritage at State level. That figure is approximate as it is not possible to ensure that current uses of buildings are kept up to date in the State heritage register database following their initial entry. The places or buildings must satisfy one or more of the criteria specified in the Heritage Act 1993. I understand the Heritage Act 1993 also includes two criteria for social significance.

I am also advised places identified as having local heritage value can be protected by being included in local councils' development plans. To be included they must meet criteria specified in Section 23 of the Development Act 1993.

2. The decision to demolish a building on an education site is only made after the following aspects are considered:

- Assessment of a school's need for the facility to support curriculum with consultation with the school community
- Need for other general school use and requested by the school for these purposes
- Full report on building condition, including indicative costs to repair and maintain ie economic viability
- Check of State Heritage listing.

3. Officers of the Department for Education and Children's Services are involved throughout the process from the assessment of a school's needs to engagement of a consultant to undertake a condition report and consultation with the State Heritage Branch of the Department for Environment and Natural Resources regarding heritage listing.

4. I am advised the State Heritage Branch manages a program of local and regional heritage surveys which identify and assess places of State and local heritage value. The branch intends to complete that program by the year 2000.

MUSIC EDUCATION

In reply to **Hon. CAROLYN PICKLES** (17 October).

The Hon. R.I. LUCAS: Prior to the establishment of the area management structure, instrumental and vocal music education was managed state-wide through the Music Branch and its head was designated as principal level.

In accepting the Government Agency Review recommendations in 1991, the then Labor Government made the decision to abolish the State-wide management of instrumental and vocal music at principal level and the teachers were divided into six groups, one in each area and each team became the responsibility of a regional coordinator.

The present government has maintained the management of instrumental and vocal music teachers at coordinator level.

The Government will continue to provide instrumental music education in Government schools and this continuing Government commitment is not going to be privatised.

In relation to schools engaging private providers on a cash basis, some groups of parents are combining to pay for 'music lessons' for their children and they use the school premises to provide the lessons, similarly to other community groups who use school facilities.

Departmentally approved programs such as hourly paid instructor and country areas project schemes, do allow for schools to manage the collection and payment of cash in such programs. It was also possible under the previous Government for schools to engage hourly paid private music instructors.

Hourly paid private music instructors are employed by DECS regional offices for placement within schools for four major reasons:

- school choice of musical instruments
- geographic location of the school
- short term replacement of an ill or injured instrumental or vocal music teacher

- the number of lessons is small and travelling time means it is more economic to use a local hourly paid instructor than for an instrumental or vocal teacher to travel from a relatively distant location.

TELEPHONE TOWERS

In reply to **Hon. CAROLYN PICKLES** (16 October).

The Hon. R.I. LUCAS: A report from the South Australian Health Commission (SAHC) on a study conducted in Sydney regarding the health effects of TV transmission towers is attached for your information. The Sydney study examined the link between residential proximity to TV transmission towers and childhood leukemia and whilst the study found that a statistical link existed, the SAHC's conclusions about this study are:

- the findings provide support for continued research.
- the study alone does not confirm an association between TV towers or radiofrequency (RF) radiation and childhood leukemia.
- RF levels near TV towers are considered too low to cause any thermal effects. Non-thermal effects have been inconclusive, and no mechanism by which cancer could be caused or promoted has been established.
- TV and mobile telephone communications operate at different radio frequencies, and their effects cannot be assumed to be the same.
- RF levels measured close to phone towers are comparable with estimates of RF levels in the range 4-12km from the TV towers quoted in the Sydney report. At these distances from the TV towers, no increase in childhood leukemia was reported.
- current research has not established that there are any adverse effects from exposure to low levels of RF radiation, and such exposures are not considered to present a public health hazard.

SOUTH ROAD PRIMARY SCHOOL

In reply to **Hon. CAROLYN PICKLES** (3 October).

The Hon. R.I. LUCAS: The enrolment data provided in relation to South Road Primary School drew on information from a number of sources. The enrolment history of South Road Primary School showed a long period of enrolment decline. The junior primary school closed in 1980 with 119 students. Enrolments have been declining since 1977 at the approximate rate of 30-40 students per year.

A catchment survey and enrolment projections were prepared. This data did not indicate significant enrolment growth would occur.

Enrolment projections were prepared using Australian Bureau of Statistics Census data (1991) and preliminary population projections for the local government areas of Mitcham and for Marion. This latter information was provided by the Department for Housing and Urban Development (DHUD). South Road Primary School is located in the Mitcham local government area. The DHUD figures show a decrease in the number of 5-9 year old children between 1991 and 1996 of 241. Between 1996 and 2001 there will be a further decrease of 360 5-9 year old children. The projected figure in 2011 is 3 406 people which is still lower than the 1996 figure of 3 476 people.

In summary, comprehensive research was undertaken prior to the decision to close South Road Primary School.

COMMONWEALTH GRANTS

In reply to **Hon CAROLYN PICKLES** (1 October).

The Hon. R.I. LUCAS: As advised, officers from the SA Department of Treasury and Finance have been working with officers of the Department for Education and Children's Services (DECS) to establish the basis of information issued by the Commonwealth Department of Finance (DOF) regarding the level of specific purpose funding for the schooling sector in 1996-97. The DOF estimates for the school sector have now been fully reconciled with the figure of $115.3 million included in the State budget.

The DECS estimate for Commonwealth specific purpose funding in 1996-97 for primary and secondary education as reported in the State budget papers has now been revised upwards to $116.0 million. This revision takes into consideration the latest advice from DOF regarding the level of supplementation for specific purpose funding and capital funding.

AUDITOR-GENERAL'S REPORT

In reply to **Hon M.J. ELLIOTT** (2 October).

The Hon. R.I. LUCAS: The Auditor General is provided with detailed information relating to the enrolment numbers in each year. I am advised he has divided total recurrent expenditure in each financial year by the enrolment at a snapshot in time in each calendar year.

The figures referred to show an increase in recurrent expenditure per student of 0.25 per cent in 1994-95 and a reduction of—0.76 per cent the subsequent year. These changes are obviously very small in magnitude and while they do appear to be inconsistent with the reduction in full time equivalent salaries, the apparent inconsistency is explained by a change in Government accounting that occurred on 1 July 1994.

In 1994-95 Workers Compensation claims greater than 2 years old transferred to the Department for Education and Children's Services (DECS) with $4 million of funding. In the same year the SAICORP premium of $3.1 million appeared in the DECS budget for the first time.

If the Auditor-General's expenditure per student statistic is modified by dividing recurrent expenditure, less the $7.1 million adjustment, by the average enrolment of the two respective calendar years, the recurrent expenditure per student is:

Financial Year	1993-94	1994-95	1995-96
Revised Expenditure per student (2)	$5 239	$5 209	$5 195
Change in Expenditure per Student	-	($30)	($14)

The figures do not include separation packages.

The Hon. K.T. GRIFFIN: I seek leave to have the following answers to questions inserted in *Hansard*.

Leave granted.

ELECTORAL, ELECTRONIC VOTING

In reply to **Hon. R.D. LAWSON** (13 November).

The Hon. K.T. GRIFFIN: I have already responded to the honourable member's first question.

2. At this stage the Electoral Commissioner is producing the roll on CD ROM so that returning officers will have ready access to all electors in the State for declaration voting purposes. In the past they have worked with microfiche but CDs will enable considerably faster access.

The Commissioner has considered releasing for sale the publicly available roll information on CD, which would undoubtedly be of interest to commercial institutions. Parliamentary members and candidates are also likely to be interested to have the rolls for the districts they will be contesting at the next elections in a CD format. However, it is not an inexpensive exercise and it may be that the Commissioner only goes so far as to provide candidates with the option in the first instance.

3. A working party has been established to look at bringing the South Australian roll into the Commonwealth fold. The projected date for changeover is 1 July 1997, however, there will need to be parallel running and an early electoral event could delay the change. The Joint Rolls Agreement will need to be renegotiated and some work will be done on that in the near future. I any event there will not be a separate roll maintained in South Australia as is the situation in some other States.

4. The Electoral Commissioner is still investigating the feasibility of manually (by computer) entering the preferences of the 'below-the-line' ballot papers at the next elections. There are two principal advantages. Firstly, cost reduction due to speeding up the scrutiny and, secondly, if a recount were required there would be no reconstruction of polling day night required to enable a re-scrutiny to proceed.

In the past, polling booth papers have had to be physically distributed to ascertain when a quota has been achieved. Reconstruction in the event of a recount would be extremely difficult. The latter was necessary at the last Tasmanian elections and rules had to be determined on the run. So long as we have an uncompromisable audit trail, this problem would not exist with electronic counting.

The Electoral Act allows for electronic counting but the procedures will need to be developed and prescribed by regulation. At the moment the Electoral Commissioner is looking at a couple of systems one of which is likely to be used at the Western Australian elections next month.

OPEN GOVERNMENT

In reply to **Hon. M.J. ELLIOTT** (24 October).

The Hon. K.T. GRIFFIN:

1. There is no 'witch hunt'. The investigation was commenced at the request of Mr R.K. Lewis, Chief Executive Officer of the South Australian Research Development Institute. Mr Lewis advises that the institute (SARDI) has significant intellectual property and products of substantial economic value with some information the subject of commercial and/or statutory confidentiality requirements. As a consequence SARDI has initiated a review of its security arrangements to ensure adequate protection of its data bases and products.

2. It is not envisaged that the investigation will require anything over and above salary and associated costs for the time spent by the Government Investigation Officer concerned.

3. The Whistleblowers Protection Act 1993 operates to protect a person from legal liability where the person makes an appropriate disclosure of public interest information. To qualify for this protection the disclosure must be one which was reasonable and appropriate in the circumstances of the particular case. The disclosure must be made to an appropriate authority. The Act provides a list of persons who are to be regarded as appropriate for this purpose. While the list in the Act is not exhaustive, it does indicate that the intention of the Act is that disclosure be made to persons who are publicly accountable for the way in which they respond to any information disclosed to them.

