LEGISLATIVE COUNCIL

Wednesday 18 March 1998

The PRESIDENT (Hon. J.C. Irwin) took the Chair at 2.20 p.m. and read prayers.

PAPER TABLED

The following paper was laid on the table:

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

Border Groundwaters Agreement Review Committee—Report, 1996-97.

LEGISLATIVE REVIEW COMMITTEE

The Hon. A.J. REDFORD: I bring up the sixth report 1997-98 of the committee and move:

That the report be read.

Motion carried.

The Hon. A.J. REDFORD: I bring up the seventh report 1997-98 of the committee.

STATE BUDGET

The Hon. R.I. LUCAS (Treasurer): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.I. LUCAS: As part of the preparation of the Government's four-year financial plan, the Government is considering all possible options to ensure that we not only reduce the level of the State's debt but also have an annual balanced budget. Government decisions on asset sales announced last month indicate clearly the Government's plans to reduce the level of the State's debt and therefore also reduce significantly the almost $2 million a day that we currently pay in interest costs. However, whilst this year's budget is still likely to come in on target, that is, a $1 million surplus, there are considerable financial pressures building over the coming four years.

For example, initial estimates are that wage increases for teachers, nurses and public servants over the coming four years might possibly add up to $400 million annually to the present total wage and salary bill. Recent decisions by the High Court and the Commonwealth Government have, of course, added to the financial pressures on all State Governments.

The Government will continue to be vigilant on all Government expenditure to ensure that high quality services are delivered in the most cost-efficient way. Agencies are currently reviewing all their current expenditure programs, and any decisions about inefficient or ineffective programs will be announced in the budget.

The Government is also considering a range of options to ensure that the revenue side of the budget is able to support the delivery of high quality cost-effective services. For the last four years the Government has broadly maintained a policy of increasing service charges and levies only by the increase in the consumer price index.

However, at a time when the most recent CPI figure for South Australia indicates a decline of 1.1 per cent, the actual cost of delivering these services has in some cases increased by about 4 to 5 per cent because of increases in wage levels of that magnitude. For example, the increase in average weekly earnings for public sector employees in the 12-month period ending November 1997 was actually 6.9 per cent.

The Government has therefore decided that, for the purposes of the 1998-99 budget, an adjustment factor of 4.5 per cent will in general be used for fee and charge increases. This does not mean that all fees and charges will be increased by 4.5 per cent, as in some cases the increase will be of a lower level. For example, the Government's commitment on household electricity prices will mean that any increase will be kept below the CPI figure for the appropriate period.

In some cases the policy of ensuring that charges and levies better reflect the actual cost of delivering the service will mean increases of greater than the level of 4.5 per cent. Cabinet will consider each proposal on a case-by-case basis.

Agencies are currently considering options in a number of areas, and final decisions will not be taken by the Government until closer to the May budget. During 1998-99 the Government will further consider options about future adjustment factors or whether the Government will revert to using the CPI index.

QUESTION TIME

FRINGE FESTIVAL

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for the Arts a question about future funding of the Fringe.

Leave granted.

The Hon. CAROLYN PICKLES: The Fringe Director, Ms Barbara Wolke, has made a number of media statements calling for increased State Government financial assistance for the Fringe. These statements were made in the *Advertiser* of 17 March where it was reported that:

. . . Fringe Director Ms Barbara Wolke called on the State Government to match the funding of private enterprise for the next Fringe festival. She said an increase in Government funding would mean more jobs for young South Australians.

The Hon. L.H. Davis: You can get Terry Plane to write about this.

The Hon. CAROLYN PICKLES: It is like being slapped by a wet sponge, Mr Davis. You have been overlooked by your Party for so many years that you might as well leave now. In the light of comments reported in the media by Ms Barbara Wolke, is the Minister prepared to consider requests for the State Government to increase funding to the Fringe and, in particular, match private sector financial contributions? Of course, we all know that after the Treasurer's ministerial statement the answer will be 'No.'

The Hon. DIANA LAIDLAW: I do not have the figures with me, but I recall that they are of the order of $100 000, and perhaps more, in terms of an increase in funding for the 1998 Adelaide Fringe festival. That funding was signed by the board for the purpose of general operations and productions, and it was supported by the Government. Over $1 million is provided to the Fringe for each festival. How it wishes to use that money to budget for various activities is for the board to determine, not me.

With respect to the honourable member's question, it is important to recognise that the Fringe has not corresponded or communicated with my office at all during the period of the festival or since as to the financial outcome of the Fringe. I have heard of a reported increase in box office of some

12 per cent, on which I congratulate the organisers, and the Fringe makes some $2 from each ticket sold. It also had some added expenses this year through developing its own ticketing system.

While I have not received any advice from the Fringe about the financial outcome of the festival, I await such advice with considerable interest, as I suspect the honourable member does. I believe that she would also accept my view that, until we have seen the financial outcome of the festival, it would be wrong to make any comment about the funding situation, acknowledging the additional funds given by the Government for this festival.

It is also important to recognise that, unlike the Adelaide Festival board, the Fringe board is an incorporated body and it has no Government representation on it. I do not receive minutes of meetings or regular communications because it is an independent private sector board in that sense, charged with responsibility for running the Fringe. That is quite different from the Adelaide Festival board, because all the members of that board are appointed by the Governor, most of them being my nominations approved by Cabinet, although there are representatives from the Adelaide City Council, the Fringe and Tourism SA. The operations are quite different in structure and organisation.

The two operations are also different in that the Festival pays for all its artists whereas the Fringe does not pay its artists, although for a fee it provides public relations and publicity services, assists with the overall marketing of the Fringe, and helps with venue selection. They are very different operations. I highlight those differences in terms of the expenditure structure of the Fringe compared with the Festival; in terms of the reporting arrangements of the organisations and the boards; and in respect of the fact that it would be highly irresponsible for any Minister—and I am not an irresponsible Minister in terms of arts budgets—to make any public statement about the Fringe's finances until the Fringe itself has provided me with its balance sheet following this year's festival.

STATE TAXES AND CHARGES

The Hon. P. HOLLOWAY: My question is to the Treasurer. In view of the statement that he has just made announcing an outrageous increase in levies and charges for this State of 4.5 per cent, I ask:

1. How much revenue does he expect to raise from this hike in taxes and charges?

2. Which services will have increases greater than the 4.5 per cent level, given that the Minister stated that his policy of ensuring that charges and levies better reflect the actual cost of delivering services will mean increases of greater than 4.5 per cent? If he is not prepared to say which services will increase by more than 4.5 per cent, will he rule out increases in water and other basic services?

3. What protection will the Treasurer—

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —provide for pensioners, residents in rural areas and other low income earners from this hike in charges?

4. Following the sale of the Electricity Trust, and other broken promises on behalf of this Government, how does the Treasurer expect any South Australian to believe anything this Government says in the future?

The Hon. L.H. Davis interjecting:

The Hon. R.I. LUCAS: I am indebted to my colleague, the Hon. Legh Davis, for his out of order interjection. The sad fact in relation to the Hon. Mr Holloway and the Hon. Mike Rann is that they really are policy free zones in relation to the business of running Government. They support public sector wage increases for teachers, nurses and public servants and, indeed, are critical of the Government when the Government has not been prepared to meet the demands of unions in that particular area. They steadfastly oppose—as the Hon. Mr Elliott interjected—school closures and other examples of expenditure reduction. They oppose asset sales, even though there is a net benefit to the budget, in terms of trying to meet some of the demands of public sector wage increases—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: We do know that the Labor Party is opposing it. The Hon. Mr Holloway says that we do not know that yet. He ought to speak to his Leader.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: One does not have to be a Rhodes scholar to work that out. Even the Hon. Mr Holloway, with his rudimentary knowledge of financial matters, should be able to work out that particular sum. If he cannot, we would be happy to sit down with him and work our way through it. So, the Labor Party opposes all expenditure reductions, opposes any significant privatisation which might assist the budget and opposes revenue increases. Where is the Hon. Mr Holloway's magic pudding that will allow for increases in public services?

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I challenge the Hon. Mr Holloway, at any stage over the next five sitting days of this session, to stand up in this Chamber, as the shadow finance spokesperson, allegedly, for the Labor Party, and indicate what the alternative policy is. You cannot stand—

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: 'We don't have to worry about that,' says the Hon. Mr Roberts.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order, Mr Roberts!

The Hon. R.I. LUCAS: The Hon. Ron Roberts says, 'We don't have to worry about it.'

Members interjecting:

The Hon. R.I. LUCAS: That is what he said: 'We don't have to worry about it.'

The Hon. T.G. Roberts: I didn't hear him say that.

The Hon. R.I. LUCAS: The Hon. Terry Roberts did not hear him. He has selective deafness. It is obviously a product of too many years with the metal workers, or too many years getting his ears boxed in at the Somerset Hotel: one or the other.

The Labor Party cannot, with any credibility, go on year after year opposing every particular policy initiative in relation to the budget, because if the Labor Party says that there shall be no increase at all in the cost of delivering services and charges to the community in South Australia, is the Labor Party going to say there should be no wage and salary increases for teachers and nurses over the coming years? Is that the Labor Party's policy?

Now there is a strange and eerie silence from the Hon. Mr Holloway. How will the Labor Party afford to pay for quality public services in South Australia? It is a simple question to simple people from a simple Party. If they cannot

answer the question, then they have no credibility in relation to commenting on economic and financial issues in this Chamber.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The Hon. Mr Holloway, desperate to indicate he is a bit quicker off his feet than his Leader, obviously still did not read the ministerial statement. The ministerial statement said that options are being considered by the Government at the moment. The 4.5 per cent will be a general rule but, in some cases, it will be less and in some cases it might be more. Each of those decisions will be taken by the Cabinet in the period leading up to the May budget. Therefore, I am not in a position today to indicate what options will be taken, other than to say that, in the area of electricity pricing in particular, specific commitments have been given. If there are other areas where the Government has given commitments in relation to pricing policies, or if there are contractual or legal arrangements, then clearly on a case by case basis, first, the Minister and, secondly, the Cabinet will address those issues individually and then the Cabinet will make a decision prior to the May budget.

CORRECTIONAL SERVICES, STAFF

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General a question about staffing cuts in the Correctional Services area.

Leave granted.

The Hon. T.G. ROBERTS: I have been reliably informed that at Yatala Labor Prison staffing levels have deteriorated to a point where certainly the Correctional Services officers are concerned about their own safety and the safety of prisoners. The Opposition understands that there will always be isolated incidents outside the control of Governments and, in some cases, outside the control of well-trained correctional services officers. At the moment the staffing levels have deteriorated to a point where people are concerned that, certainly at the Yatala Labour Prison, as a result of a shortage of officers, there is a reduced duty in the care of prisoners and that unsafe work practices are occurring.

It looks as though accountants have again grabbed control of the organising budget and have cut far too deeply into the staffing levels, particularly at Yatala, and that overtime, which is a much more expensive form of use of labour, has been used extensively to cover for shortages within staffing levels. What has happened now is that, because the budgets have been exceeded, overtime is no longer being used and as a result many of the operations carried out by Correctional Services officers have been carried out by either using no supervision, that is, by just using the operational surveillance cameras, or they have been under staffed in relation to the number of prisoners being supervised. The questions I have are:

1. What immediate actions will the Government take to give the CEO some instructions as to addressing some of these serious staffing problems?

2. Why has it taken so long to advertise for staff when it was clear there was a real need last year?

3. Can the Government give assurances that moneys will be made available to address the short-term staffing problems that have led to unsafe practices being undertaken?

The Hon. K.T. GRIFFIN: I will refer those questions to my colleague in another place and bring back a reply. I should say, though, that it is certainly not acknowledged that there is a staffing shortage or that there is any situation of danger. In so far as the detail is concerned, I will have some inquiries made and bring back that reply.

STATE TAXES AND CHARGES

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Treasurer a question about the increase in fees and charges.

Leave granted.

The Hon. L.H. DAVIS: The Treasurer today announced the Government's intention to increase some fees and charges to reflect the cost of the delivery of services. Many of these increases reflect the fact that public sector wages increased by 6.9 per cent in 1996-97, although the consumer price index movement for Adelaide in that same period was a negative 1.1 per cent. My questions are:

1. Could the Treasurer advise whether the proposed privatisation of the Electricity Trust and other State-owned assets will ease the pressure on future increases in State fees and charges?

2. Is it true that Labor Party promises at the last State election—

The Hon. P. Holloway interjecting:

The Hon. L.H. DAVIS: Just listen to this, Paul. This will silence you. Is it true that—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. Roberts: Why didn't you just put this in a press release?

The Hon. L.H. DAVIS: I thought you were interested in facts. I peddle facts, unlike you. Is it true that Labor Party promises at the last State election were costed at $780 million which, if implemented, would have led to a massive increase in State fees and charges?

The Hon. R.I. LUCAS: In response to the second part of the honourable member's question, following the very intensive work the former Treasurer, Stephen Baker, and his hard-working staff, that was a conservative estimate, because they were unable to find the detail of a number of the commitments that the Labor Party, through the Hon. Michael Rann, the Hon. Paul Holloway and Kevin Foley, made during the last State election. On the other hand, the Government, in terms of new expenditure commitments, gave a relatively modest range of new commitments.

The Hon. R.R. Roberts interjecting:

The PRESIDENT: The Hon. Ron Roberts will come to order.

The Hon. R.I. LUCAS: The Hon. Michael Rann's policy is the magic pudding policy. Quite simply, the Labor Party promised hundreds of millions of dollars of new expenditure, far in excess of what the Government was responsibly prepared to commit in terms of the last election campaign, yet we have the Labor Party's opposing, through its finance spokesperson in this Chamber today, an increase, potentially, in some fees and charges of, on average, 4.5 per cent. As I said, if we are to continue to provide quality services we must, in some way, budget for increases in salaries for our teachers, nurses, police and our other public servants.

Do not let me hear in this Chamber the Hon. Paul Holloway's opposing increases in these revenue fees and charges. Do not let me hear in the coming months the Hon. Paul Holloway's opposing the Government's position in relation to wage and salary increases for teachers, nurses, and police if the Government is putting a position that, perhaps,

it cannot afford the 15 per cent, or so, figures that some union leaders are already talking about in terms of public discussion of prospective wage increases. The answer to the honourable member's question, as I said, is that that was a conservative estimate of the Labor Party's commitments on expenditure, should it have been elected at the last election.

In relation to the honourable member's first question, it is quite clear that, in all the work that has been and continues to be done, there will be a significant net benefit to the annual recurrent budget should the Government sell its electricity assets. Any reasonable assessment of the future dividend streams that the Government might be able to get from its electricity assets whilst operating in a competitive national market would indicate that they will decline from the current level of about $200 million. So, the revenue streams will decline. I do not think any commentator with half an ounce of commonsense would disagree with that assessment.

Even with the current interest rate regime, which is historically low, the savings we get from the repayment of debt will significantly outweigh the reasonable assessment of future dividend streams. The Labor Party's position from the Hon. Mr Holloway and the Hon. Mr Rann in opposing electricity assets would mean that the Government would have to look at fees and charges increases of the order of 10 to 15 per cent (or possibly more) because of the potential problems that the Labor Party would create should it be successful in stopping that Government policy initiative.

If the Government did not decide to move solely in the fees and charges area it would mean that under the Labor policy significant new taxes would have to be introduced in South Australia. We know that Gareth Evans and other Federal Labor Leaders have been urging the reintroduction of death duties—

Members interjecting:

The Hon. R.I. LUCAS: 'He was on track,' said the Hon. Mr Holloway—

Members interjecting:

The Hon. R.I. LUCAS: Well, the Hon. Mr Holloway said, 'He's on track.' Either the revenue increases in terms of fees and charges would have to be significantly higher or the Labor Party would have to introduce new taxes and new charges.

The Hon. L.H. Davis: I think you'll have to speak more slowly.

The Hon. R.I. LUCAS: I can't go much slower than this. Alternatively, the Labor Party would have to agree to, or argue, a policy of no wage or salary increases for teachers, nurses and police over the next four years; and the Labor Party would have to argue for a mass closure of schools and hospital services much greater than anything contemplated or introduced by the Government over the past four years. They are the policy options that the Hon. Mr Holloway and the Hon. Mr Rann must consider if they continue with their ill-advised and inappropriate economic and financial policies.

PORT STANVAC

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about the mooring of very large crude oil carriers at Port Stanvac.

Leave granted.

The Hon. SANDRA KANCK: It is my understanding that the 273 000 dead weight tonne oil tanker *Saudi Splendour* was recently moored at Port Stanvac. My office has received information which indicates that tankers the size of the *Saudi Splendour* have the potential to overload the single point mooring (SPM) system currently in use at Port Stanvac. Installed in 1991, the SPM was designed to accommodate tankers with a dead weight capacity of 210 000 tonnes.

In December 1994 Mobil decided to investigate the potential of the SPM system to handle tankers with a greater dead weight capacity than that originally specified. Worley Engineering Australia was commissioned to conduct the review. Worley's brief was to assess the SPM's suitability to take a 278 000 dead weight tonne tanker, which members would work out is 68 000 tonnes more than the SPM was originally designed to handle. The Worley report concluded:

> This analysis has shown that the steady state environmental loads and the dynamic loadings due to swell are acceptable, but that the dynamic loads in short seas are outside permissible limits for the system. This indicates that the mooring is not suitable for the proposed increased vessel size.

I also have information that Mobil sought to bury the unfavourable details of the Worley report. A memo to Bill Woolnough from Harold Weinberg, a senior Mobil employee, states:

> I have had the report for some time. I couldn't make up my mind what to do with it, but have now come to the conclusion that the best thing is NOT to have a report of this nature on file from Worley. The report from Worley should simply record the runs made and make any comments as far as the accuracy of the runs are concerned.

My understanding is that Mobil commissioned another report, by a company called MRDC, to investigate the matter. I also believe that MRDC is a significant contractor with Mobil and, as such, there is the potential for a conflict of interest.

The second report recommended replacing the original hawsers with a nylon hawser as a way of increasing the capacity of the SPM. The hawser connects the ship with the mooring facility. A nylon hawser has greater elasticity and therefore reduces the load between the ship and the SPM, but having a nylon hawser merely transfers the stress to the chains that connect the SPM to piles driven into the sea bed. The real danger here is of a break-out by a tanker moored to the SPM. If that were to occur, there is the potential for environmental devastation on a massive scale.

I remind members that the infamous *Exxon Valdez* had a dead weight capacity of 212 000 tonnes. The recently departed *Saudi Splendour* is but the first of many tankers with far greater capacity than the *Valdez* to be moored to a facility that has been assessed as inadequate. My questions to the Minister are:

1. Did the Department of Transport approve the increase in the dead weight capacity of boats mooring at Port Stanvac?
2. Was the department provided with a copy of the 1995 Worley Engineering Australia report into the capacity of the SPM at Port Stanvac?
3. Will the Minister instigate a fully independent inquiry into the dead weight capacity of the SPM at Port Stanvac?

The Hon. DIANA LAIDLAW: I will obtain advice on the questions, particularly on the explanation of the questions, that have been raised by the honourable member. I have been told that the vessel in question is not the *Saudi Splendour* but the *Saudi Spirit*, a very large crude carrier that came to berth at Port Stanvac last week. I have also been informed that Mobil is operating within the design parameters of the system at Port Stanvac and, as such, does not need to seek departmental approval for such a vessel to use the single point mooring facility at Port Stanvac to which the honourable member refers.

I understand that Mobil has undertaken training in the handling of ships of this size and has also provided a complete set of working practices for the handling of such ships. I have been further informed that at all times Mobil has kept the department informed of its intentions for the use of the single point mooring facility. I would also like to suggest that the honourable member check that her informant here is not a pilot who has recently been retrenched from Port Stanvac and who may have some difficulty in accepting that position and current status.

ADELAIDE FESTIVAL

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for the Arts a question about the Adelaide Festival.

Leave granted.

The Hon. J.S.L. DAWKINS: I have noted the wide acclaim for the recently concluded Adelaide Festival, under the guidance of its board and management and the artistic direction of Robyn Archer, and for the Fringe. One of the highlights for many was the number of South Australian artists and companies that participated. As the inclusion of so much local work proved such a popular component of this year's Festival, will the Minister advise whether the Artistic Director intends that South Australian artists and companies will feature prominently in the Festival in the year 2000?

The Hon. DIANA LAIDLAW: The honourable member would be aware that Ms Robyn Archer is the first Artistic Director who has ever been appointed for two Festivals, the one we have just enjoyed and that of the year 2000. As a South Australian actor and singer with an international reputation and who gained early opportunities here before going to London and elsewhere, she is particularly keen to ensure that, through her position with the Festival, she can provide for other South Australians to gain experience at the Festival, to showcase their work and, hopefully, to gain more opportunities for performance beyond this State—certainly, to gain acclaim in interstate and international forums.

That is certainly what Robyn has lobbied for with the board and with the Government, and it was the reason why this Government last year gave $1.5 million, of which $500 000 is to be allocated for the Festival this year in order to ensure an increased proportion of South Australian companies and artists in the Festival. We certainly saw that. A further $1 million is to be spent on the year 2000 Festival for more collaborations and commissions between South Australian companies and international work. Some of that $1 million has already been spent, and Robyn leaves today or tomorrow for Japan to spend some of the money on some international collaborations. So, while the $1 million is for the year 2000 Festival, those funds are already being spent for that purpose.

What I think is particularly thrilling, in terms of the South Australian work, is that is this is no token effort by Robyn or by the Government. South Australian performers and companies that appeared in the Festival program have brought great acclaim to this State. The *Australian*, in terms of the Festival's top 10 attractions, listed Mary Moore's production of *Masterkey*—

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: It was excellent—as No. 3. This was a collaboration with Adelaide poet Miriel Lenore and was a box office success—a sell-out. That is certainly extraordinary acclaim, but with the variety of work from interstate and overseas that was in the program, to see the South Australian production No. 3 in the top 10 attractions is just the mightiest of efforts. I also want to highlight Brink Productions, a young South Australian company of graduates, only two years out, I think, from the Centre for Performing Arts and Flinders University. They were awarded the grand prize by the Fringe critics for their two productions *Mojo* and *The Dumb Waiter*. In terms of the critics, they received the top prize of all performances: international, interstate and local. That is a top effort, and you can see that the actors involved with Brink Productions essentially will have the best recommendation and an amazing stepping stone for their future careers arising from that award at this Festival.

In terms of those two productions, Arts SA, separate from the Festival, contributed $10 000, and through some discretionary funds in my lines $12 000 was contributed to their work. Both those examples I have just named highlight what the State Government is trying to do overall in terms of a focus on emerging artists in this State and providing opportunities for excellence.

In that sense I would like to highlight the really exciting relationship that was established with the Adelaide Symphony Orchestra. This was, I understand, the first time that any orchestra anywhere in Australia has ever performed with members of an Aboriginal band. It was exciting to see the performance *Music is Our Culture* at Thebarton Town Hall last Friday, where there were four representatives of the Aboriginal community—

The Hon. R.R. Roberts interjecting:

The Hon. DIANA LAIDLAW: Aren't you interested in what the Aboriginal community is doing in terms of—

The Hon. R.R. Roberts: I'm interested in our Question Time being wasted.

The Hon. DIANA LAIDLAW: Well, it is not a waste of time if you celebrate—

The Hon. R.R. Roberts: Move a motion and you can speak all day.

The Hon. DIANA LAIDLAW: I do not have a motion on the Notice Paper. I think the arts communities and the young people have just excelled in the arts. The fact that the Hon. Ron Roberts does not find it acceptable to use two or three minutes of this Parliament's time to acknowledge the success of representatives of print productions or Mary Moore is a shame. It is highly interesting to see the lack of respect. The honourable member would rather be gallivanting overseas on a free Government trip rather than spending time at the Festival or commending South Australian artists who have strived hard to excel and who I suspect will always provide a much better recommendation for South Australia than you ever will. So, it is thrilling to see organisations such as the Adelaide Symphony Orchestra working with the Aboriginal community in totally new forms of bringing the music together.