4. The Government Investigation Officers are used by the Crown Solicitor's Office to obtain evidentiary information in connection with a range of legal and administrative issues.

SARDI have engaged the Crown Solicitor's Office on matters of this nature on two occasions. This occasion, and a matter consequent upon the conviction of then and now former employees for theft of SARDI property.

STALKING

In reply to **Hon. G. WEATHERILL** (24 October).

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

There is no special group that handles all stalking cases within South Australia.

Within the metropolitan area, warnings regarding stalking are the responsibility of personnel within the Domestic Violence Units. As most cases of stalking relate to domestic situations, personnel skilled in issues of domestic violence are the most appropriate members to handle the initial warning.

When the offence of stalking is alleged, that is, a warning has been given and a second incident occurs, the matter is handled by skilled detectives as the crime of stalking is a Category A offence (the highest rating). Within the metropolitan area, stalking offences are normally referred to detectives within the local Family Violence Unit for investigation.

Warnings and investigations have not reached the level where a dedicated squad could be justified. Current methods are believed to best serve the interests of the victims of stalking by providing information and support as well as professional investigations into cases of stalking.

ANTHRACNOSE

In reply to **Hon. CAROLINE SCHAEFER** (23 October).

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

I will certainly endeavour to keep the Council fully informed on the progress with the anthracnose outbreak.

Following the recent confirmation of lupin anthracnose on Lower Eyre Peninsula, Primary Industries South Australia (PISA) and th South Australian Research and Development Institute (SARDI) have acted quickly to determine the extent of infection of the disease in lupins throughout the region and to minimise the potential further spread of this serious lupin disease.

From 29 October, the intensive week long operation to inspect lupin crops to identify the extent of anthracnose disease on the Lower Eyre Peninsula was scaled down. The first phase of the survey was completed by 31 October, and at this stage there appears to be no obvious link with the much larger outbreak of disease in Western Australia.

On Lower Eyre Peninsula, the properties of nine farmers have been confirmed as having anthracnose outbreaks. So far, a total of 378 paddocks have been surveyed and teams are still available for continuing the survey work to identify the extent of the outbreak. Additional resources will now be put into following leads of seed distribution. There now appears to be a strong link with common seed sources.

Anthracnose is a seed-borne fungal disease with spores that are distributed by rain splash causing brown open lesions on the stems which ultimately cause a stem to twist in a 'shepherds crook' shape. It is possible that the disease had been present at low levels on the Lower Eyre Peninsula for some years, and that this year's wet season has provided conditions for it to become noticeable.

As the disease had been found on only a few properties on the Lower Eyre Peninsula, despite recent favourable seasonable conditions, there is some indication that eradication is possible. It is likely that, with the implementation of management strategies, affected farmers will be able to eradicate the disease from their properties with a three-to-four year break from lupins in the cropping sequence. It will be possible for farmers to sow other non-legume crops next year on those paddocks such as wheat, barley, oats, triticale and canola.

Temporary restriction orders have been placed on the affected properties and details of what longer-term quarantine restrictions will be placed on these properties depends on the extent of the outbreak, and are still being finalised.

ROXBY DOWNS

In reply to **Hon. T.G. ROBERTS** (17 October).

The Hon. DIANA LAIDLAW: The Minister for Housing, Urban Development and Local Government Relations has provided the following information.

1. and 2. The answer to both of these questions is 'Yes'. On 13 August 1996, the Minister for Mines and Energy, the Hon Stephen Baker, wrote to the Commonwealth Minister for the Environment, Sport and Territories indicating that:

(i) The State would be calling for an EIS;

(ii) Agreement with the Commonwealth on a joint process was envisaged; and

(iii) The State should be the lead agency for that joint assessment.

The Commonwealth Government has confirmed that its requirements are able to be satisfied under such arrangements.

3. Draft guidelines are being developed by the Environmental Impact Assessment Branch of the Department of Housing and Urban Development, following wide ranging consultation, including the Commonwealth Environment Protection Agency.

The guidelines were advertised in the national press on Saturday 2 November in order to obtain public comment and input, prior to finalising the guidelines.

Further opportunity for public assessment and comment will obviously arise following the publication of the EIS. Such comments from the public will be taken into account by the Government in its assessment of the EIS.

4. The time frame for completion of an EIS process is largely a matter for the proponent, in this case WMC (Olympic Dam Corporation) Pty Ltd. The fact that all relevant issues are appropriately addressed is more important than the timing of when the process is completed. The preparation of an EIS is a large and complex project. WMC has advised the State and Federal Governments that it plans to publish the EIS in April 1997.

As a guide, it is expected that an EIS process, such as this one for Olympic Dam, should be finalised within a 12 month period, from the time when the EIS is called.

5. When WMC announced, on 15 July 1996, its proposal for a major expansion of Olympic Dam, the company stated that it would publish an EIS. WMC has advised that it agrees with the State's view that the preparation and publication of an EIS is a fundamentally important component of the proposed expansion program. Therefore, WMC has been undertaking preliminary work since July in preparation for publication of the EIS. The final content of the EIS will, of course, be subject to the guidelines.

WMC have appointed Kinhill Engineers Pty Ltd as Principal Consultants and Project Managers for the preparation of the EIS.

The work that Kinhill Engineers has been carrying out is work of a background nature, in those areas where they have been advised that extensive work will be required, under the finalised guidelines. The new EIS will be required to report on any potential environmental impacts for a wide range of topic areas. Many of these topic areas will be similar to areas covered in the original EIS. No matter what

the fine details of the finalised guidelines are, many of those topic areas will have to be appropriately addressed.

There will only be one EIS document for the proposed expansion of Olympic Dam. It will be commissioned by WMC, prepared largely by Kinhill Engineers, and submitted to the State.

AUSTRALIAN NATIONAL

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Minister for Transport a question about Australian National.

Leave granted.

The Hon. P. HOLLOWAY: Australian National operates three passenger services (the Indian Pacific, the Ghan and the Overland), which together carried 244 000 passengers in 1995-96 but which ran at a substantial loss.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: That is what it was called in Alice Springs when I went to school. The Federal Minister for Transport (Mr Sharp) has made a number of optimistic statements about possibilities for these services, but he has given no indication about their future in the event that, after privatisation, they continue to run at a loss. I am sure I do not need to remind the Minister of the contribution that these services make to the South Australian economy. My question is: will the Minister give an unequivocal guarantee that the Overland, the Indian Pacific and the Ghan will continue to operate regular passenger services after the privatisation of Australian National?

The Hon. DIANA LAIDLAW: I understand from discussions with Australian National that, at present, it is contemplating withdrawing from the Overland service. That has nothing to do with the issue of privatisation. I have spoken with the Federal Minister (Mr Sharp) about this issue, and he has confirmed that all three interstate passenger rail trains will be subject to expressions of interest from the private sector. Until we see those expressions of interest, the honourable member is correct in the sense that we have not—

The Hon. Anne Levy: We could lose the Overland.

The Hon. DIANA LAIDLAW: That is what Australian National is proposing, even at—

The Hon. Anne Levy: Have you no opinion on that?

The Hon. DIANA LAIDLAW: That is why I immediately went to the Federal Minister and suggested that we felt some considerable alarm about this, and that is why we have been talking through these issues for quite some time. If the Hon. Ms Levy is upset about the issue, this has nothing to do with privatisation. The fact is that it has not been raised in the context of privatisation. As I understand the position, this matter is being discussed and considered by Australian National at this very time.

The Hon. T.G. Cameron: What is your view?

The Hon. DIANA LAIDLAW: I have not received a presentation of anything. I simply went to the Federal Minister, to whom Australian National reports, to find out what is happening, and therefore—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: I am not the Minister. The Federal Government owns the railways. South Australia happened to sell them. The honourable member may have forgotten that. His Government wanted to sell them.

The Hon. T.G. Cameron: You can still have an opinion.

The Hon. DIANA LAIDLAW: Well, I want to know the facts. As I understand it, Australian National is looking at this issue. I have asked for the facts. This is happening now way out of context of any discussion about privatisation. The Federal Minister has indicated that all the lines are available for expressions of private sector interest. South Australia will be involved in the outcome of those discussions, because we will be working with the Federal Office of Asset Management and with the Federal Government generally on the scoping study and the assessment of all options.

The Hon. P. HOLLOWAY: As a supplementary question, in view of the Minister's statement that Australian National has been considering closing the Overland, will she indicate the status of the notification she received in relation to that, and say whether she has discussed the matter with the Victorian Government?

The Hon. DIANA LAIDLAW: I have received no notification. I heard what was happening on the grapevine. I heard what was happening from officials of Australian National, and they asked me whether I could clear up what was happening. I have done so by going to the Federal Minister, as the Minister responsible, to seek some advice on the issue.

The Hon. P. Holloway: Have you spoken to Victoria?

The Hon. DIANA LAIDLAW: As I understand it, the Victorian Government might well have been promoting the idea as part of re-routing the Indian Pacific through Melbourne. As I understand it, a lot has been discussed and discussions have been going on for sometime. One of the troubles with the current system in terms of reporting is that we have many jobs in South Australia but we have no say in the operation of Australian National. We do not have a South Australian representative on the board; it reports to the Federal Government.

PORT AUGUSTA SCHOOL MUSIC PROGRAM

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Education a question about the school music program at the Port Augusta Secondary School.

Leave granted.

The Hon. M.J. ELLIOTT: The Port Augusta *Transcontinental* newspaper on 20 November this year published a letter to the Editor about concerns that there will be no year 10-12 music program at Port Augusta Secondary School next year. The letter, from Mr John Sharp, raises concerns that there is to be no classroom music teacher appointed at the school next year. In part, his letter states:

> The DUCT system of teaching from Glossop (Barmera) is currently the only teaching in brass-woodwind being done to compensate for this. There is no compensation when the benefits of one-to-one instruction and the needs of students who excel when they have an understanding role model are taken into account.
>
> If there is no classroom music teacher appointed next year at the Port Augusta Secondary School, then what happens to all the children I and other music teachers have been teaching at a primary level?