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order! The Hon. Ron Roberts will come to order.

The Hon. DIANA LAIDLAW: It is a credit to the Adelaide Symphony Orchestra that it will be televised across Australia. Those initiatives are some of the great things that have come from the Festival in terms of opportunities for South Australians. There are more and more—Leigh Warren, Meryl Tankard, the State Theatre Company and the Red Shed.

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: No white card and fully paid as sponsorship. It is not like the Labor Party that simply sponged.

ROAD TRAINS AND SEMITRAILERS

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about road trains and semitrailers.

Leave granted.

The Hon. G. WEATHERILL: Recently I had a meeting with some truck drivers who have worked in the truck driving industry for the last 30 years. They have also driven road trains and semitrailers over that period of time. Some of these truck drivers have started working for a new company and were prepared to talk about some of the shonky practices that some of these companies use in terms of interstate road trains and semitrailers. The first issue that they highlighted were logbooks. South Australia, Victoria, New South Wales and Queensland have regulations which require the use of log books. Western Australia and the Northern Territory do not. The idea of log books is to reduce the number of hours a person is on the road and therefore make it safe not only for the driver but for other road users.

Another issue concerned that of working hours. Some of these companies required that the truck drivers start work at 5 or 6 a.m., work until 2 or 3 p.m. and then drive one of these trucks for the maximum amount of time. The company insisted that they work these long hours. What surprised me more than anything else when they discussed these matters with me was the fact that it is so easy to get multiple log books in the States that provide log books. So, if they are pulled up at any time they can produce one log book, but if they travel in excess of their time they can produce another log book. It was suggested that all they have to do is give a silly excuse, such as there being a fire in the cabin, it was lost, etc., etc. and they are provided with an additional log book. That was quite amazing.

They also spoke to me about the inspection of trucks. One driver raised the issue of road trains. Apparently, a lot of strain and stress is put on not only the chassis but the tow bar of these two or three trailer road trains when they drive along unsealed roads. One person said that the metal changes in elasticity and actually crystallises but that this is not inspected at all. Apparently, they leave the third trailer in Port Augusta before they get into the metropolitan area. These issues that they raised with me about the stress to the metal and its undergoing this massive change relate to why a lot of the parts actually snap. There is nobody to pull these people up and say, 'Just a minute, let's examine this truck'—

The Hon. M.J. Elliott: There's no inspection.

The Hon. G. WEATHERILL: Yes, there is no inspection.

The PRESIDENT: Order! The Hon. Mr Weatherill is debating the question. Please finish your explanation.

The Hon. G. WEATHERILL: Will the Minister investigate these assertions from the drivers and find out how easy it is to get extra log books? Are any inspections carried out? Are any tests done on the stress to the metal in the chassis and the tow bars?

The Hon. DIANA LAIDLAW: The honourable member would be aware that for all heavy vehicles a six-monthly inspection is undertaken by Transport SA. In terms of the log books I appreciate that there are concerns about their use, and I have spoken to some drivers about that in the past. It has been raised by transport Ministers across Australia at the Australian Transport Conference. We meet again next month and we will be discussing further recommendations from the National Road Transport Commission for commercial driving hours national legislation. I hope that that legislation, together with new enforcement practices, will see some of the practices that the honourable member has referred to removed. I would argue, as the honourable member has expressed, that such practices are absolutely unacceptable for the drivers, their families and road safety in general. Certainly, such practices represent a danger to other road users.

In terms of the A-doubles that now travel through the northern metropolitan area, they can only come through if they are accredited operators. The honourable member may be interested to know that, unlike anywhere else in Australia, the accreditation system for operators using the north of Adelaide requires drivers to undergo health checks. I think that that is a really important reform, too, because some extraordinary pressures are placed on drivers. Further, some drivers own their vehicles (it is not only those who work for a company) and, in paying off that truck, may place themselves under considerable stress in terms of the hours they work to capture business. I would be very interested not only to follow up the issues but to meet with the drivers the honourable member has met. If the honourable member wishes to be present at such a meeting to see how we can get on top of some of these issues in the next couple of weeks, I would be pleased to make such arrangements. I will get further advice on other questions.

WEST BEACH TRUST

In response to **Hon. T.G. CAMERON** (26 February).

The Hon. DIANA LAIDLAW: The West Beach Trust has used recycled effluent water from the Glenelg Treatment Works for irrigation for over twenty-five years. During that time the Trust has extended the irrigation pipe-work system to all parts of the Reserve.

Over the last seven years the previous manual day time watering programs have been progressively changed to night time application following the upgrade of systems to automatic operation.

In 1997 the Environment Protection Authority (EPA) prepared the SA Reclaimed Water Guidelines.

Following inspection and discussion with officers of the EPA and the Health Commission, it was agreed that some parts of the West Beach Recreation Reserve will require significant capital and ongoing expenditure to enable compliance with the guidelines.

In recognition of this, interim irrigation conditions for the 1997-98 summer season have been agreed with the Health Commission to enable discussion and evaluation of the options to be completed prior to the next summer season.

The interim conditions allow for:

- Sports fields (Barratt Reserve and Anderson Reserve) to be watered by automatic systems overnight commencing as soon as the areas are free of people.
- Patawalonga Golf Courses (South Course and North Course) to be watered by automatic irrigation overnight to commence as soon as holes are clear of golfers. A full time-frame from the time the last golfer leaves a hole at night to the first tee off in the morning is needed to water the entire golf course to maintain turf growth.

  Day time spot watering has been agreed to facilitate the need to water in fertilisers, pesticides etc., or in peak temperatures to provide water to stressed greens. To minimise day time watering, staff commence at 5 am when carrying out most of the fertilising tasks. In the evening and early morning, automatic watering systems may be seen operating but will be on areas of the course not occupied by golfers.
- Accommodation areas (Marineland Holiday Village and West Beach Caravan Park).
- Those areas west of Military Road are watered mainly by effluent water in open space areas and by mains water in compact areas such as around cabin accommodation.

- All effluent taps and sprinklers have a tag attached, warning that the water is treated effluent.
- Automatic systems, where installed, operate from midnight to 6 a.m.
- Watering around units when visitors are not attendance continues.
- The southern end of the caravan park when not in use can be watered with impact sprinklers but other areas are to use non-impact capital sprinklers.
- Watering times are not limited to between midnight and 6 a.m. because of their manual operation.
- The area between West Beach Caravan Park and the Marineland Holiday Village may be manually watered between 6.30 a.m. and 11.00 a.m.
- The sand dunes beachside row of sprinklers can be operated as required other than during windy conditions.

The Trust used its best endeavours to meet the guidelines whilst maintaining customers' expectations of turf coverage and I am advised that there were no requests for the Trust to desist from watering in accord with the interim irrigation conditions. The Trust is also committed to improving its watering practices, and intends to upgrade its practices by next summer.

WEST BEACH TRUST

The Hon. DIANA LAIDLAW: I seek leave to read into *Hansard* a reply to the Hon. Mr Cameron's question yesterday on this subject.

Leave granted.

The Hon. DIANA LAIDLAW: The practice of using treated effluent water outside a midnight to 6 a.m. time frame assumes that the restrictions applying to the West Beach Trust Recreation Reserve are similar to the City of Holdfast Bay. The West Beach Trust has an interim licence that permits varying water activities during the daytime.

Every powered site in the caravan park has a mains water tap, and over 500 taps are available throughout the park. Meanwhile all of the inground quick coupling irrigation valves have a tag at the connection and at the sprinkler advising that the water is unsuitable for drinking. It is difficult to contemplate the circumstances that could give rise to children drinking from taps and caravan users filling kettles and caravan water tanks with treated effluent as the honourable member alleges.

Throughout the accommodation areas, manual sprinklers are used in accordance with the interim licence with tags attached to the sprinklers advising that the water is not fit for drinking. Also notices are displayed around the property in accordance with the licence from SA Water. To ensure that there is no ambiguity in the message conveyed to guests of the park and the village, additional signs—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: Additional signs—in addition to what SA Water has sought—are being installed today, indicating that treated effluent is used for irrigation. These are in addition to the notation on the customer's receipt regarding the use of treated effluent water for irrigation.

The park and village do not have fully automated systems due to the inability to water around accommodation units when guests are moving about, hence the use of a manual system to undertake watering when units are either not let out or the occupants are out of the unit for a period of time. No normal watering is undertaken between 10 a.m. or after 3.30 p.m. around these units.

The reference to an interstate women's marching team practising on village grounds and marching through the spray to be cooled are incorrect, according to the manageress of the Sentinels Marching Team from Castlemaine, Mrs Lightburn. The team was allocated an area for practice. When Mrs Lightburn was contacted yesterday afternoon, the Chief Executive of the West Beach Trust (Mr Ron Shattock) was assured that, at all times, his staff were very cooperative, particularly in respect of the watering, as they made the area available without water and undertook their watering program taking account of the girls' training requirements. At no time according to Mrs Lightburn were the girls subjected to water spray.

Similarly, the report of persons using umbrellas to protect themselves from spray on the golf course is incorrect. Irrigation on the golf course commences in the evening after the last golfer has hit off and concludes in the morning before the first golfer hits off. If golfers were noted on 11 March using umbrellas, I remind the honourable member that the temperature that day was 39° and they may well have been protecting themselves from the sun, as they would have been most wise to do, by the use of an umbrella.

The Hon. Mr Cameron's reference to solving the problem by adjustments to the computer controlling the irrigation system is not sound as currently only the golf course operates through a computerised system and is watered overnight, with licensed provision to water greens and around greens during the day if water is required under unusual circumstances.

GAMBLING REVENUE

In reply to **Hon. CAROLINE SCHAEFER** (25 February).

The Hon. R.I. LUCAS: The attached table details the contribution of taxes on gambling to total taxes, fees and fines for South Australia and all other jurisdictions for 1996-97. It also shows the contribution of taxes on gaming machines to total taxes on gambling.

Gambling Revenue for all States and Territories, 1996-97 (p)

	NSW $m.	VIC $m.	QLD $m.	SA $m.	WA $m.	TAS $m.	NT $m.	ACT $m.	Total $m.
Taxes on Gambling									
Taxes on gaming machines	534	626	186	133	1	_	_	26	1 506
Taxes on other forms of licenced gambling	675	531	361	141	169	62	28	23	1 992
Total	1 209	1 157	547	274	170	62	28	49	3 497
Total taxes, fees and fines	12 313	9 174	4 554	2 234	2 751	672	308	611	32 617
Taxes on gambling contribution to total taxes, fees and fines	9.8%	12.6%	12.0%	12.3%	6.2%	9.2%	9.1%	8.0%	10.7%
Taxes on gaming machines contribution to total taxes on gambling	44.2%	54.1%	34.0%	48.5%	0.6%	0.0%	0.0%	53.1%	43.1%

Source: ABS, Taxation Revenue, 5506.0, 1996-97
Note: 1997-97 figures are preliminary

MOTOR ACCIDENT COMMISSION

In reply to **Hon. P. HOLLOWAY** (25 February).

The Hon. R.I. LUCAS:

1. The Government intends to ensure that the Compulsory Third Party fund will continue to provide equitable compensation to parties who are not at fault and are genuinely injured in motor vehicle accidents. This has necessitated close consideration of the cost control measures proposed by the Motor Accident Commission. It is currently anticipated the draft legislation should be introduced to Parliament this Autumn to give effect to the proposals accepted by the Government.

2. To the extent that cost control measures are not implemented as a result of action by either the Government or Parliament, future third party premiums will be higher than otherwise would be the case.

3. It is customary at this time of the year, for the Motor Accident Commission to consider the required level of premiums for the next financial year. Any recommendation made by the Motor Accident Commission is a decision for its Board and the recommendation is made to the independent Third Party Premiums Committee ("TPPC") for a determination which is provided to the Minister for Transport.

As the TPPC is an independent body with the powers of a Royal Commission, it is not considered appropriate for the Treasurer to speculate on the likely outcome of its deliberations.

WORKER SAFETY

In reply to **Hon. T. CROTHERS** (11 December 1997).