Mr Sharp goes on to say that he is a member of the local Gateway Swing Band, which had performed at many local functions. He said that his band encourages and includes music students as members but needs the foundation of learning, which takes place in schools, to prepare potential members so that they can participate fully in the experiences we can offer. His letter went on:

> Over the years, many people who studied music at a secondary level in Port Augusta have gone on to succeed throughout Australia in their chosen field. The next generation of youth should not be denied this opportunity. Technology is the way of the future, and this is obviously the area which attracts funding in education. There is

a huge potential for students who have knowledge of music and music notation to become involved in this expanding area. Let's not deny our youth the opportunity to become involved in this rapidly expanding industry.

Will the Port Augusta Secondary School have a music classroom teacher appointed next year to allow face-to-face teaching in years 10 to 12 and, if not, why not?

The Hon. R.I. LUCAS: I do not know. I will have to take advice on that in relation to Port Augusta Secondary School and bring back an answer. If the honourable member is talking about a classroom music teacher, as his question suggests, I would have thought—and I will obviously have this checked—it is an issue of the school describing a vacancy and advertising and seeking to attract a suitable person. If the issue is that a person is not available or not prepared to move from Adelaide to Port Augusta, then it is the same general issue we have talked about before in relation to language teachers, that is, for example, we may well have them in Adelaide but they are not prepared to go to a country or regional city location. If that issue is the problem, the answer is that no-one is available who is prepared to move to Port Augusta. However, if the honourable member is raising an issue in relation to an instrumental music program, then I would need to take separate advice. Nevertheless, based on what he has given by way of explanation, I will certainly take up the issue with the departmental officers concerned and see whether we can bring back a useful reply to the member.

PARKING REGULATIONS

The Hon. R.D. LAWSON: I seek to make a brief explanation before asking the Minister representing the Minister for Housing, Urban Development and Local Government Relations a question about parking regulations.

Leave granted.

The Hon. R.D. LAWSON: On 19 September, the local government parking regulations were amended to include a prohibition against any vehicle parking on a road within three metres of the approach or departure side of an Australia Post box. The reasons for this regulation were stated in a report by the Minister as follows:

> Australia Post sought the regulation, because in recent months two Australia Post drivers had been injured by hypodermic needles deposited on roadside letterboxes.

Consequently, Australia Post has now fitted spotlights to the side of their vans to enable drivers to shine the lights on the contents of boxes before collecting mail. For this procedure to be effective, drivers need to be able to drive up to the box unimpeded by parked vehicles against which they are sometimes currently obliged to double park—an unlawful and unsafe practice. Furthermore, the request of Australia Post was consistent with draft Australian Road Rule 12.20, circulated by the National Road Transport Commission. As I understand it, it reflects interstate practice. Many postboxes are situated on the kerb alongside loading zones, or on sections of the roadway in which parking is permitted for some limited time or purpose. There is an obvious conflict between this general regulation and many signs which exist by the road, and the capacity for confusion in these circumstances is obvious. Many postboxes are cleared only once a day, and the Australia Post vehicle is in the vicinity for only a couple of minutes at most. My questions to the Minister are:

1. What action will local government authorities be taking to ensure that members of the public will be warned that this new regulation overrides existing roadside signage?

2. Will Australia Post be encouraged to take steps to relocate postboxes where they interfere with valuable parking space?

The Hon. DIANA LAIDLAW:I would be interested to find out from the Hon. Mr Lawson what he proposes to do with this matter that possibly is before the committee he chairs.

The Hon. R.D. Lawson: We're taking no action.

The Hon. DIANA LAIDLAW: I assume then that the questions have not been raised in the committee. They are important questions that must be addressed; therefore, I will refer them to the Minister and bring back a reply.

EQUAL OPPORTUNITY (TRIBUNAL) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced Bill for an Act to amend the Equal Opportunity Act 1984. Read a first time.

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

That this Bill be now read a second time.

This Bill amends the Equal Opportunity Act 1984 to provide for the appointment of as many deputy presiding officers as are necessary for the proper functioning of the tribunal and to provide that the office of presiding officer or deputy presiding officer becomes vacant if the appointee resigns by notice in writing to the Minister.

A problem is being experienced in the Equal Opportunity Tribunal with the limit on the number of presiding and deputy presiding officers. Section 18(1) provides that there will be a presiding officer of the tribunal and not more than two deputy presiding officers. The presiding officer must be a judge or magistrate while a deputy presiding officer must be a judge, magistrate or legal practitioner of at least seven years standing.

With the increased number of cases going to the tribunal, the limit on the number of deputy presiding officers is causing some problems. This problem is exacerbated by one of the deputy presiding officers being unavailable because of his appointment to the Youth Court. While the deputy presiding officer has indicated that he would resign from the tribunal to allow a further appointment, the Crown Solicitor has advised that this is not possible.

Section 18(5)(c) of the Act does not allow for the resignation of a judge or magistrate from the office of deputy presiding officer. Interestingly, section 18(6)(c)(iii) provides for the resignation of legal practitioners from the office of deputy presiding officer.

Therefore, the Bill amends section 18(1) of the Equal Opportunity Act 1994 to provide for the appointment of as many deputy presiding officers as are necessary for the proper functioning of the tribunal. Section 18(5)(b) is also amended to provide that the office of presiding officer or deputy presiding officer becomes vacant if the appointee resigns by notice in writing to the Minister.

A consequential amendment is required to section 18(7). This subsection provides that, on the office of presiding officer or deputy presiding officer becoming vacant, a person must be appointed to that office in accordance with the Act.

With the potential increase in the number of deputy presiding officers appointed under the Act, this subsection is no longer needed.

I commend this Bill to members. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1: Short title
Clause 1 is formal.

Clause 2: Amendment of s. 18—Presiding Officer and Deputy Presiding Officers
Clause 2 removes the existing requirement that there be not more than two Deputy Presiding Officers of the Tribunal and provides that there may be as many Deputy Presiding Officers of the Tribunal as are necessary for the proper functioning of the tribunal. The clause also provides that where a judge or magistrate is appointed as the Presiding Officer or as a Deputy Presiding Officer that person may resign by notice in writing to the Minister.

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

PAY-ROLL TAX (SUPERANNUATION BENEFITS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 November. Page 498.)

The Hon. M.J. ELLIOTT: My contribution to this second reading explanation will be very brief. The Democrats have not found any problems with the legislation, but one matter on which I will comment—and this comment will apply to the other two tax bills we have before us as well—is that I was surprised by the consultation process, or lack thereof, that appears to have occurred in relation to these Bills. In checking around we approached the Employers' Chamber, which we expected to have an obvious and active interest in questions of the tax Bills before Parliament. What has stunned us is that there appears to have been no consultation whatsoever with an obviously interested party in relation to these three Bills.

I must say that that has been something of a recurring theme when the Democrats have been consulting with other groups in the community over a range of Bills currently before Parliament, and I will be commenting in this regard concerning other pieces of legislation. We have visited community groups with active and lively interests in particular pieces of legislation only to find that there has been no consultation. It does not matter whether it is in relation to the three tax bills and finding out that the Employers' Chamber has not been consulted, whether it is in relation to the Retail Shop Leases Amendment Bill and discovering that the Small Retailers Association has not been consulted or whether it is in relation to the South Eastern Water Conservation and Drainage (Contributions) Amendment Bill and finding out that the South-East Local Government Association has not been consulted. I find that quite staggering.

I find it quite dangerous that, despite the fact that the Government may feel it is only carrying out a tidy-up and it does not intend to make any significant change in a policy sense, it does not at least have the decency to ensure that relevant interested parties have a chance to look at the proposed legislation in case there are unintended consequences and consequences that perhaps Parliament fails to pick up. With those few words, I indicate the Democrats' support for this Bill and the other two tax Bills which we will be considering later.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank members for their support for the second reading of the legislation.

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

TAXATION ADMINISTRATION BILL

Adjourned debate on second reading.

(Continued from 13 November. Page 496.)

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank members for their contribution and support for the second reading.

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

STATUTES AMENDMENT (TAXATION ADMINISTRATION) BILL

Adjourned debate on second reading.

(Continued from 13 November. Page 496.)

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank members for their indication of support for the second reading.

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

ROXBY DOWNS (INDENTURE RATIFICATION) (AMENDMENT OF INDENTURE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 514.)

The Hon. R.D. LAWSON: I support the second reading of this Bill as its passage will amount to a significant advancement in the economic development of this State. Olympic Dam produces high quality copper, uranium, gold and silver products. It consists of a large underground mine and a complex system of value-adding minerals processing facilities situated some 560 kilometres north-north-west of the city of Adelaide. The discovery was first made by Western Mining Corporation in 1975. The history of the Olympic Dam project ought to be recorded, because it is one of considerable achievement. After discovery in July 1975 it took some years before a joint venture between Western Mining Corporation and British Petroleum was formed. That occurred in September 1979. In June 1982 an indenture agreement between the joint venturers at the time and the Government was duly ratified in the legislation which we seek to amend by this Bill.

The environmental impact statement for the project was released in October 1982, only a few months after the indenture agreement was ratified. Construction of the mine occupied a couple of years between 1986 and 1988 and, in June 1988, production commenced. The project had taken some 13 years from discovery in 1975 to commencement in 1988.

Olympic Dam is now one of this State's leading business enterprises. It is this State's largest long-term development project. The history of production of the mine is well worth considering. Currently, annual production is running at: 84 000 tonnes of copper; 1 500 tonnes of uranium; 30 000 ounces of gold; and 400 000 ounces of silver. They are impressive figures. Total production since the Olympic Dam mine was commissioned in 1988 is also impressive. Over 370 000 tonnes of copper have been produced, as have over 8 500 tonnes of uranium, five tonnes of gold and 66 tonnes of silver.

Olympic Dam is a significant contributor to the export performance of this State and of this country. For example, 52 per cent of copper sales occur in European markets and 15 per cent in Asian markets. Of uranium sales, 26 per cent go to Japan, 11 per cent to Korea, 55 per cent to Europe, and 8 per cent to the United States of America.

A number of economic factors such as employment, expenditure, income and the like are also impressive. Some 995 persons are employed directly on the mine's operations and there is a flow-on effect of some 3 000 jobs in South Australia and elsewhere in consequence of that direct employment. The annualised sales revenue of the mine is some $350 million, $270 million of which represents export earnings. The investment to date of Western Mining and its erstwhile joint venturers has been in excess of $1.1 billion. In that context, I should mention that, although production commenced in June 1988, in March 1993 Western Mining Corporation purchased 100 per cent interest in the venture and British Petroleum departed.

It is also interesting to see other economic effects of Olympic Dam. Annual royalties paid are of the order of $10 million. Payroll tax, which is paid to this State's Treasury, amounts to $3.5 million. Pay-as-you-earn income tax from employees of the company represents some $20 million a year. Other taxes, including fringe benefits taxes, amount to some $3.5 million. The annualised salary bill of the company in respect of this operation is some $56 million. Electricity to the value of $20 million is consumed each year and environmental management accounts for $3 million a year in expenditure.

The reserves are considerable. It is calculated currently that there are some 580 million tonnes of ore in reserve, which will represent at current yields some 2.1 per cent of copper, .6 kilograms per tonne of uranium, and 2.2 grams per tonne of gold. In addition, some 1 600 million tonnes of ore will yield 1.1 per cent of copper and .4 kilograms per tonne of uranium. The Olympic Dam project is one of enormous economic significance to this State and any measures to facilitate its expansion are to be commended.

On the economic side, I should mention a recently released report of Mr Barry Burgan of the South Australian Development Council entitled 'The Potential Economic Development Impacts of the Roxby Downs Expansion'. Mr Burgan, who is well known in this State as an economist, has undertaken a detailed examination of the issue. He describes the current operations in much the same way as I have mentioned. He mentions, as the company has proposed, that there will be additional employment of some 200 in subcontracting and 150 in support activities at Olympic Dam during the construction phase of the current proposal, which will involve a doubling of the current mine capacity.

He notes that, with the expansion, it is estimated that the export earning of the facility will be close to $600 million and there will be additional mine employment for some 200 people. Investment and development work required to provide for this increased capacity is estimated to cost of the order of $1.25 billion, and will occur over a three year period from 1996 to 1999. Mr Burgan has undertaken a general analysis of the development, and some of the conclusions that he reaches are worthy of placing on the record.

For example, he says that, in relation to the construction expenditure of $1.25 billion over three years, 70 per cent of that expenditure will be sourced from within South Australia, which will obviously be to the great benefit of this State. It is his view that, potentially, this expense will create a total of 5 200 jobs per year over the three years, including the 1 000 initial jobs during the construction period. Mr Burgan calculates that this expenditure will provide a stimulus to the gross State product of South Australia of some $330 million per annum.

Mr Burgan notes that, in relation to the annual operating expenditure in developing the mine, about $120 million annually will be spent, with some $80 million sourced locally, including direct wages and subcontractors. He estimates this to create of the order of 1 500 new jobs, including 200 at the mine, and it will provide stimulus to gross State product, excluding the royalty effect but including the return on investment to Western Mining Corporation of some $280 million per year.

Mr Burgen also notes that, when the capacity of the mine is increased and production is correspondingly increased, the increased royalty payment of some $12 million annually will be spent on activities such as community services—an area with a high multiplier—and will itself support a total of some 350 jobs in the South Australian economy. Mr Burgen concludes that over the next 10 years this project will contribute a total of $2.2 billion in current dollar terms to the gross State product of this State. He estimates that it will create an average of 2 900 jobs per year and that some 40 per cent of the job creation effect will occur directly at Roxby Downs, as he calls it—or Olympic Dam, which now appears to be the official name—with a similar proportion in Adelaide. The balance of some 600 jobs on average will be supported within the northern region, particularly in Port Augusta and Whyalla. So, it is clear from Mr Burgen's detailed analysis of the figures that this expansion has the capacity greatly to enhance the economic performance of our State.

I think it is worth noting the contribution of mining to the South Australian economy. I will not go back into history to outline the substantial influence that copper mining had on the early economy of South Australia or to mention the effects over the years of the mine at Broken Hill and the smelting facilities at Port Pirie, but mining has been a very significant contributor to this State's economy. In 1992, the South Australian Centre for Economic Studies produced a report entitled 'The Significance of the Mining Sector to the South Australian Economy'. The authors of that report were Mr Burgen, to whom I have referred in relation to the current study on the Olympic Dam proposal, and also Mr Malcolm Buckby, then of the South Australian Centre for Economic Studies and now the member for Light, and a very distinguished member at that. The conclusions of their study in 1992 are worth repeating, because they demonstrate the great significance of the mining sector to our economy. I will not examine the report in any great detail, but I will, however, mention some of its significant findings. It is a 1992 report, and most of the figures then available were up to the end of

the 1989-90 financial year and were based upon that year's census of mining establishment results.

In 1989-90, mining activity directly supported some 5 500 jobs in this State and was responsible for 3.3 per cent of the gross State product. In addition, mining related activities, namely industries that exist because of the proximity of natural resources, generated a further 12 000 jobs in South Australia and an additional 3.7 per cent of gross State product. When allowing for these linkages of mining and mining related sectors with the remainder of the economy, mining activity sustains almost 50 000 jobs in South Australia which pay wages of over $1 billion and which were responsible, at that stage, for almost 12 per cent of gross State product. The authors of the report, Messrs Buckby and Burgen, noted:

> While mining has historically been very important to the State, in recent years its influence has grown strongly with the developments of the Cooper Basin and Olympic Dam. The annual growth rate of mining output in real terms over the past decade was 6.7 per cent.

The authors went on to state:

> When comparing the direct activity of the mining sector with other industries, a number of points can be made. For example, the output of the mining industry is 50.3 per cent of agricultural output, compared to only 17 per cent, some 10 years before, in 1980-81 [actually, some nine years before].

The authors also note that the value of output per employee over that period had increased in real terms in the mining sector by 17 per cent compared with a 2.9 per cent decrease in agriculture. It was noted that the value of mineral output, including the production from the facility at Port Bonython, was some 37 per cent of the motor vehicles sector, namely, the assembly of vehicles and parts production, which is an important traditional manufacturing industry in this State. Finally, it was noted that the mining industry's share of primary exports from South Australia was 37.4 per cent, up from 16.9 per cent at the start of the 1980s. So, if anyone has any doubt about the significance of the mining sector for the South Australian economy, the report to which I have referred should lay those doubts to rest.

I turn now to the Bill before the House. This Bill sets out proposed amendments to the Roxby Downs (Indenture Ratification) Act and includes provisions for ratifying amendments to the Olympic Dam and Stuart Shelf Indenture. As has already been noted by members, the indenture was originally negotiated on the basis of a conceptual project producing up to 150 000 tonnes of copper per year. The original environmental impact statement was for an annual production rate of up to that amount. Amendments are necessary in consequence of the conceptual project being increased to a maximum of 350 000 tonnes of copper and associated products per annum. The company has announced that it has no current plans to increase mine output in the immediate future above 200 000 tonnes of copper and associated products per annum, but it will have a smelting and refining capacity above that amount, and the company proposes to treat copper, gold and silver in forms such as concentrates sourced from outside the Olympic Dam mine.

A number of Acts are required to be amended consequentially: the Water Resources Act, the Residential Tenancies Act and the Petroleum Act are all amended to take into account the changed circumstances and the fact that Western Mining proposes to adopt slightly different mechanisms in relation to the way in which the mine is operated. It is of importance that the company proposes to source product from outside the special mining lease which is granted in respect of Olympic Dam. That will enable the company to utilise its spare, short-term processing capacity as the mine's production increases to 200 000 tonnes per annum.

A number of other measures in the indenture are proposed to be amended to accommodate the changing circumstances. One, for example, is the provision of the payment of royalties in respect of non-mine site material, made necessary in consequence of the proposal I have just mentioned. Since the indenture was reached, codes of practice have changed, and there is now to be inserted into the indenture a provision requiring compliance with most up-to-date standards and codes of practice, many of which have been adopted at a national level.

The provision of electricity to the site is an important part of its operations. The indenture originally provided for a maximum of 150 megawatts of electricity. The proposed amendments aim to raise this to 250 megawatts and provide a basis for ETSA Corporation and the miner to enter into a commercial arm's length agreement for an additional 100 megawatts. Also, on the same subject, the company will have a more specific right than it already obtains in relation to access to the ETSA Corporation's transmission system. The Government has agreed to provide the township of Roxby Downs with additional health and medical facilities, including an upgrade of facilities with particular focus on acute care and birthing facilities, which are quite appropriate to a thriving town such as Roxby Downs.

I warmly support this measure. The Olympic Dam will continue to contribute to the South Australian economy for many years—more than 100 years at the present rate of production. This Bill will provide an appropriate legislative foundation for the continued development of the project, which is of such great importance to the State. In conclusion, I note from my own declaration of interest that my wife has a small number of shares in Western Mining Corporation, a fact which I ask be noted but one which does not, in my view, disqualify me from expressing wholehearted support for this proposal.

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

POLICE (CONTRACT APPOINTMENTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 521.)

The Hon. SANDRA KANCK: Through this legislation the Government is proposing that the Commissioner of Police, the Deputy Commissioner of Police and assistant commissioners of police be put on contracts. The point of this proposal is to enable the Government of the day to remove a commissioner of police, a deputy commissioner or an assistant commissioner from office when their performance has been less than what was hoped for. The proposal is for five year contracts with an option of renewal. We have been informed that this change also has the virtue of bringing the South Australian Police Force into line with other CEOs in the Public Service and most other State and Territory Police Forces.

Curiously, this argument cut no ice with the Government when it was drafting the Bill to amend the Police (Complaints and Disciplinary Proceedings) Act, which this Chamber dealt with a couple of weeks ago. Indeed, the South Australian

Police Force is the only police force in the country that needs to establish beyond reasonable doubt that an officer of its rank and file has been derelict in their duty before that officer can be disciplined. One can only ponder the reasons that has the Government considering it desirable to bring the department's top ranking officers' terms of employment into line with its interstate peers but not the rank and file.