The Hon. R.I. LUCAS: The Minister for Government Enterprises has provided the following response:

1. Honourable members will be well aware that the SA workers' compensation scheme administered by the WorkCover Corporation is funded by levies raised from non-exempt employers, in accordance with the risk of the industry the employer is in and then, if the employer is of a certain size or risk, adjusted by a bonus or penalty, depending on the claims experience of the employer concerned. Exempt (or self-insuring) employers contribute a percentage of their industry levy rate, as a contribution to the administration costs borne by the WorkCover Corporation in administering the exempt employers and the appeal mechanisms available to all SA workers and employers.

2. Generally speaking, the Honourable Member's statement is correct; an increase in the number of compensable injuries to workers engaged by non-exempt employers, in part, requires a greater levy contribution from employers. But it is more the costs associated with compensable claims and the time taken to return the worker to fully productive work which affects employers' levies. They are also affected by the capacity of the Corporation to impose levy penalties on the employers who have experienced the greatest number of injuries.

3. The proposition is also correct that if the WorkCover Corporation experiences significant cost increases then these cost increases must be passed onto employers. This might occur in one of three ways;

(a) through an increase to the average levy rate for all non-exempt employers to cover current and anticipated future costs across the scheme;
(b) through the industry levy rate increasing in the event that the cost increase relates to a specific industry; or
(c) through a specific employer being required to pay a levy penalty as a result of increased risk on an individual basis.

4. The honourable member is also correct in his proposition that increased WorkCover costs can detract from South Australia's capacity to attract new industrial investment. Steps taken by the Government in recent years have ensured SA's workers compensation levies have remained stable, unlike some other States. I am also pleased to advise the Council that the need to ensure South Australia's workers' compensation costs are nationally competitive is precisely the reason that the Government's Workplace Relations and Safety policy, taken to the people in the October 1997 election, referred to objectives of reducing the incidence and cost of claims and keeping WorkCover levies at nationally competitive levels.

5. Although the honourable member is correct in his first four propositions about the State's workers' compensation and occupational health and safety systems, it would be impossible to draw a direct link between the time taken to investigate a work-related accident; the underlying rate of workplace injuries; and the likelihood of cost increases to the workers' compensation system. Honourable Members will be well aware that the reasons for investigating and possibly prosecuting over a workplace injury are not directly linked to matters of workers' compensation cost. It would also be inappropriate to accept, at face value, the suggestion by the legal firm referred to by the honourable member that the inspectorate is somehow underfunded or otherwise lacking in quality resources.

6. The Council is assured that the occupational health and safety inspectorate is fully focussed on the need to assist employers with improving occupational health and safety in their workplaces. This is one of the chief reasons the Department for Administrative and Information Services, which contains the inspectorate, has been trialing a series of important change processes over the past year. By working directly and proactively with businesses or industries at risk, there is a greater chance of ensuring that prevention of injuries becomes a reality and that the incidence of injuries decreases, both generally and within specific industries. Although the investigation and, in circumstances where it is warranted, prosecution of single workplaces or workers is important and necessary, it is vital that we do not lose sight of the fact that the most effective preventive work done by the occupational health and safety inspectors is working constructively with workplaces and industries to identify, remove and control the hazards which they face.

AUSTRALIAN ARID LANDS BOTANIC GARDEN

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Minister representing the Minister for Environment and Heritage a question about the Australian Arid Lands Botanic Garden.

Leave granted.

The Hon. IAN GILFILLAN: Page 10 of the State Government's environment and natural resources policy states:

> A Liberal Government will continue to support the staged development of the Australian Arid Lands Botanic Garden at the 200 hectare site north of Port Augusta.

I quote also from a newsletter of the Friends of the Australian Arid Lands Botanic Garden, Port Augusta, this year, as follows:

> Thanks to those friends who have written to raise the issue of Government assistance to the garden. Responses have not been very positive but if pressure is maintained we may get a favourable response in the longer term. Friends who feel so inclined are urged to write to, phone, fax or e-mail Premier Olsen, local member Graham Gunn, and the new Environment Minister Dorothy Kotz, questioning this aspect of their policy and asking for at least some financial contribution for the garden.

I ask the Minister:

1. What is the meaning of the quoted statement from the Liberal Party policy?
2. Does it mean any financial contribution is to be made?
3. If so, how much and when, or is it just another example of a promise that was never intended to be fulfilled?

The Hon. DIANA LAIDLAW: I will seek an answer to the honourable member's questions and bring back a reply.

TOBACCO LITIGATION

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning, representing the Minister for Human Services, a question about tobacco litigation.

Leave granted.

The Hon. NICK XENOPHON: I refer to a report in the *Advertiser* of 14 November 1997 headed, 'State looks at anti-tobacco lawsuit'. That report by Phillip Coorey indicated that the State Government was considering taking legal action

against tobacco companies to recoup hundreds of millions of dollars that smoking-related illnesses have cost the community. The Minister (Hon. Mr Brown) was reported to have revealed that the Solicitor-General was in the United States studying actions mounted against tobacco companies. The Minister was quoted as saying:

> We are looking to see if there's any lessons [sic] to be learned in South Australia—in particular, any litigation against tobacco companies.

This follows 39 US States taking action against tobacco companies with a $US368.5 billion settlement from tobacco companies, which in South Australian terms on a per capita basis would translate to a payout of $2.7 billion.

Given figures from the Office of Action on Smoking and Health that the health and economic costs of smoking in this State are some $1 billion a year, with some 1 500 South Australians dying each year from smoking-related illnesses, and given that Neil Francey, a leading Sydney barrister who has pioneered tobacco litigation in this country is of the opinion that there is no reason why a State Government could not prove such an action and is further of the view that the Trade Practices Act has significant advantages over the remedies that have proved successful in the US, my questions are:

1. What progress has been made with respect to the Minister's investigations as to issuing proceedings against tobacco companies for the recovery of health costs?

2. Given the significance and sensitivity of the Minister's commendable initiative, will the Minister support a policy of Government members refusing to accept gifts or donations from tobacco companies?

3. Is the fact that Phillip Morris Limited has offered gifts of dinner and tickets to the Billy Joel/Elton John concert tonight to a number of members, particularly Government members, indicative of increased lobbying of the Government by the tobacco industry or does it indicate a confidence on the part of the tobacco lobby that the Government's commitment to investigating this litigation is now flickering, to quote Elton John, 'like a candle in the wind'?

The Hon. DIANA LAIDLAW: I will refer the honourable member's question to the Minister for Human Services. However, I shall refer large parts of the question to the Attorney-General as well, and I will seek to get an answer promptly for the honourable member.

MATTERS OF INTEREST

RANN, Hon. M.D.

The Hon. L.H. DAVIS: I direct my attention to the extraordinary verbal acrobatics of the Leader of the Opposition (Hon. Mike Rann) in another place. The Hon. Mike Rann is known, not always fondly, amongst his colleagues as 'the fabricator'. That is a term which can also be described in a range of ways: a fibber, a perjurer, a falsifier, a fabricator (as he is best known amongst his colleagues), a prevaricator, a deceiver, a spinner of yarns, a simular, a distorter, a trifler with the truth, a dissembler or, indeed, a confabulator.

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order! The Hon. Mr Roberts is out of order.

The Hon. L.H. DAVIS: Those words all sum up quite nicely the Hon. Michael Rann. On Thursday 26 February, the Leader of the Government in this Chamber drew attention to a rather remarkable observation by the Hon. Mike Rann. On Saturday 11 October, the day of the election, in a final wrap-up of opinions of the Leaders, an article in the *Advertiser* bylined by Greg Kelton and Miranda Murphy quoted the Opposition Leader, Mr Rann, as saying that he was happy with Labor's positive campaigning over the past 28 days. The disgraceful advertisements which went out, largely authorised by Ian Hunter, a Labor Party official, in the electorates of Mitchell, Florey, Hartley, Kaurna, Reynell, Colton and Hanson, where there were extraordinary allegations of travel rorts, were the worst pamphlets I have seen in the time that I have been in this place. If that was positive, if that was not an extraordinary distortion of the truth, I do not know what is.

Then the Hon. Mike Rann was quoted in the *Advertiser* as saying that the Liberals had outspent the ALP by 6:1 on television advertising. He was quoted later in the Labor Party *Herald* saying the same thing. In that publication of December 1997, under the heading 'Putting the Conservatives on Notice: Mike Rann', he is quoted as saying:

> The Liberals' campaign was enormously expensive. They had much more money than we had and spent up to $3 million on negative TV and radio ads attempting to identify me with the State Bank.

That is a pure fabrication, and I seek leave to have inserted in *Hansard* a table purely of a statistical nature which proves this point.

Leave granted.

Leeds Media & Communication Services
1997 South Australian State Election Advertising Expenditure Estimates
Source: AIM Data

Party	W/C 14/9/1997 $	W/C 21/9/1997 $	W/C 28/9/1997 $	W/C 2/10/1997 $	Total $
Australian Liberal Party					
Metropolitan Television	43 000	71 000	67 000	147 000	328 000
Metropolitan Newspapers	1 000	-	-	30 000	31 000
Metropolitan Radio	9 000	9 000	9 000	7 000	34 000
Total	$53 000	$80 000	$76 000	$184 000	$393 000
Australian Labor Party					
Metropolitan Television	6 000	54 000	79 000	172 000	311 000
Metropolitan Newspapers	-	-	-	35 000	35 000
Metropolitan Radio	16 000	11 000	15 000	10 000	52 000
Total	$22 000	$65 000	$94 000	$217 000	$398 000

Leeds Media & Communication Services
1997 South Australian State Election Advertising Expenditure Estimates
Source: AIM Data

Party	W/C 14/9/1997 $	W/C 21/9/1997 $	W/C 28/9/1997 $	W/C 2/10/1997 $	Total $
Australian Democrats					
Metropolitan Television	-	-	16 000	14 000	30 000
Metropolitan Newspapers	-	-	-	-	-
Metropolitan Radio	-	-	-	-	-
Total	-	-	$16 000	$14 000	$30 000
Total All Parties	$75 000	$145 000	$186 000	$415 000	$821 000

The Hon. L.H. DAVIS: This shows quite clearly that, in the four-week campaign leading up to the State election, the Labor Party outspent the Liberal Party in advertising: $398 000 on television, newspaper and radio advertisements in the metropolitan area versus only $393 000 for the Liberal Party. So, he outspent us by $5 000. Yet Mike Rann, Leader of the Opposition, in December, two months after the election, having had an opportunity to check and double check what he said on 11 October (that the Liberals had outspent the Labor Party 6:1) said that we had spent $3 million on advertising, when the highly respected Leeds Media and Communications Service extracted the official expenditure estimates for advertising during the election campaign.

That is pretty typical of the member for Ramsay, who was first elected to Parliament in 1985. He became a member of Cabinet in December 1989 and he remained a Cabinet Minister until the December 1993 election. It is worth noting that, during that time, the Commonwealth Bank and Qantas were privatised by the Federal Government. At that time John Bannon, as Premier of South Australia, was also Federal President of the Labor Party. Not a squeak, not a voice was raised against privatisation of the Commonwealth Bank or Qantas at the State level. Then the Hon. Mike Rann presided over the agreement to privatise the State Bank and to sell off the South Australian Gas Company shares.

The PRESIDENT: Order! The honourable member's time has expired.

ELECTRICITY, PRIVATISATION

The Hon. T. CROTHERS: It is not surprising that today I wish to grieve—and it is a mighty big grieve—on the question of the future of the State's energy. Along with many thousands of South Australians, I have in my possession policy document No. 18 with the logo of the Liberal Party, issued prior to the last State election. It is subtitled 'Focus on Energy' and headed 'Rebuilding South Australia'. The first paragraph on page 3 of that document states:

> While other States are privatising their energy assets, the Liberal Government is committed to retaining South Australia's facilities in public ownership.

Further down the page the document states:

> The Liberal Government does not intend to change the legislative protections which preserve electricity assets for the State.

That page carries the signatures of John Olsen, Premier of South Australia, Stephen Baker, Minister for Energy, and Graham Ingerson, Minister for Infrastructure. On page 4 of the same document, headed 'Executive Summary', the document states:

> We are committed to:
> · maintaining the legislative protections relating to control over South Australia's electricity assets.