The discrepancy indicates that the Government has the policy equation only half right. The Hon. Angus Redford addressed the Bill in some depth in this Chamber on 14 November. Unfortunately, he did not throw any light either on any reason for the policy differences. The honourable member stated:

> ...the idea that employment contracts for police officers should be treated differently from those of other senior bureaucrats does not stand the gaze of strong argument.

Point taken. So, what are the differences in disciplinary proceedings between South Australian constables and constables in the rest of the country, or a constable and a clerk? Another issue that needs consideration is whether the contract system opens up the possibility of undue political influence being exerted on the Commissioner by the relevant Minister? On this subject, the honourable member was more forthcoming. He spoke of the doctrine of the separation of powers, various royal commissions, and his belief that the relevant Minister not only has the right but also a duty to direct policing priorities. This belief is subject to the proviso that 'there must be some transparency'.

Well, the Democrats are great supporters of transparency. However, I noted when reading the *Hansard* of the House of Assembly that the Government turned its back on an Opposition amendment and its own advice, and indicated that it could see no good reason why the Minister should table reasons as to why a commissioner's contract had not been renewed. Let us start with transparency. What better way to ensure that the reasons for a commissioner's dismissal are properly scrutinised. The suggestion that a combination of media attention and parliamentary questioning would be sufficient flies in the face of the experience of this Parliament. A ministerial statement tabled in Parliament provides a far clearer picture for all to gaze upon. With those comments, I indicate that the Democrats will support this Bill.

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

SOUTH AUSTRALIAN PORTS (BULK HANDLING FACILITIES) BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 512.)

The Hon. SANDRA KANCK: In introducing this Bill into Parliament, the Government is asking us to demonstrate our faith in it. My information is that the bulk handling facilities in this State generate about $4.5 million per annum for the State, which is a very healthy contribution to the State's coffers. In his second reading speech, the Treasurer offered a number of reasons as to why the sale should proceed. Some of the reasons are arguable and some of them are quite puerile. In the end, it does not matter all that much. The real reason is given in his quote:

> Selling the bulk handling facilities will raise a substantial amount of money which can be used to retire State debt.

When asked for a ballpark sale price figure in another place, the Treasurer accused the questioner of being mad. This was a quite reasonable question to ask, particularly when that is the justification for selling these facilities. However, this comment has come from a Treasurer who has been responsible for accepting sale prices for Government assets that equal only the per annum revenue forgone, and it makes me wonder who is mad.

We should not forget that the taxpayers of South Australia have a substantial investment in these facilities. The sale of the bulk handling facilities must be conditional upon the Government's receiving adequate compensation for giving up these valuable assets. The fact that the debate in another place witnessed Government members engaged in a shameless talking down of the value of the bulk handling facilities does not fill me with optimism about the adequacy of the eventual sale price. Commercial confidentiality is used as a mantra by this Government to avoid independent assessment of much of the asset sale program, and it is being used again here.

However, it is no secret that South Australian Cooperative Bulk Handling is being quartered as the preferred purchaser of the bulk handling facilities. A Government with strong ties to the rural sector intends to sell a valuable asset to a cooperative of grain growers, yet imagines that the Parliament should not bother itself with the details. It is time that the Government started to recognise that the people of South Australia are entitled to more than bland assurances that we are getting value for our money. I support the second reading.

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

STATE RECORDS BILL

Adjourned debate on second reading.

(Continued from 13 November. Page 489.)

The Hon. ANNE LEVY: I rise to support the second reading of this Bill and to welcome its long overdue introduction into the Parliament. However, some amendments are required to the Bill. I regret that the amendments I propose are not yet on file but they should be before long. I also have a number of queries relating to the Bill to which I hope the Minister can supply a response in his second reading summing up. Depending on his answers, I may make further amendments. Overall, this is a very good Bill, indeed. The objects of the Bill, as set out in part 2, officially establish the Office of State Records. The Bill will ensure that official records of enduring evidential or informational value are preserved for future reference. Another object of the Bill is to promote the observance of best practices by agencies in the management of their official records and to ensure that each agency has prompt and efficient access to official records should they need them. The Bill will also ensure that members of the public have ready access to official records—subject to exemptions or restrictions that would be authorised under the Freedom of Information Act and the Local Government Act, or restrictions relating to protection of privacy for individuals, which I am sure everyone will agree is highly desirable.

However, the management of official records has obviously differed greatly from one agency to another for many years. While this Bill is establishing State Records, it has

existed for a number of years and has been following many of the procedures which are laid out in the Bill. Since the establishment of State Records about five years ago, an examination of the practices of agencies has shown enormous variation. Some had well preserved, well managed and indexed official records, which they either held themselves or handed over to State Records. Others had their official records in complete chaos. It was virtually impossible to find anything, and they were not managed, not looked after and not dealt with in the correct manner. State Records has certainly tried to work with agencies to improve their record management practice—I presume with varying degrees of success. The official Bill to regularise State Records and give official status to and recognition of record management practice in this State is very welcome, indeed.

I know the Bill has been a long time in gestation. The Minister in the other House said it was first suggested 21 years ago. I know that five or six years ago a Bill relating to State Records was in preparation. At that time, there had been consultation with the Libraries Board which had—and still has until the passage of this legislation—the official responsibility for approving any disposal or destruction of official records when they are deemed to be of no further value. The Friends of the State Archives certainly wish this Bill well and would like to see it operate in the near future. However, that does not mean that they are completely happy with every detail in it.

There does seem to be a fair bit of controversy regarding the consultation which has occurred for this legislation. A draft Bill was circulated more than 12 months ago on which comment was requested, and many organisations such as the Friends of the State Archives provided comments relating to the Bill and had serious concerns about some aspects of it. Quite obviously, a number of their concerns have been addressed in the Bill which was brought to Parliament. However, a number of people and groups have felt put out that the revised version of the Bill was not circulated for any further comment before it was introduced into Parliament. Many of them only learnt about it when it had already passed the House of Assembly.

Furthermore, only this afternoon I received indication from the Local Government Association, which is very concerned about this Bill, particularly regarding the consultation procedures. According to its comments, it was not even sent the 1995 draft version of the Bill. It obtained a copy of it through other sources and provided comment on it, but never even received an acknowledgment of the comments it sent and, through urging on its part, only recently has it received any response to the letter it wrote to the Minister over 12 months ago. I think it was September of 1995 when it provided comments on the Bill, which, as I say, had not even been sent to it for comment. So, the process does not seem to have been a fully satisfactory one. Nevertheless, it is obviously a worthwhile Bill and we certainly support the principles behind it and, when enacted, hope it will operate to the benefit of the record keeping and the archival records of this State.

I want to raise a few questions to which I would like a comment from the Minister in his response. First, it is noticeable that the records of Parliament are excluded from the record management and archival functions of State Records. I presume that this is done on the basis of the separation of executive and legislature and that Parliament looks after its own records. On the other hand, the records of the courts are included as matters for State Records to have custody of and, if we follow the doctrine of the separation of powers of the Executive, the Legislature and the Judiciary, it is perhaps anomalous that the records of the courts are to come under the ambit of State Records but the records of Parliament are not.

The Hon. K.T. Griffin: There is some further discussion going on in relation to that.

The Hon. ANNE LEVY: It does seem slightly anomalous and I would welcome comment from the Minister on this matter which was not raised in the second reading explanation. I note that in New South Wales, while the State records agency does not have custody or control of parliamentary records, nevertheless it is contracted by the Parliament to undertake a record management function for the Parliament, presumably because it can put its expertise and knowledge in this area to good effect and that, although it has no legislative control of Parliament's records, it is contracted by the Parliament to undertake this function. It would be of interest to know whether our Parliament (or either House of Parliament) had ever contemplated contracting State Records to undertake this function for our parliamentary records. It may be a most efficient way of seeing that our parliamentary records are properly taken care of and managed according to best practice.

There are a number of issues relating to the establishment of the council which we certainly welcome as a body and are fully supportive of the functions of this council—for example, that it will have to approve any disposal of official records and it will also provide advice regarding policies relating to record management and access to official records. It seems to me highly desirable that this body should be set up. However, I have a number of queries relating to the membership of this council. The Bill as it is before us provides that it is to consist of seven persons, each of whom is indicated to have a particular skill or background or nomination. There is no provision for what might be called 'a general user' of the archives to have any representation on the council. We feel this is an important omission and that there should be representation of the average person who uses the records in State Records.

Many amateur historians make use of State Records. State Records are of invaluable use to them when they are writing histories of their district or a particular topic. There are people doing genealogical searches. There are Aboriginal people who wish to make use of the records regarding Aboriginal 'protection' when it existed many years ago. I will certainly be moving an amendment to add a user of State Records to the council and, if the Minister has any problems in finding such a person, I am sure the History Trust would be able to supply him with many names of amateur historians who do extremely valuable historical work and who make constant use of State Records in their work. I noted, too, that two of the members are people who are eligible for membership of particular organisations, one the Australian Society of Archivists and the other one the Records Management Association of Australia. Why are the people on the council to be those who are eligible for membership rather than having actual membership of these two organisations? It may well be that the answer is that the number of members of both these organisations is very small indeed and that many of the people who are eligible to join have not done so, but would certainly have the appropriate approach to the work of the State Records council to make them valuable members.

I would welcome the Minister's comments on why the membership is stated as being a person eligible for member-

ship of these two organisations rather than a person who is an actual member of these two organisations. I understand the Minister has said that he would certainly consult with these two organisations before appointing people under categories B and C, which I am sure will be reassuring news for those bodies, but there has been no indication why it is framed as it is in the Bill.

Another matter concerning the membership is that clause 9(2)(b) provides that one member of the council will be a person eligible for professional membership of the Australian Society of Archivists, and one will be a person eligible for membership of the Records Management Association. Perhaps the Minister could indicate why there is this difference: where the Records Management Association is concerned ordinary membership suffices but for the archivists one must be eligible for professional membership of the Australian Society of Archivists. I merely raise this point and would be interested if the Minister could explain the difference as to why professional membership is insisted on in one case but only ordinary membership in the other.

I note that in clause 11(2)(a) a member of the council can be removed from office in the case of a member appointed on the nomination of a person or body at the request of that person or body. I have two queries in relation to this. As I read it, there will only be two members of the council who are in fact nominated by a particular person or body; that is, the chief executive officer of an agency who is nominated by the Commissioner of Public Employment, and the person with experience in local government, who will be nominated by the Local Government Association. I seek confirmation from the Minister that those are the only two people to whom this recall clause could apply. But even if it is only two of a council of seven or eight, this raises the question, which has often been discussed in this council, of whether membership of a board or committee means that one's first allegiance is to that board or to the body which has nominated the individual as a representative. Under company law, any member of a board must as their first obligation have the interests of the board or the organisation of which the individual is a member at heart—that must be the first priority.

As soon as a recall provision is incorporated in a Bill this then means that for those two individuals their first allegiance is not to the board or council of which they are a member but to the person or body which has nominated them, because if they do not do what that person or body wishes them to do they can be removed from the council. In other words, the first allegiance is being changed. I was surprised to see this provision in the Bill, and I would like the Minister to comment on it as to what it means in terms of allegiance and responsibility of these two individual members of the council as well as the broader ramifications of such a recall provision which, to my recollection, does not apply to any board, committee or council established under legislation in this State. This is a new provision, and I wonder whether it has any consequences for future councils or boards which may be established by legislation in that the responsibilities of these individuals will obviously change if there is such a recall provision.

Another matter upon which I would like the Minister to comment relates to papers which private individuals might deposit in the Mortlock Library. The definition of an official record in clause 3 means a record which is made or received by an agency in the conduct of its business. It has been put to me that the Mortlock Library receives many records in the conduct of its business. Certainly, part of its business is to receive such records. The query has been raised whether such private papers deposited in the Mortlock Library could, under the definitions of this Bill, be regarded as an official record and so called up by State Records to be placed in the custody of State Records rather than remaining in the custody of the Mortlock Library. I understand that the library's board is perfectly happy with the Bill now before us. I am certain that it is not intended that, when people donate their personal papers to the Mortlock Library of South Australiana, the Mortlock should have to surrender them to State Records at the whim of the manager of State Records. I am sure that that is not intended, but I would like the Minister's reassurance that the Bill cannot be interpreted in such a way that that could happen.

Another query relates to clause 31 where it provides that a certificate signed by the manager certifying as to disposal of an official record by the manager will, in the absence of proof to the contrary, be accepted as evidence of the matter so certified. I hope that such a certificate would in itself become an official record and so be maintained by State Records. It may well be that in the future people will search for records which have been disposed of. But if there is a certificate indicating that they have been disposed of, at least it will put their minds to rest that there is no purpose in searching any further. Apart from that, there should be a record of all records which have been disposed of as part of the official record maintained in State Records.

I will now indicate a few amendments, which will soon be on file. Some relate to the council, and one seeks to add to the membership by having a user member of the council. I will also move an amendment that will ensure that, on a council of eight members, at least two are male and two are female. I was most surprised that this clause was omitted from the Bill. I thought that we had reached the stage where the Government regularly allowed for gender representation on all councils and boards. I was surprised that it had been omitted in this case. I will certainly move such an amendment and I hope that it will have the support of every member of this Council.

Another amendment that I wish to move seeks to insert a provision that will allow for payment of remuneration to members of the council. The council will be required to meet fairly regularly and, while I certainly do not want to pretend that being a member of the council would be a full-time job or anything like it, considerable responsibility will fall on the shoulders of the members of this council, and there should be provision for remuneration of council members.

Another amendment refers to the annual report, which the Bill provides must be presented to the Minister by 31 October after the end of the financial year. The Minister must then table it in Parliament within 12 sitting days. Many Acts with which we have dealt in recent times have provided for annual reports to be handed to the Minister by 30 September. I am sure that the Hon. Legh Davis will back me up in this, through our work in the Statutory Authorities Review Committee, that annual reports should be provided preferably to the Minister by 30 September and that the Minister should table them in Parliament within six sitting days. This is a fairly common practice, often more observed in the breach than in the observance; nevertheless, I think it desirable to have this more rapid notification to the Minister and to Parliament of the activities of the State Records council, and I will move the amendments accordingly.

Another matter refers to clause 7, which deals with the functions of State Records. One of the functions of State Records, as set out in clause 7(d), is to publish or assist in the publication of indices and other guides to the official records in the custody of State Records. Archivists and historians who make use of official records are most appreciative of indices and guides to official records and would certainly urge State Records to be most diligent in providing such indices and guides. However, concern has been expressed to me that State Records would only have the function of preparing these indices and guides for official records of which it holds custody.

However, under clause 19, State Records can approve an agency's maintaining its own official records and not putting them into the custody of State Records. That is an indication that the agency is doing a very good job of managing and preserving its own records. However, when that occurs, it is felt that indices and guides to those old records should still be published, and there is a general feeling that one of the functions of State Records should be, if not to publish indices to official records not in its custody, at least to assist in the publication of indices and guides to records that are not in its custody. I will move an amendment to clause 7(d) to make clear that this function of State Records extends not only to those in its custody but to those where the manager has exempted the agency from the requirement of delivering its official records into the custody of State Records.

The last amendment that I will move refers to the setting of fees. This is obviously a controversial matter, but the Bill before us suggests that fees will be set by the manager and approved by the Minister for different categories of people or different uses of the official records in State Records. There is certainly controversy on this matter. The Local Government Association feels that a council should not have to pay any fees for access to its own records if they are in the care of State Records, and I can appreciate that point of view.

However, I am not clear whether local councils will contribute in any way to the cost of maintaining their official records by State Records or whether this service will be provided to local government by Government. I would welcome information from the Minister as to whether local government will be charged for the keeping of its official records by State Records, on the basis that, if State Records did not keep them, it would have to expend resources to maintain and preserve its official records. That is certainly a point on which I would like the Minister to comment.

Be that as it may, there may be considerable difference of opinion as to what is a reasonable fee to be charged, which may depend on the person making application or the classification of the person making application, how extensive are the records they wish to consult, and so on. I am sure that many variables will need to be taken into account. I will move that the fees to be paid in different categories should be determined by regulation so that the concerns of local government in this respect can be examined by Parliament when the regulations are prepared, rather than just leave them to be determined by the manager with the consent of the Minister. The amendment that I will move will not be to the effect that charging of fees should be prevented but that the fees will be the subject of regulation and so up to review by Parliament.

A great deal more could be said about the keeping of State records: the fact that in many ways the official records of the State encapsulate the history of South Australia; that their analysis can provide meaningful insights as to changing practices, cultural attitudes and behaviour throughout our history; and that maintenance and management of records is an essential function of government. We very much welcome this Bill, which will put such historical care of our official records on a sound footing—and the sooner the better. I support the second reading.

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

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 514.)

The Hon. P. HOLLOWAY: The Opposition supports this Bill. The Local Government Act surely comes before this Parliament for amendment more than any other Act that is passed by the South Australian Parliament. We have before us now yet another change to that Act. This Bill is the vanguard of major revisions to the Local Government Act which will result from a review of the Act which has been under way for over a year now. The changes in this Bill and those which will follow from the nearly completed review are meant to complement the changes to council boundaries which will result from the process established by this Parliament 12 months ago. The reason for the early introduction of the measures in this Bill is to enable certain changes to be in place prior to the next round of local government elections on the new boundaries in May next year. So, while the Local Government (Miscellaneous Provisions) Bill may not be as substantial as other amendments to the Local Government Act which we have seen recently, nevertheless there are several important changes which will have a profound effect on local government in South Australia. For example, voting by post across a council is now to become an option and, under this Bill, the term of elected councillors in South Australia is to be extended from two to three years.

This measure has been a part of ALP policy for many years. With three year terms, elected councillors should be able to take a longer term view towards the planning and direction of their cities and towns. Also, councils and their staff will be able to plan on a more strategic basis, rather than knowing that decisions might be upset every two years with a change in the council. It has been pointed out by members in the other House that one of the problems of short terms for local councils is that they tend to assist single issue candidates who seek council election just to overturn a single decision and then leave. Obviously, such candidates do not assist in getting some continuity of good government in the local government arena. Also, the change to a three year term brings local government more into line with other tiers of Government, and that is something that generally we should all support. It is ironic that, after so much opposition down the years to such measures as this three year term, these changes should now be introduced by a conservative Government.

Other important changes in this Bill are the amendments to section 62 and related clauses. These are the provisions which enable councils to meet in secret and keep certain aspects of their decisions secret. All members would be aware of the campaign run in various *Messenger* newspapers earlier this year and late last year against councils which have rather recklessly and frivolously used section 62 of the Local

Government Act to evade public scrutiny of their activities. Again, it is rather ironic that a Government which itself has shown an obsessive passion for secrecy should demand more openness from local government. While we warmly welcome the changes to local government secrecy provisions, we only wish that the Government would change its own attitude towards resorting too readily to secrecy in the conduct of its affairs. After all, this is the Government which has had to be dragged screaming into releasing any details at all of its billion dollar outsourcing deals and which has an appalling record of avoiding freedom of information requests. During debate in the other place my colleague Annette Hurley, the shadow Minister for Local Government, successfully amended the Bill to restrict the Government's discretionary powers to intervene in cases of breach of section 62 provisions.

So, while the Opposition supports the broad thrust of this and other measures contained in the Bill, there are grounds for concern about the attitude of the Brown Government towards local government generally. The Brown Government has demonstrated a paternalistic and patronising attitude towards local government in both its readiness to intervene in local government and its lack of consultation with local government over a range of issues which affect it. The Brown Government's actions show that it does not believe that local government is or should be an independent tier of Government in its own right, whatever views it may express rhetorically. Rather, it believes that local government should operate at the whim of the State Government. Indeed, several members of the Government reminded us during the course of debate on the Local Government (City of Adelaide) Bill that the State can alter the rules for local government at any time, even to the extent of abolishing democratically elected councils. No-one denies that these powers exist, but the Opposition believes that they, like reserve powers, should be exercised with great caution. The Opposition also believes that the fundamental right of local government to exist should be enshrined in the Australian Constitution. Nevertheless, the provisions of the Bill are welcomed, whatever the motivation for their introduction by the Government.