So that there could be no doubt in the mind of the State electorate, on page 6 of the document under the heading 'Electricity Assets', a statement is made which defines what is meant by the previous statement, as follows:

> Section 47A of the Electricity Corporation Act of 1994 protects the assets of ETSA from divestment unless approved by both Houses of Parliament. We have no intention of changing that protection.

That is what was said in the Liberal Party's policy statements prior to the last election.

The Hon. T.G. Roberts: Well ferreted out!

The Hon. T. CROTHERS: One does not have to be a Terry Roberts or an Einstein to understand that this is a gross act of political incompetence when, some six months later, we see that the Government has completely changed its stance. Two of the three signatories are still the two leading office bearers of this Parliament: the Premier and the Deputy Premier. This was either gross incompetence or it was a gross untruth aimed at and designed for securing the re-election of the Olsen-led Government to office.

The Hon. T.G. Cameron: And they nearly failed.

The Hon. T. CROTHERS: And they almost failed at that; quite correct. The Government has made a commitment to the people of this State. It must be remembered that ETSA is the people's asset. The Government has no mandate now or in the life of this Parliament in respect of changing horses in midstream. They have no mandate whatsoever to privatise that asset of the people—unless they indicate that they were guilty of an untruth in respect of electoral gain or that they were guilty of gross incompetence. I know that some backbenchers in both Houses are very nervous about this sale going ahead, because people do not forget lies and broken promises. ETSA stands in mute and silent testimony to the late, great Sir Thomas Playford, who saw the need to buy ETSA so we could not be trampled over by the Eastern States when attracting industry. That tenet of his philosophy still stands any test you apply today. If other forces have been told of our capacity to generate electricity, we will be held to ransom and put to the test. I also wonder what is meant by today's statement from the Leader that charges are to be increased by 15 per cent.

The PRESIDENT: Order! The honourable member's time has expired.

RURAL POVERTY

The Hon. IAN GILFILLAN: An article in the *Advertiser* of 14 March with the headline 'Poverty trap "a national problem"' stated:

> Almost 5.5 million Australians live in or near poverty, a situation the Governor-General, Sir William Deane, has branded as an 'overwhelming national problem'.
>
> A new report says poverty has increased so much over 25 years that almost a third of Australians now live in poverty, compared with just over 20 per cent in 1973.

Those are dramatic and stark statistics. I want to use the amount of time that is allocated to me to emphasise one area of poverty where, unfortunately, because of the remoteness of many of the people who suffer it—the rural community—it is not given as much attention as the general, overall problem of poverty in the community.

In the *Advertiser* of 17 March, an article appeared on page 7 with a large headline which read, 'Farmers' hard labour—one in 10 families forced to seek financial advice.' It stated:

> More than 10 per cent of farming families sought financial counselling last year, dispelling the myth that the hard times were over for rural South Australia. A small number of farmers have also received food parcels or had financial support to pay essential bills in recent months to enable them to survive.
>
> The South Australian Rural Counselling Services said yesterday that 1 206 farmers—including 499 new clients—sought help from counsellors last year.

The article further stated:

> The counselling services State president, Mr Rudi Cinc, said the large numbers seeking help indicated a serious problem still existed. . . 'Mostly the problems are financial when the people don't know which way to turn,' Mr Cinc said.
>
> Mr Cinc said the 12 rural counselling services in South Australia were being evaluated to determine whether demand exists for the service to continue next financial year and urged all farmers to comment.
>
> The President of the South Australian Farmers Federation, Mr Wayne Cornish, also strongly supported retention of the service. 'There is no doubt the problems are still there—they will always be—and we are not putting our head in the sand and saying they don't exist,' he said.
>
> The President of the Country Women's Association, Mrs Marie Lally, said the problems in rural areas were not getting any better. The CWA had provided more than $9 000 to pay for food parcels, as well as phone, electricity, gas and car bills to help rural people in trouble in the past year.
>
> Mrs Lally said the financial problems sometimes led to domestic violence and the CWA had just released a domestic violence kit to help rural women.

It is not a happy story, Mr President, and I am sure from your experience in rural South Australia that you would know that often the plight of rural South Australians, if not ignored, is treated with a sort of gentle lack of concern and only token reaction.

It is therefore a matter of serious concern to me that the Rural Counselling Service has no guaranteed future. In that regard I refer to a letter from the Minister (Hon. Rob Kerin) dated 21 March in 1996, in which he said that a commitment had been given to the level of support to continue until at least 1998. We are in 1998 and the rural community of South Australia is crying out not only for a continuation but an enhancement of resources for rural and financial counselling. It cannot contemplate a depletion of the service.

It is interesting to refer to an answer given by another Minister, the Hon. Diana Laidlaw, to a question relating to child poverty asked by the Hon. Carmel Zollo. The Hon. Diana Laidlaw said:

> Responses by Government and the community need to be both preventative and remedial; i.e., to deal with the forces that create vulnerability as well as providing a safety net for those in greatest need.

What wonderful words; I just plead with the Government to show the evidence that it means it.

Those silent thousands of South Australians—1 206 farmers were listed as having sought counselling advice—have families, children and relatives involved in sporting, educational and health situations where they just do not have the financial resources to match that of their metropolitan counterparts in South Australia. So, my words are a plea for the Government of South Australia to increase assistance for those suffering poverty in rural South Australia.

The PRESIDENT: Order! The honourable member's time has expired.

SPEED CAMERAS

The Hon. T.G. CAMERON: With the introduction of the 18 new high-tech cameras over the next 12 months, more than 300 000 South Australian motorists can be expected to be caught this year, raising some $50 million for the Olsen Government. Motorists are still to feel the impact of the 100 new laser guns! Combining speed cameras and laser guns, the Government will milk motorists for up to $100 million over the next 12 months.

The Hon. P. Holloway interjecting:

The Hon. T.G. CAMERON: The phones will probably go up now, too, as the Hon. Mr Holloway said. Speed cameras should be placed where they will reduce accidents and save lives; that is, on known city and country road 'black spots' not on three-lane suburban highways, at the end of downhill runs, after speed zone sign changes, on high volume arterial roads or any other devious location where they are currently being used to maximise Government revenue. This is a view more and more South Australians are coming to accept. The *Advertiser* in a recent editorial stated:

> This newspaper does not condone speeding or any other kind of law breaking. But we believe in the test of reasonableness. The truth is that most speeding offences are logged on metropolitan roads within a margin most reasonable people would think of as a grey area and certainly not dangerous.

Even members of the Police Force are angry at the way in which speed cameras are being used. It is interesting to note that we had two calls from police officers today agreeing with my stand on the issue. This can be seen from a recent article in the *Police Journal* which states:

> . . . the public need to know that we, the members of the Police Force, do not operate or even condone the way speed cameras are operated at this present time and that many of us see the way in which they are operated at this time as being nothing but a revenue raising tool.

I ask motorists: do they believe the Government's campaign is about raising revenue or lowering the road toll?

Let us examine that statement more closely. Last year the Government claimed the drop in the road toll was due to the heavy use of speed cameras. Mr Ingerson, the Minister for Police at the time, said the reduction in the road toll was as a result of the greater use of speed cameras and laser guns. He even went so far as to call people who were caught speeding 'hoons and criminals'—all 350 000 of them! The current Minister for Police (Mr Evans) is also a believer in speed cameras. In a letter to my office on 12 February 1998 he stated:

> . . . no other traffic policing program in the last 30 years has had a more positive effect on driver behaviour than the speed camera program.

Does the Government really expect the people of South Australia to swallow that? Despite the massive increase in the number of speed cameras and laser guns in use, the road toll currently and tragically stands at nearly twice that for the same period last year. Does this mean that the Government intends to increase the number of speed cameras once again? All I am asking of the Government is a bit of honesty in this debate. That is why today I launched an information leaflet advising motorists of the best ways to reduce speed to save

lives and information on their rights if they are issued with a speed camera fine. Interestingly enough, a number of people rang our office and radio stations today advising them that they had received a speeding notice but, when they requested the photograph, they found that the fines were waived.

Some of the rights that I would encourage motorists to consider include the following. First, I advise motorists to simply slow down. If motorists were to reduce their speed by 5 km/h it would reduce the level of revenue collected from fines by in excess of $20 million a year. I would encourage people to fit a speed monitor alarm to their vehicles. These can be purchased from South Australian firms and fitted for as little as $150. I would also encourage people to telephone the location of speed cameras to radio station 5MMM, particularly when it is quite obvious that the cameras have been placed in locations where they will maximise revenue. If motorists have any doubts over the validity of their fines, they should telephone, fax or write their complaints to the Hon. Iain Evans, Minister for Police. Details of how to contact the Minister are enclosed in the pamphlet.

Radio station 5MMM agreed to launch the leaflet this morning. I take the opportunity to thank that radio station for its public spirit. The production of this leaflet is a direct result of the failure of this Government to address speeding in a productive way. It should be using a carrot, not a club.

The PRESIDENT: Order! The honourable member's time has expired.

DISABILITY SERVICES

The Hon. R.D. LAWSON (Minister for Disability Services): I speak today about the provision of additional funds for disability services in South Australia, for which an additional $5 million of funding was made available in the last budget. That represents a significant ongoing commitment by the State Government to addressing the care needs of people in South Australia with disabilities. The additional $5 million full-year effect will be disbursed through five options coordination agencies: the Intellectual Disabilities Services Council; the APN, which deals with adults with physical and/or neurological disabilities; the third options coordination agency covers people with brain injury; the fourth options coordination agency covers children with physical and/or neurological disabilities and brain injury, and that agency is conducted by the Crippled Children's Association; and the fifth is the coordination agency for those people with sensory disabilities.

The amount of funding made available to people with intellectual disability or autism in the new funding arrangements is the most significant, with approximately $1.3 million being made available for accommodation and respite services. This is significant additional funding and will assist in meeting critical accommodation and respite needs of people currently on the IDSC waiting lists. The programs will flow through to a number of organisations. For example, Ameroo (Orana) will receive $15 000 to upgrade its night support; City Living Options will accommodate additional clients with funding of $50 000; Excel Enterprises will provide new services to clients in urgent need with funding of approximately $100 000; and funding has been allocated to the Adelaide Hills, Ain Karim, Barkuma and to a house for young adults and adolescents in urgent need of accommodation. That figure of $1.3 million is a significant contribution to this urgent need.

Day options for school leavers will receive $800 000. This is a new program, embraced by the State Government for the first time in 1996. It is part of the 'Moving On' program, which has been the subject of some questions in this Chamber and will enable school leavers who have intellectual disabilities to choose from a range of day options, and there is substantially increased funding for that purpose. Early intervention services have received $240 000, as well as there being a number of other programs for those with intellectual disabilities.

Adults with physical and/or neurological disabilities will receive accommodation and home support, respite and day activities costing $881 000 in the full year. This will provide personal care needs for people living with their families in their own homes. This support will allow people with these disabilities to participate in day activities. The majority of this funding is to purchase in-home support for those who are considered at risk of institutionalisation.

The additional $5 million will assist a large number of other programs across the areas I have previously mentioned. One particular area about which I am very happy is the provision of $130 000 for therapy services for children with disabilities, and that includes physiotherapy, occupational and speech therapy, psychology consultancy and like behavioural matters.

STATE TAXES AND CHARGES

The Hon. P. HOLLOWAY: Today is a black day for South Australian consumers. It is the day on which this Government has broken yet another election promise and announced that it will increase fees and charges and other levies on South Australians by anything up to 4.5 per cent. This comes at a time when, in the Government's own statement, the CPI is actually facing a decline of 1.1 per cent. So, while our inflation rate is actually falling by 1.1 per cent, this Government proposes to lift fees and charges by 4.5 per cent. This will affect all South Australians. The tragedy is that so many of the fees and charges that will be increased by this Government are highly regressive, that is, they will impact most on those in the community who are least able to protect themselves.