I will now refer briefly to some of the specific measures in the Bill. As I said earlier, the Bill will enable postal voting to be an option for councils. We have seen in Tasmania and New Zealand that the experience is that a greater participation rate does follow such measures. In fact, I believe that in Tasmania up to 60 per cent of electors voted when the postal voting system was introduced, which is far greater than the 15 or 20 per cent maximum rate we get in many councils at the moment. We should warmly welcome any measure that seeks to increase that voter participation and, again, it rather contrasts with the Brown Government's attempts to remove compulsory voting for State Government elections. In relation to what this Government proposes under the City of Adelaide Bill, it is also interesting that many members of the Government have attacked the relevance of the voting measures of that council and said that it greatly needs change. It is rather interesting that with this measure the Government seeks to introduce a system of voting that will broaden participation.

One of the other changes in this Bill deals with the problem of polls that are held in relation to the Boundary Reform Act which was passed in this Parliament 12 months ago. This is just a technical correction to allow property owners to vote in that election. They were excluded during the changes to that Bill, and the measure in the Bill before us today is a technical correction to that. One of the other measures that the Minister introduced in this Bill at the last moment was a provision that enabled the Government to introduce a rate rebate for up to 10 years. While I think all of us would welcome the concept of councils being able to introduce a rate rebate for 10 years, particularly to attract industry to their area, in Committee I will ask the Minister a question in relation to this matter.

I have some concerns about the transparency of such matters. It is my belief that, if we are to introduce such rebates for a long period of time, we should ensure that there is full transparency of such decisions. I also mention that, in Committee, I will move an amendment on behalf of the Opposition to road closures, that is, to section 359 of the current Act.

In relation to the secrecy provisions, which are an important part of the Bill before us, it was pointed out during the Messenger campaign some 12 months ago that in 1995 Adelaide's 26 councils met *in camera* on 364 occasions, with six councils, namely, Adelaide, Thebarton, Glenelg, Willunga, Unley and Mitcham accounting for 220 of those *in camera* sessions. Clearly, there has been a disproportionate use by some councils of the current secrecy provisions, and there is no doubt that they need to be revised. However, it needs to be said that there is some fundamental limitation on this Parliament to prescribe all conditions that might apply to disclosure or non-disclosure.

It is a worthwhile procedure that the new Bill require councils to investigate their own practices and to develop codes of practice within a period of time after this Act comes into operation, so that councils can examine their own procedures on this matter. I believe that, if we are to achieve the required level of transparency of decision-making, we need the goodwill of the elected bodies, because clearly what some people regard as commercial in confidence will not be regarded that way by others. I am sure that the debates on the matter are well known to all members in this Parliament.

With those brief comments, I welcome the Local Government (Miscellaneous Provisions) Amendment Bill and look forward to the Committee stage. I believe that the longer terms of office and the optional postal voting system introduced by this Bill should encourage greater voter participation and serve to strengthen local government.

The Hon. J.C. IRWIN: I support the second reading of this Bill. The amendments in the Bill before us support the Government's structural reform program and therefore need to be in place before the May 1997 local government elections. What we pass today, as we have previously, will be written into the new Local Government Act. In his second reading explanation when he introduced the Bill in the House of Assembly, the Minister stated that the draft Bill, which he intends will replace the present Local Government Act, will be released for public consultation later this year. I assume that that time is not far away.

One of the provisions in the Bill before us will clarify voting eligibility to avoid confusion, particularly in polls of electors when elections must be held as part of amalgamation processes where the board has a capacity to initiate its own reform proposals. Where these proposals are not accepted by the councils concerned, there is a poll provision. I understand that the current Act is not clear about the voting eligibility of persons nominated by a body corporate or a group of persons who are ratepayers. I also understand that there is certainly no intention to exclude any class of electors from voting at these polls. The whole issue of eligible persons nominated by

bodies corporate and groups of persons will come under more scrutiny in the revision of the Act.

Under this Bill, members will be elected for three year terms—an extension of the current two year terms. Under the current Local Government Act, all elected members of local government in South Australia hold office for a term of two years and elections for all members are held in the odd years. Prior to 1984, elected members had two year terms, but elections were held annually at which half the members retired. Members held office for staggered terms, also referred to as 'half in/half out' terms. My term in local government included part of that half in/half out process and the very beginning of two year terms when the whole council came in and came out. In 1984, the then Labor Government proposed three year all out terms, that is, the whole council came up for election every three years and not half in/half out. The then Liberal Opposition favoured four year half in/half out terms. After long debate the current compromise position of two year all out terms was reached, and that was just before I became a member of this place. In 1992, the former Government again tried to introduce three year terms, but Liberal and Democrat members amended the Bill to retain two year all out terms.

The then Opposition was uncomfortable with longer terms together with the all in/all out provision and, since a three year term could not easily be split into two, it preferred to support the status quo until the issue could be debated in the context of the overall reform of the Act. The former Government also included a three year all in/all out term in the draft Local Government Constitution Bill, which was tabled in the Parliament and distributed for public comment prior to the 1993 elections.

In 1995, a discussion paper on accountability and evaluation in local government was released by the present State Local Government Relations Unit. It sought public comment on the appropriate term of office and frequency of elections. Of the 62 responses (and that number embraced just under half the total number of councils at that time), 56 favoured a longer term. Of that number, the majority of responses favoured four year terms, with half the members retiring every two years—although three year terms on an all out basis also had solid support, and several councils indicated that either option would be supported. I do not believe, therefore, that it is a very contentious issue at all. I would be surprised if any move is made to change what is already in this Bill: that is, a three year all out term.

Some interstate comparisons are of interest: the Northern Territory has four year terms and are not staggered, in other words, they are all in/all out four year terms; Queensland has three year all in/all out terms; New South Wales has four year all in/all out terms; Victoria has three year optional terms, that is, all in/all out every three years or annual elections with a third of their councillors retiring; from July this year, Western Australia will have four year half in/half out terms, that is, an election every two years; and Tasmania has four year half in/half out terms every two years. I still have a preference for the staggered term, and I have a preference, therefore, for the staggered term over four years, but I will support the proposals in this Bill for three year all in/all out terms.

I remind members that if the term of office were four year half in/half out terms, the election of the mayor by a council wide vote, that is, a popular vote of all the people in the council area, would be held every two years. This would ensure that a Lord Mayor or municipal mayor who overstepped the mark would have to face the people every two years instead of every three years, which the Bill before us will allow. Since 1986, district councils have had the option of conducting elections by postal ballot in remote areas following a proclamation by the Governor. The Bill proposes to make this an option for all councils to help increase voting participation in local government elections and give councillors greater flexibility.

In other words, the provision under the present Act is only for remote councils, and this proposal will allow all councils the option to use the postal vote. I support the legislation, but I still have a lingering doubt about the potential to manipulate the vote in a postal vote. It was a contentious issue in State elections and in local elections, where there was a provision for postal voting. I remind all members that the provision we are talking about in this legislation allows you the option of either voting all postal or not. You do not have the option of polling booths and postal votes as we have in State elections.

In recent times there has been much public debate and scrutiny by the media about the perceived security and secrecy of council decision making. This Bill strongly reinforces the principle of open government by ensuring that members of the public cannot be excluded from council meetings unless absolutely necessary, and that related documents are not unduly restricted. It also encourages a fully informed debate by councils about whether and when to consider matters in confidence. The Bill proposals that councils cannot make an order to keep confidential certain types of information that is of interest to the public. This information includes: employees' remuneration and conditions of service; the identity of successful tenderers and the reason for their selection; and the identity of land bought or sold and the reason for the transaction.

I can recall publicly criticising the Adelaide City Council, for instance, some years ago when I found out that the councillors received a coded agenda. They had to look up a decoding book, which they had at home, to find out what the council was going to debate and decide upon. A number of other councils had their own ingenious ways of avoiding public scrutiny on certain matters, and I will not go through them all. However, they were ingenious, and they were designed to keep the public in the dark about matters that were to be discussed at council meetings. My view has always been that electors, through the publication of council and committee agendas, should also know the nature of the subject their elected councillors were to discuss. I criticised the Adelaide City Council where, even if the agenda was published, it was in such a code that the general public had not the faintest idea what matter their elected representatives were going to discuss. That was an outrageous position to be in, and that has obviously changed, and this legislation will change it even further. Members of the public do not have to know the intimate—sometimes confidential—details. They do have to know the subject matter so that the proper exercising of lobbying an elected member can take place. I certainly support these new measures in the Bill. I support the second reading of the Bill and the other arrangements it contains.

The Hon. A.J. REDFORD: I rise to support the Bill. My comments will be very brief, given the lateness of the hour. The Bill can be said to fall into four distinct parts. First, there is a provision to tidy up some issues that arise from the boundary reform changes and the Local Government Act amendments which took place late last year, in particular how

the polls are to be conducted or who is to be on the rolls for polls in association with that. As I understand it, that is entirely uncontroversial. Secondly, there is provision to ensure that elected members of council receive full agendas and know exactly and precisely what is to be discussed prior to a meeting. Again, as I understand it, that is also not controversial. The third issue is in relation to the secrecy provisions within the current Act. They specifically relate to the use of *in camera* meetings. In some quarters it has been said we should restrict their use, but it is better described as more clearly defining when it is appropriate to use them, and I will make some comments about that later. The fourth issue relates to terms and elections of councils. The legislation provides for a three year term and for postal voting.

With regard to *in camera* meetings, I note the Hon. Paul Holloway quoted some statistics in which six councils have used the power under section 62 on some 220 occasions, whereas the remaining 60 councils have used it on only 124 occasions. Whilst people on the outside—and particularly in some sections of the media—might think that section 62 is being overused—and I do not disagree with that—it may well be that it has been overused because section 62 does not provide clear direction as to how a council should behave in those circumstances.