It will mean increases in water rates, drivers' licences and fines. The Hon. Terry Cameron just spoke about speeding cameras and how they will be used in ever increasing numbers. Not only that but also the actual fines will almost certainly increase by heaps under this Government. Registration, third party insurance and dozens of fees and charges for services right across the State will increase by anything up to 4.5 per cent. What is worse is that this Government has tried to blame this increase on wage rates, as if the Government has suddenly discovered now, in March 1998, that there is a problem with its budget. Why were we not told this in October last year?

The Government's own statement indicates that the increase in average weekly earnings of public sector employers in the 12-month period ending November 1997 was actually 6.9 per cent. That was only one month after the election. Surely the Government, if it was facing such an increase, would have allowed for it in its budget. Why are we now suddenly facing the increase?

The Hon. T.G. Cameron interjecting:

The Hon. P. HOLLOWAY: He must be very slow indeed. The fact is that this Government has been extraordinarily dishonest. It knew full well what was happening before the last election. For example, this Government directed the Motor Accident Commission to withhold an increase in third party insurance premiums until after the election. I received today an answer to that matter from the Treasurer. That increase was held back by the Government until after the election. The fact is that this Government knew its budgetary position but chose not to share it with the people of South Australia—in exactly the same way that it chose not to share with the people of this State its true intention over the sale of the Electricity Trust.

Why did the Premier of this State not come out and be honest with the people before the last election? Why did he not tell the truth? Why did he not tell us all what he really intended to do? We have had nothing but a succession of broken promises from this Government, and now, today, we learn that it is ordinary South Australians who will pay the price of that dishonesty with great increases right across the board. Some aspects of this have a particularly nasty sting. We see from the statement made by the Treasurer today that the policy of ensuring that charges and levies better reflect the actual cost of delivering a service will mean increases of greater than the level of 4.5 per cent in some areas.

Of course, the Treasurer will not tell us exactly what they are. I think that is something that should worry every South Australian who lives outside the city because we know from the Audit Commission and others that there has been substantial cross subsidies from urban consumers to rural consumers. If this Government is going down the track of ensuring that charges and levies better reflect the actual cost of delivering services, then everyone in the country areas of this State ought to be concerned—just as some of our lower income people, pensioners and so on, will be particularly hit. Unfortunately, the Treasurer today chose not to answer that part of my question when I asked what protection pensioners and low income earners would have from this massive increase in fees and charges.

The simple fact is that this is the usual post-election soften-up. We have had the election. The Government told a whole lot of fibs. Now that the election is over it is going about its business. To make matters worse, it does not end here: it is not only this 4.5 per cent that we will be facing this year because at the very end of his statement the Treasurer said:

> During 1998-99—

the following year—

> the Government will further consider options about future adjustment factors or whether the Government will revert to using the CPI index.

So are we are facing these huge increases in charges not just this year but next year as well. This Government should be condemned.

ROBERTS, Hon. R.R.

The Hon. A.J. REDFORD: A television show that I have always watched is called *This is Your Life*. Usually a person is surprised by a camera crew, brought into a studio and confronted by a presenter in front of a live audience. Today, here in the Legislative Council, I will be doing the same to one of my colleagues, the Hon. Ron Roberts. We do not have the expense of bringing in all his friends today because the Hon. Ron Roberts, who recently was swanning it up in grand style at the CPA conference in London, will appreciate some kind remarks. The Hon. Ron Roberts will no doubt be delighted with a few snippets that I intend sharing today.

The PRESIDENT: I advise the Hon. Mr Redford that he should not reflect on a member who has been on a properly organised CPA tour to Westminster. The Hon. Mr Redford should not reflect on any member in here, anyway.

The Hon. A.J. REDFORD: Indeed Mr President. It has concerned me that recently the honourable gentleman has been ringing around various parts of South Australia attempting to find out more about me and my past. I know that he was probably writing a script for *This is Your Life*, too! I am informed that he was ringing around to see whether there was any dirt on me.

I do not have time to go through all the stories. There are some great stories from the union days and the BHAS, but I will save them for later. The honourable gentleman's career started in Port Pirie in late 1987. The bosses at BHAS were devastated when they heard that the Hon. Ron Roberts, their favourite union organiser, wanted to sniff the red leather. During these days the honourable gentleman managed to manoeuvre his old mate Morry Dwyer from the Legislative Council ticket. Morry was never in any doubt about why this was done: so that he could continue to pursue a union career. Other more cynical types thought that it was just plain treachery.

When the Hon. John Cornwall opened his mouth just that once too often, a vacancy occurred and the Hon. Ron Roberts had his bags packed. As an organiser in the Electrical Trades Union, the Hon. Mr Roberts was a member of the ALP's Right wing. This was an immediate stumbling block. However, a wonderful story was told here in the bar one night about how the honourable gentleman overcame that problem. Selling himself as the saviour of Port Pirie, he offered himself for immediate selection. The problem, though, for my ALP friend was that the seat was earmarked for the Centre Left, at that time a most powerful group of people who numbered in its ranks the State Secretary, the now Hon. Terry Cameron.

So that Port Pirie could be properly represented, the State Secretary telephoned the soon-to-be Hon. Ron Roberts and asked if he would be prepared to join the Centre Left if it meant a seat in the Council. After due consideration and before a second elapsed, the honourable gentleman made the supreme sacrifice: he changed. Other persons were present at the time. The leader of the Right was not sure that he could believe his ears. The now Secretary of the shoppies, Don Farrell, rang the honourable gentleman back and stated that he had heard a rumour that the honourable member was going over to the Centre Left, and his response was, 'Not a word of truth in it.'

The Hon. Ron Roberts gets the award for loyalty. He is now one of only five members left in the Centre Left. Cynics say that no-one else will have him. I understand that the Left is interested. I understand, too, that the honourable member is awaiting a suitable offer. I also want to announce a trier's award for his days as shadow Minister. He was trying.

We on this side of politics enjoyed those days because the Hon. Ron Roberts ran all over the countryside upsetting one group after another. When he was not doing this he was whingeing about the lack of prawns in the gulf, during which time he never went hungry.

Finally, in a piece of absolute self-sacrifice, the Hon. Ron Roberts threatened to dump himself if Ralph Clarke was not again re-endorsed as Deputy Leader. Sadly for the honourable

gentleman, his friends immediately started trading his position for something for themselves.

The Hon. Ron Roberts has always been a devout student of human nature, and now he was a publicly humiliated victim on the front page of the *Advertiser*. We on this side of politics wish to thank him sincerely. Sadly, those days of shadow ministry are now gone. So has the honourable gentleman. After all, last week he was away and was considering his elevation. These days, he spends much of his time plotting and scheming against the Hon. Carolyn Pickles, the well-loved Leader of the ALP in this place. Who knows, he may be elevated, but I doubt whether it will be to the front bench.

The Hon. T.G. CAMERON: On a point of order, Mr President, is it within the Standing Orders to use the grievance debate to launch personal attacks on other members of the Council?

The PRESIDENT: I did warn the honourable member and other members about reflecting on their colleagues in this place or indeed the other place.

The Hon. T.G. CAMERON: On a further point of order, Mr President, can we take the Hon. Angus Redford's speech as some guide for acceptable conduct on behalf of members in this place?

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order, the Hon. Mr Roberts! I do not believe there is a point of order.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: REPORT

The Hon. J.S.L. DAWKINS: I move:

That the report 1996-97 of the Environment, Resources and Development Committee be noted.

On Wednesday 25 February 1988 I tabled the annual report of the Environment, Resources and Development Committee. I should preface my remarks by stating that I was not a member of the committee for the period covered in the report. As a result, I will be brief. However, I understand that the Hon. Terry Roberts and the Hon. Mike Elliott, both members of the committee since its inception, will comment on the report at a later time.

The report covers a period in which the committee saw some significant change in the areas of its membership, Presiding Member and staff. In February 1997 the then member for Custance (now Schubert in another place), Mr Ivan Venning MP, was appointed as Presiding Member following the promotion of the member for Newland, the Hon. Dorothy Kotz MP, to the ministry. At this time the then member for Chaffey, Mr Kent Andrew, was appointed to the committee.

Three reports were tabled during 1996-97: a review of the vegetation clearance regulations, a report on the MFP Development Corporation and an annual report. The inquiry into vegetation clearance regulations resulted in 15 recommendations, many of which were subsequently adopted. A major inquiry into waste management practices in this State was also completed during 1996-97. Over a period of several months the inquiry included six site visits, 45 submissions, 39 witnesses and attendance at a waste management conference in Brisbane, where committee members witnessed the latest developments in waste management technology. Another smaller inquiry involved an investigation into aromatic compounds in petrol and their possible harmful effects. An additional component of the committee's work was the final consideration of amendments to the Development Plan. Fifteen amendments were considered and passed.

Following the election held on 11 October 1997, the membership of the committee again changed. The Presiding Member has asked me to acknowledge the work done on the committee by the member for Napier, Ms Annette Hurley MP, the Hon. Caroline Schaefer MLC and Mr Andrew, as well as those two members whom I mentioned earlier and who remain. He also asked me to thank the committee staff, including the current Secretary, Mr Bill Sotiropoulos and Research Officer Ms Heather Hill for their efforts. New members of the committee are the member for Chaffey, Mrs Karlene Maywald MP, the member for Hanson, Ms Stephanie Key MP and myself. The committee now includes members of the four political Parties that are represented in this Parliament, including two Party leaders, and its immediate task is to complete its inquiry into aquaculture.

The Hon. T.G. ROBERTS: I support the noting of the report of the committee, thank the honourable member for moving the motion and welcome him to the committee. He has already noted that it is a committee that has a fairly full book. We have a long list of references from all areas, that is, from members of Parliament, from Parliament itself, from Ministers' references and, from memory, our forward notebook is full up to almost June, with continual meetings for the next three months. The twenty-seventh report of the committee is a little unique in that we have had an election between the formation of the committee and the noting of the report, and I would like to note those members who have gone from the committee.

They are: Dorothy Kotz, who is now a Minister in the Government; Ivan Venning, who has been made the Presiding Member and Chair and who is doing a very good job; and Mr Kent Andrew, who was defeated at the recent election and to whom I offer my sympathies. Kent Andrew did a job on behalf of his constituency by raising matters connected with the Riverland area, and unfortunately was defeated at the last election but has been replaced by the current member for Chaffey, Mrs Karlene Maywald. Karlene is new to the Parliament and new to the committee system but has picked up the role very well and has put forward at least one reference that is related to her geographical area, the Riverland, in relation to inland fishing. There is also a reference in relation to shacks, which we will be taking up at a later date.

I would like to thank Annette Hurley, who sits on my side of the Parliament in the Lower House, and also thank the Hon. Carolyn Schaefer for the work she did in representing particularly the rural sections of the community, while not being restricted to rural issues. She certainly made the West Coast's view known on the committee in relation to a number of its references. We also had a fairly hectic time in relation to staffing. I must thank Gabrielle Artini (who was replaced by Bill Sotiropoulos) for the work she did. Research officer Ms Heather Hill has joined the committee, and we welcome her. I expect that the new team, research officer and secretary will start to work together. We have done inspections

recently, and all the inspections to country or regional areas in relation to the aquaculture industry went very smoothly. All the meetings and connecting flights and certainly the background information and organising of the witnesses have gone very smoothly.

Much of the thanks for the hard background work, digging and research must go to the research officer and secretary. The briefs that we took on through the referral process, which is by resolution of the committee's appointing House or Houses, or other committees' appointing Houses, by the Governor, by notice published in the *Gazette* or of the committee's own motion, included, as the honourable member who moved the motion noted, the vegetation clearance regulations—and it is a dim memory now; it is so long ago that the reference was given to us—pursuant to the Electricity Trust of South Australia Act 1946.

It was one of those briefs for which neither the previous nor the current Government had answers, because whichever way you went in relation to recommendations you would have winners and losers. The inner suburban councils that made their voices known in relation to the regulations outside designated bushfire areas had a view that carried a lot of weight within those communities. Local government representation was indicating that it was difficult to have a broad brush approach to those regulations and that they needed to be perhaps refined to take into account the fact that the inner metropolitan area, particularly, should never be subject to the same regulations in relation to bushfire as the outer metropolitan area and regional areas.

The committee made recommendations to the Minister, and I understand that most of these recommendations were picked up by the Government. As I have not heard any outbreaks of argument about the application of the regulations, I suspect that the committee's recommendations are actually being implemented and are working. There was also a reference via the committee for the environmental resources, planning, land use, transportation and development aspects of the MFP Development Corporation. This was probably one of those references that is a part of a standing committee's brief. It was one of those frustrating briefs that the committee had in relation to finding out exactly what the MFP was doing at any particular time, and trying to retrospectively consider the direction and role of the MFP at a particular time, where it was going, what it was doing, the direction it was taking and whether there were any recommendations the committee could make to see whether the MFP structure could be used to benefit the State.

I guess as a committee member you take on faith the information put before you, and the recommendations and reports given to you by reporting bureaucrats, and the MFP board and its role was certainly one reference with which you had to do that. You had to take into account that it was out there on the leading edge of technology, trying to attract industry development through technological advancement and applications. As members we were never able to be in the boardrooms of the negotiating bodies when they were talking to international industry groupings or national groupings to see just how seriously international capital or national capital took the advances and offers being made by the MFP board, to see whether international capital and those representing national capital were attracted to the proposals that the MFP board was putting to them in trying to get IT, particularly, to establish in South Australia.

We always had to try to project a view based on the reports that were given that, 'Yes, just around the corner these activities would take place, these are our intentions, these are the organisations and the people to whom we are talking.' A glossy picture was always painted. You felt that, if you interfered with the process and talked down the MFP process and project, you were talking down potential development for the State. It is a fairly onerous task to be so negative as to dump on what appeared to be a hard-working and well-intentioned group of people who were out there in difficult circumstances competing with other States trying to attract IT investment into this State.

The climate of the day worked against South Australia. There was a lot of interest in the State that actually won the multi-function polis structure. No-one really knew what the MFP was about. The people of South Australia had a confused view and idea about what the MFP's role would be, and I think a lot of members of Parliament had a fairly muffled view of what the MFP was all about. Certainly, those frustrations wove their way through the whole life of the MFP in its struggle to attract that investment. As part of its role the committee would question the forward role that would be undertaken in the next financial year. Whenever the committee did this it was always given a glossy picture that certainly lead one to believe that there was a lot of enthusiasm and idealism there that would eventually bring about some results.

Unfortunately, the first signs where I felt the MFP's role was going too far occurred when a lot of departmental projects were basically handed over to the MFP. Having known personally a lot of the people who were working on those projects in various departments, I knew that they were disappointed to lose control of the role and function of a lot of those developments which were taking place and which had faces and names progressing them through the various departments. So, it was pretty clear that, when the MFP went poaching departmental projects, it had none of its own, which was a bit of a concern. But, when the MFP took a different role and started to involve itself in what some people would describe as housing projects and civil engineering projects, you knew that the plot was lost, because the first idealistic position put forward with pictures painted was of hi-tech metropolises with international technology and international best practice applying to Adelaide and Adelaide's becoming the intellectual centre of the nation.

We were to be seen as an attractive investment place for international and national capital, in particular Asian integration, and all these jobs and training would flow through linkages back into the tertiary education and training system. Once you started to inspect housing projects—I have nothing against housing projects, but I think that housing projects ought to be left with housing developers—and civil engineering works you realised that the plot had been lost and that there was no difference between South Australia's plan for developing international technology and the plans that perhaps Queensland, New South Wales or Victoria would have had. They did not have an MFP structure. We were soaking in some national funding. One thing that I do mourn is the loss of the State's ability to be able to pull in capital from outside the State via the Commonwealth. That is no longer possible via the MFP board given the destruction of the MFP body by another Act of Parliament. It is a loss of one way of Commonwealth funds being pulled into the State for international capital connections to develop IT programs. We now do not have that. We are now in the same position as all other States; but I suspect that, when the MFP was first being focussed on in 1985-86, Queensland and northern New

South Wales always looked far more attractive to international investors for IT projects than South Australia. Although our quality of life, our way of life and our education system in this State probably are more adequate to the advancement of IT projects, it is quite clear by the visitation numbers of particularly Asian and overseas visitors that Queensland, northern New South Wales and Sydney are the preferred geographical locations for visitation.

I suspect that there was a lot of truth in what a lot of people were saying in that the MFP project would be a glorified silver city. I never went along with that. I was one of those people who was a bit sceptical but who was prepared to work towards anything that was going to provide jobs in this State. I, like others on the Government side at the time when it was set up, was not too critical of the process and even supported it to a point where I was almost convinced that the Gillman site could almost become a possibility as a centre for the project. I was not convinced entirely about that because knowing Gillman and that particular area I felt from my own estimates—I am not a trained civil engineer—that, unless you poured hundreds of millions of dollars into it, that would take at least between five and 10 years. So, we had a difficult role as did other committees. The Economic and Finance Committee had a difficult role in identifying exactly what were the MFP's role, responsibility, function and, perhaps, projected outcomes.

So, with those few words in relation to the committee's report, I mourn the passing of the MFP. The committee did look at other projects which included, as the honourable member said when moving the report, waste management practices in South Australia, a major brief. I think everyone on the committee at the time enjoyed the brief, because we were digging into the subject matter as the issues were evolving in front of our eyes. Local government was having a major difficulty in trying to cope with recycling projects. There was the imminent closure of at least three inner metropolitan area dumps. People in particularly the Highbury area and other areas of the State, such as Port Adelaide, were demonstrating against the expansion and continued use of the inner metropolitan area as a dump. The Wingfield dump had reached the end of its life and recommendations had to be made to provide Adelaide with a dump site or a recycling site that satisfied the needs and requirements of the metropolitan area for at least the next 20 to 25 years. The process is still unfolding in front of our eyes.

The recommendations that the committee made identified the problems that are starting to emerge now, that is, the building up of waste resources without sale and who ends up handling those. Most members of the committee concluded that you had to have State and local government support for recycling and an integrated waste management run by private capital in conjunction with those two tiers of Government. At a Commonwealth level you need a process that takes into account the transfer of toxic waste across borders or that of uranium waste from Lucas Heights. So all of those things were taken into account. As I said, it was a brief that we all took some pleasure out of, and we all worked very hard to get those recommendations out. With those words, I support the noting of the report.

The Hon. M.J. ELLIOTT: I rise to support the motion. I do not intend to speak at length but will use this opportunity to discuss the workings of the committee itself, rather than the detail of the report. First, I want to acknowledge the good work of the three members who have now left the committee, the Hon. Dorothy Kotz, the Hon. Caroline Schaefer and Ms Annette Hurley, and I welcome three new members, from the other place Stephanie Key and Karlene Maywald, and from this place the Hon. John Dawkins. It is worth noting that it might be a first for some decades that there are members from four political Parties on this committee, and I think that will certainly make for some interesting working.

The next point I want to make is that, having been on this committee since its inception, despite the fact that we can often have some vigorous debate, I think that the Party lines at the end of the day have not proven to be that terribly important, that the committee does, after vigorous discussion, come almost always to a consensus. Whether that is comfortable for the Government of the day has never been a particular concern, and whether it has upset a few bureaucrats has never been a particular concern. I think that, because of the vigour of the debate, and the willingness also to find consensus, the committee has been able at times to assist Governments, both the present Government and the previous Government, where they have had problems that have looked almost insoluble; when they have gone before the ERD Committee that has proven not to be so. I have no doubt, having had the new members on the committee for some months, that that will continue to be the case.

I should also like to comment quickly on some broad issues that have come up. I am not sure whether or not the Hon. Caroline Schaefer might be tempted to pass some comment, having left the committee. She might like to leave some reflections, and I would invite her to do so; she can decide whether she takes up that invitation. The strongest feelings I have from this committee are that the committee continues to be treated with contempt by certain bureaucrats. They seem to see the fact that a parliamentary committee is actually looking at things is a major inconvenience, and an inconvenience that should be avoided at all costs. I am not suggesting for a moment that all bureaucrats are like that, but certainly there have been a number, on a number of terms of reference, who have taken that view.

The most classic example of that was in relation to the MFP itself. The Hon. Terry Roberts spoke about the MFP at some length and I will not do that, but I reflect on the fact that when the MFP was first established there was a requirement that it report to the committee every six months. It became apparent quite quickly after the first report came forward that these reports were very thin and were not telling us a whole lot that we really needed to know, and the committee told the MFP that it wanted a better job. It did it very politely. However, as each successive report came up, that request went back a little more urgently. While the reports improved, I do not think they ever got to where they should have got.

One reaction we did get from the MFP was that they persuaded the Minister that it would be a good idea if they reported to the committee only once a year because the twice a year arrangement was a major imposition. They then pretty well had the Minister persuaded that reporting to the ERD Committee at all was a major imposition. That was their reaction to the fact that the committee was actually doing its job. I have on another occasion reflected—and I might do so again in relation to a later Bill—that in hindsight we were a little too kind to the MFP and its bureaucrats and should have pursued them with even more vigour and insisted on the thoroughness of their reporting even more strongly, because I think that thorough reporting would have exposed just how poorly they were indeed performing.

Having made that observation about the interaction with bureaucrats, which I think is my strongest ongoing memory of the committee so far, another ongoing issue that has come up time and time again is the question of the use of interim effect under the Development Act. There is no doubt that interim effect was always intended to be used by the Minister to stop some development that was considered unsavoury. Whilst a development plan was being debated, if people got wind of the fact that a development plan was going to stop something from happening they would get their application in very quickly. That was the reason for interim effect and, unfortunately, it has been used over the years on a few occasions to authorise a development before the public debate has happened.

On a few occasions the developers have then ripped in their application before the public debate and, of course, having put in the application it would be going under the development plan as it stood at that time. Even if the plan was later rejected that would come to nothing. It makes a farce of having public consultation, if interim effect has actually been brought in and that what was to be debated has already happened. That is the other major ongoing issue which really sticks in my mind and which needs to be confronted. With those words, I support the passage of this motion.

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: ARTIFICIAL REEFS

The Hon. J.S.L. DAWKINS: I move:

That the report of the Environment, Resources and Development Committee on the establishment of artificial reefs be noted.

On Wednesday 25 February 1998 I tabled the report of the Environment, Resources and Development Committee on the establishment of artificial reefs. As I noted in speaking on the annual report 1996-97, I was not a member of the committee when it took up the reference on this issue from the then member for Ridley, now Hammond, in another place, Mr Peter Lewis MP. The committee investigated whether it would be economically beneficial for artificial reefs to be used with the aim of enhancing the fish population in South Australian waters. The inquiry, which included five submissions and four witnesses, revealed that there is no clear evidence that artificial reefs increase fish population. It is more likely that they only aggravate fish, making it easier for them to be caught by fisher men and women. The benefits of artificial reefs appear to be more in the area of attracting diver tourists to a particular area and subsequently relieving pressure on fragile natural reefs. The committee believes that the creation of additional artificial reefs will result in further depletion of the State's fish stocks.

This inquiry did have some links with the ongoing inquiry into aquaculture, as there is a suggestion that the use of artificial reefs may encourage the nurturing of juvenile rock lobsters. The committee has recommended the investigation of this suggestion. The Presiding Member has asked me to thank all those who contributed to this inquiry, including all who made submissions, the witnesses, and the members and staff of the committee. The Hon. Mike Elliott and the Hon. Terry Roberts may wish to comment further on this report, as they have done in relation to the earlier motion.

The Hon. M.J. ELLIOTT: I support the motion. In simple terms, the committee could find no convincing evidence that artificial reefs would in any way assist in building up fish stocks. As the Hon. John Dawkins commented, there is some suggestion that juvenile rock lobsters may benefit but, even if that were true, that does not mean that it would have any impact on the adult rock lobster population. However, in terms of fin fish and other forms of fish, at most it might encourage aggregations.

Aggregations are not a good thing in terms of maintaining fish stocks because although it might make fish easier to catch, which is good for anglers, with the already very heavy amateur fishing effort, particularly in Gulf St Vincent, making it easier for people to catch fish might cause the fish stocks to go into decline. The evidence seemed to be that, although fish may shelter in the reefs, the feeding happens outside them, so that effort does not result in additional fish.