It is important to understand the difficult position in which local councils find themselves, particularly when one considers how they are structured and the role they play compared to the parliamentary process and the interrelationship between elected members of Parliament and the Executive arm of Government. Unlike State and Federal Governments, there is no clear delineation or doctrine of separation of powers that operates within the context of local government. If one looks at any agenda at any local government meeting one will see local governments passing by-laws, and in doing so they are exercising a legislative function. One will see councils making planning decisions. In making those decisions, it could be said that they are exercising a judicial function. They are also making administrative decisions and implementing policies of council which clearly fall within the ambit of the Executive arm of Government. No-one would suggest that consideration of Cabinet, documents that go to Cabinet and how Cabinet operates internally ought to be the subject of open government. It is a very important—

The Hon. R.R. Roberts: I wouldn't mind having a look at some of it.

The Hon. A.J. REDFORD: I share that view, but I am sure the honourable member, having been in this place when his Party was in government, would understand the importance, on occasions, of Cabinet confidentiality, because Cabinet deals with very sensitive issues. It is much easier for a State and Federal Government to look at issues such as Cabinet confidentiality, because they are clearly forming an Executive function. They are not performing any legislative or judicial function. Everything they do can fall within the exercise of Executive power.

Councils have a far more difficult job, particularly when one considers that they do not have the administrative resources that are available to a Cabinet Minister and, to some extent, do not have the resources available to the judiciary and to members of Parliament. One can easily imagine that elected members of council who do not have those resources available and who perhaps do not have an appropriate understanding of the differentiation between the three heads of powers as enumerated by Dicey some 400 years ago may confuse the exercise of legislative or judicial functions—and I use those terms in their loosest sense—as being something that might be characterised as confidential pursuant to the provisions of section 62.

I am pleased to see that this Bill gives the council some guidelines. Certainly, clause 8 of the Bill, and in particular the proposed subclause (7), sets out issues where a council cannot make an order under section 62 to prevent disclosure. They include issues such as the prevention of disclosure of remuneration or conditions of services of employees, the disclosure of the identity of a successful tenderer for goods or services and the reasons why a successful tenderer was selected, and to prevent the disclosure of the identity of land that has been acquired or disposed or reasons why there has been such an acquisition or disposal. I hope that when councils establish their code of practice that they will apply a broader exemption than just those set out in the clause to which I have just referred. It seems to me that councils, particularly some of the smaller ones—and I do not say this by way of any criticism—will need some guidance in the establishment of that code of practice.

Whilst I hope the Minister will provide a positive input in that regard, the ball will very much be in the court of the Local Government Association. It seems to me that there is a great opportunity for the Local Government Association to assist local councils throughout South Australia in the development of a proper code of practice that will enable councils to make fair and reasonable decisions in relation to orders pursuant to section 62. I await with some interest to see what the Local Government Association advises councils to do in that regard. I also agree with the final provisions in relation to three year terms and postal voting. I do not believe in the principle of half in half out and I am not that enamoured with the principle of half in half out, which is the principle applying to this place. It seems to me that, if people want to have a change of Government, then they ought to be able to make that decision and not have people who are elected a considerable time earlier under different circumstances and who may well have been discredited hanging around for that longer time. It seems to me that this concept of a 'permanent will' is not one that bears any close examination, but I will not go into that topic any further because time does not permit me.

I also congratulate the Minister and the Government on introducing postal voting. Postal voting, which has been used commonly on the West Coast, has shown that 80 per cent to 90 per cent of people will indulge themselves with that option and it seems to me that it enables very high turnouts to take place in local government elections without the necessity or the requirements of any coercion. I note that the Hon. Paul Holloway said that this seems to indicate some inconsistency on the part of this Government's approach, particularly in regard to the concept of voluntary voting. I must say I am a little disappointed with a comment like that; I expected better from the honourable member. The Government has never ever had an attitude of discouraging people from voting.

The Government has always felt that a person had the freedom of their own volition whether or not to vote or whether or not to attend the polling booth, but the Government has never ever expressed any policy that would be consistent with discouraging people to vote. It seems to me that to say there is an inconsistency in the Government's approach and the Government's approach in relation to voluntary voting is a furphy. I do not want to go down that path and I do not want to encourage members to embark on

a debate on voluntary voting, but it seems to me the logic applied by the honourable member is a *non sequitur*.

Finally, this Bill is important but it is the first of a very significant legislative undertaking in relation to the total reform of local government legislation in this State. I know that the Government is considering a very significant rewrite of the Local Government Act and I know that a consultation process is about to be embarked upon and that this Parliament will have an opportunity to look at these very same provisions when a whole new local government Bill is introduced into this Parliament some time next year. So, as members of Parliament we will have an opportunity to review some of these matters. Obviously, three year terms will not be reviewed at that time, but we will have another opportunity some time next year to see how postal voting went. We will also have some opportunity, albeit only for a few months, to examine exactly how the new provisions regarding secrecy work and I am sure that we will be in a better position to make a decision on that issue in due course. In any event, I commend the Bill.

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

RACIAL VILIFICATION BILL

The House of Assembly intimated that it had agreed to the recommendations of the conference.

IRRIGATION (CONVERSION TO PRIVATE IRRIGATION DISTRICT) AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

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

Leave granted.

This Bill makes minor amendments to the *Irrigation Act 1994.*

One of the major objectives of the *Irrigation Act 1994* was to facilitate the conversion of Government Irrigation Districts to Private Trusts. Irrigators in the Government Highland Irrigation Districts (eight in all) have grasped the nettle and applied for conversion to Private Trusts. The simultaneous conversion of the eight government districts to Trusts is being treated as a single exercise. It is intended that these Trusts commence full operations of the water supply and drainage functions from 1 July 1997.

Each of the districts will require a Board of Management to attend to a number of administrative issues before the Trusts commence full operations. It is intended that the Trusts be formed on 1 January 1997 to allow sufficient time to establish themselves before they commence full operations. To expedite the appointment of the first Boards of Management, provision is being made for these appointments to be made ministerially.

Infrastructure, in some instances, must be shared between an Irrigation Trust and SA Water. This Bill provides for sharing arrangements with security of tenure to both parties. It achieves this by providing that the interest of SA Water can be secured by lease or licence which must be noted on the title to the land transferred to the Trust.

The current provision for a quorum to be constituted of one-third of the members of the Trust is impractical in a number of instances. This provision is being amended to provide some flexibility for each Trust to determine its own quorum.

The current Act provides that a number of forms be prescribed by regulations. This is administratively cumbersome. The requirement, wherever it occurs, is being removed and substituted with a provision for forms merely to be of an approved type.

The fine tuning of the *Irrigation Act 1994* that this Bill represents will further facilitate the conversion of the Highland Government Irrigation Districts to Private Trusts, and the general administration of the Act. I commend this Bill to the House.

The provisions of the Bill are as follows:

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Amendment of s. 4—Interpretation

Clause 3 makes a consequential amendment.

Clause 4: Amendment of s. 10—Establishment of private irrigation district

Clause 5: Amendment of s. 13—Abolition of private irrigation district on landowners' application

Clause 6: Amendment of s. 16—Application for merger

Clauses 4, 5 and 6 provide that the relevant form is to be approved by the Minister.

Clause 7: Amendment of s. 21—Procedure at meeting of trust

Clause 7 makes the quorum requirement for Irrigation Trusts more flexible.

Clause 8: Amendment of s. 27—Application for conversion

Clause 8 provides that the relevant form is to be approved by the Minister.

Clause 9: Amendment of s. 29—Conversion to private irrigation district

Clause 9 amends section 29 of the principal Act. The amendment provides for a transitional period on the conversion of a government irrigation district to a private district during which the district remains a government district. The clause provides for the transfer of land to a new trust with a lease or licence back to the Minister or SA Water. The clause also enables the Governor by proclamation to give to the Minister the power to appoint a board of management of a trust during the transitional period and to delegate powers of the trust to the board.

Clause 10: Amendment of s. 46—Notice of resolution

Clause 10 amends section 46 of the principal Act by requiring that 21 days notice must be given of a resolution of a trust to vary its quorum and by providing that only seven days notice of a resolution to establish a board of management or to delegate functions or powers is required during the transitional period preceding conversion to a private irrigation district.

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

ANIMAL AND PLANT CONTROL (AGRICULTURAL PROTECTION AND OTHER PURPOSES) (INTERIM CONTROL BOARDS) AMENDMENT BILL

Second reading.

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

The prime object of this short Bill is to facilitate the effective operation of local animal and plant control boards during the amalgamation process for Local Government.

A main reason for the amendment is to allow statutory funding of animal and plant control boards by local government and the Animal and Plant Control Commission.

The Animal and Plant Control Act provides for the control of animals and plants for the protection of agriculture and the environment and for the safety of the public.

The Animal and Plant Control Commission which is under the general control of the Minister for Primary Industries is responsible for administering the legislation through local animal and plant control boards.

The Act allows for one or more councils to form a control board to operate in the area of the constituent councils.

Prior to the current amalgamation of councils there were 30 multi council boards and 10 single council boards which employed 75 full time equivalent (FTE) authorised officers.

The council amalgamations present an opportunity to reduce the number of boards after the local government changes have been made.

The proposed amendment to the *Animal and Plant Control (Agricultural Protection and Other Purposes) Act* will facilitate this without prejudice to the current administrative structure which has been established on the recommendations of the Commission.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Insertion of s. 15A

This clause inserts a new section in the Act to deal with the problem that arises when a constituent council of a control board amalgamates with another council. It is provided that the control board in this situation will remain in existence and its area and membership will remain unchanged until a proclamation is made to dissolve the board. If a vacancy occurs in the board's membership during this period, the Commission will appoint a suitable person to fill the vacancy.

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

ADJOURNMENT

At 6.3 p.m. the Council adjourned until Wednesday 27 November at 2.15 p.m.