The committee noted the creation of artificial, illegal reefs. Apparently it is the habit of some people—more so at the top of Spencer Gulf—to go out and drop a car body to create their own private reef where they can catch snapper, and that practice really needs to be looked at. Prosecutions may be necessary in relation to the deliberate creation of such reefs, because they can have the ultimate effect of depleting the fish population—the exact opposite of what some people might like to claim that they do. Fish do not eat car bodies, but they may shelter in them from time to time. I support the motion.

The Hon. T.G. ROBERTS: I also support the motion. In so doing, I remind the Council that this was a referral from the member for Hammond (Mr Peter Lewis) in the Lower House. We had to look at this brief seriously, because there were a lot of confused positions in relation to the benefits versus the problems that artificial reefs create. To my knowledge there is not been much scientific evidence that outlines a good, constructive case for them.

The Hon. M.J. Elliott: How many witnesses supported it?

The Hon. T.G. ROBERTS: There were not too many witnesses who supported the creation of artificial reefs. Amateur fishermen supported them and, had we been able to get them as witnesses, I believe that some professional fishermen who create artificial reefs to attract fish to a central point in their main fishing grounds would have stated that they support their establishment. With their echo finders they can easily zero in on the area and fish those grounds and, generally, come away with a guaranteed catch. Amateur divers are now fitted with a lot of very expensive tracking devices, and it does not offer the fish a fair and reasonable sporting chance, because once they are attracted to artificial reefs they become easy targets.

Although there are benefits for some users, in relation to the committee's brief, which is concern for the environment, resources and development, the considered position of the committee was that for the environment there are no clear benefits from the establishment of artificial reefs. A view was expressed that it may be possible to establish artificial reefs off metropolitan beaches to absorb the worst aspects of a heavy storm and so save the front row of the sand dunes, but there was no evidence to suggest that that was practicable. As soon as cement or solid objects are placed in the gulf, that creates headlands and other problems, including diversion of the natural movement of sand.

For every possible benefit, a negative also appeared, and there was no intention by any of those who gave evidence to call on the Government to establish artificial reefs for either environmental or recreational benefits. Scuba divers said that

they would like to see more artificial reefs but, as far as the expense and other negatives of establishing artificial reefs are concerned, the committee came down unanimously on the side of not supporting the establishment of artificial reefs.

If the Government is to promote major engineering projects, such as the West Beach development, along the coastline, there will be interference to the coast, and other engineering projects will have to be put in place to counter the wave impact and the loss of sand in those areas. The engineering developments designed to counter the negative effects of major incursions into the gulf would have to be multimillion dollar projects, not just artificial reefs, because they would just not play any role at all.

Motion carried.

ADELAIDE FESTIVAL

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

> That this Council, on behalf of the public of South Australia, congratulates—
> 1. Artistic Director, Robyn Archer, and her team on an outstandingly successful 1998 Adelaide Festival which was not only an artistic success, but a financial and popular one; and
> 2. The organisers of Writers' Week, Artists' Week and the Fringe Festival on their success and their excellent contribution to the artistic and cultural life of this State.

The fact that I am moving this motion shows that, at least on some things in South Australia, we can have a bipartisan view, and the Minister has been gracious enough to give me a copy of an amendment to this motion and, on the face of it, I do not have any particular objection to it.

I am sure that members on both sides of the Chamber would agree that this Adelaide Festival has been an absolutely stunning success and would want to pay tribute to our home-grown Artistic Director, Robyn Archer, who has gained such a stunning success for South Australia. As shadow Minister for the Arts, I have attended a number of the performances that took place at the Festival, the Fringe and Writers' Week. That is not something new for me, because I have always taken an active part in the Adelaide Festival since its inception. It was always a delight for me, formerly for my husband, and for members of my family to attend as many performances as we were able to afford in those days. I hasten to add, in response to an aside in Question Time, that I paid for my tickets to the Festival, and was pleased to do so.

For me this Festival was so hugely successful because the Artistic Director, Robyn Archer, sold it so well. I went to a number of launches and openings in which Robyn was participating. At each one she was able to sell in her own unique way the function that she was launching while, at the same time, giving a tremendous sales pitch for people to attend the Festival. I am sure that Adelaide people and South Australian people have responded to that enthusiasm and dedication. It is fantastic to think that someone who was born and attended school in South Australia has gone on to become the Artistic Director of our wonderful Festival and that she will be the Artistic Director for the Festival in the year 2000, and if this one is anything to go by, it will be an enormous success.

I highlight some other details that were contained in a press release put out by the Premier of South Australia. Not only was it a huge artistic success but also it was enormously successful financially. On Monday, as members would know from an article in the *Advertiser*, the Premier received a cheque for $310 000, being the first of two payments to cover the loss of the 1996 Festival. It was a big ask for this Festival not only to cover the loss from the 1996 Festival but also to make this one a huge success. I understand that final figures are not available and will not be until about May, but the box office revenue had passed the $2 million mark. So, congratulations on all levels are due to everyone involved, including Robyn Archer, Nicholas Heyward and the Chairman of the board, Dr Ed Tweddell.

Writers' Week was a huge success also. I must say that I have always loved Writers' Week. It has always been a particular delight of mine to attend Writers' Week. However, on a couple of occasions—and I cannot recall how many since I have been in Parliament—I was a bit miffed to find that Parliament was sitting, so I was not always able to attend for as long as I would have liked. It is fantastic to see that an event which is culturally successful and which is a huge promotion for the writers and for South Australia is also free. That is one of the great things about the Festival.

Anyone who attended the opening night *Flamma Flamma* would have been absolutely thrilled and delighted to have been part of that, and I think we were all part of that. The fact that some 2 000 school children and community groups were involved was simply tremendous. It was wonderful music. The whole spectacle was very moving and highly successful. I was sitting with groups of people who oohed and aahed all the way through because they were so thrilled by what they were seeing. It is wonderful that we can have something that is so artistically successful yet is free. Obviously, huge numbers of people were involved in making that a great night.

The other big free event which attracted huge numbers of people was The Squeezebox, which members of Parliament have been watching with interest being erected on the plaza. Sometimes I think it is a pity that it cannot be there all the time. On a number of occasions late at night I attended some terrific music and events and also just went to breathe in the atmosphere of the whole thing. There were not only a tremendous number of financially successful events but also many free events that members of the public could attend—and they did so in their thousands. Some 20 000 people attended the opening night of *Flamma Flamma*. That is a terrific event for South Australia.

I do not want to single out any of the performances of the Festival, but for me—and other people would have different views—the most wonderful thing that I saw was *The Seven Streams of the River Ota*, which was the marathon that went from 5 p.m. until about quarter to 1 the following morning. Many people were dubious about being able to stay awake throughout the whole performance but it was so riveting and so beautifully executed that it was no chore, believe you me.

Another event that I saw that was also very beautiful and moving was the *Songs of the Wanderers*, Cloud Gate Dance Theatre, which is the one that many people would have seen, with the monk standing on stage with tonnes and tonnes of rice falling on his head while he did not even appear to breathe. It was quite an interesting event.

Often criticisms of being elitist are levelled against such things as festivals. For me the Festival, the Fringe, Writers' Week and Artists' Week is elite but not elitist. That means that it produces the very best that the State and overseas artists have to offer, yet it is also accessible to the public. I do not believe that it is elitist when so many wonderful performances were absolutely free and a number of performances, I believe, considering the excellence of the material,

were at very competitive prices. Certainly, I know that if one travels overseas and goes to the theatre, one would be paying a huge amount more than we pay in South Australia. So, we are very lucky.

The Minister in her address may well have some more details on the numbers of people from interstate and overseas who attended the Festival—and that will be interesting—but I am aware of the many thousands of South Australians who had an absolutely wonderful time.

Writers' Week is something about which there has not been criticism. However, I would say that some people wonder, because it is so hugely successful, whether we have outgrown the venue. That is a very popular venue and it may be that, in the fullness of time, we could move farther out onto the very large piece of concrete that is right next to the Pioneer Women's Memorial Garden. Perhaps we could take that over for Writers' Week and other cultural events—and maybe the Minister might have some influence in that direction.

Artists' Week, I believe, was also very successful. Unfortunately, it was not something that I had any time to attend. I was not able to attend a lot of that, although I did attend a number of the visual arts activities that were taking place. Indeed, some of them were quite controversial. The biennial exhibition at the Art Gallery drew some interesting comments, and I think people felt a bit confronted by it. However, I believe it has been very successful and very well attended.

The Fringe again has attracted some criticisms but I think that we would have to await the outcome of the financial statements from the Fringe to judge whether or not it was a huge success. Obviously the Fringe in years past has been enormously successful and people have enjoyed it. I have always viewed the Fringe as something that it is a little at the naughty end of town. We go to the controversial things in the Festival but we expect to be challenged quite a bit more—visually, intellectually and audibly—when we attend some of the Fringe events. It certainly attracts a very young audience, and that is fantastic. One of the things that I noticed at the Festival was that there was a very mixed audience ranging from people who were young to people who were certainly a whole lot older than I. That indicates that the arts is attracting a new audience, and that is to be encouraged.

Having attended the production of *The Architect's Walk* by the Red Shed, I think it is very sad that that theatre company will no longer be with us. We will regret that because the Red Shed has been very successful. I understand that *The Architect's Walk* received many accolades from—

The Hon. Diana Laidlaw: Well deserved accolades.

The Hon. CAROLYN PICKLES: Well deserved accolades. I concur with the Minister's previous statement to the Parliament this afternoon and also congratulate the production of *MasterKey*, which was a very strong piece of theatre. It is wonderful that South Australian people can produce something on a world scale. To that extent we should be very proud of our South Australian artists.

As I said, this motion was an attempt to express a bipartisan—or a tripartisan or, perhaps, even a quadruple-partisan view now that we have four political Parties in this Chamber—on the Festival. All members would agree that we should be very proud of South Australia's being able to stage such a stunning event, and previous Arts Ministers and the present Minister are to be congratulated in that that they have continued to support strongly through various Governments such an enormously successful event, even if they have not always been hugely successful financially. This time around we have had a double whammy of an enormously successful cultural event as well as an enormously successful financial one, and I, for one, am delighted that we have had this terrific result.

I understand that the Minister intends to move an amendment to the motion, with which, as I indicated earlier, I do not have any quarrel. I have already acknowledged that the Minister is to be congratulated. The Minister's stamina has been fantastic for the Festival. My stamina has also been pretty good. It is somewhat of a feat of endurance to attend functions every day and night, but it is something which we both enjoy and which many members of Parliament also enjoy.

It has been a great two weeks—indeed three weeks including the Fringe. It has livened up life in South Australia. I think we were feeling a bit in the doldrums with one thing and another economically. This Festival proves that South Australia can stage a world-class event, and it is acknowledged to be world class.

Three Festivals are considered to be the most eminent in the world: the Avignon, Edinburgh and the Adelaide Festivals. I do not believe that we sing the praises of our home-grown product enough. I cannot speak too highly of the people who have handled this Festival. A member of my family was working for the Festival and I know that she is absolutely exhausted. She has not seen much of her young baby in the past few weeks and, although she is very sad to have the Festival at an end, she is quite pleased to be able to get back into a few relationships at home.

I hope that all members can support this motion as I have moved it in good faith, hoping that everyone can support it. If not, I am sure that we can reach an accommodation to support the amended motion. Our congratulations should be expressed unanimously to the Festival, the Fringe, Writers' Week, Artists' Week and all the people involved because they have given South Australia something that we should remember and something for which we should be grateful.

The Hon. DIANA LAIDLAW (Minister for the Arts): I strongly endorse the initiative taken by the honourable member to congratulate the Festival (Robyn Archer in particular), and the board, Ed Tweddell as Chairman, Nicholas Heyward as General Manager, their team, and the committees of Writers' Week and Artists' Week for an extraordinarily wonderful two weeks of Festival. Although it was demanding physically, mentally and financially, it was one of the most exhilarating Festivals that I have ever had the good fortune to attend. What is even more encouraging is that that view was expressed by so many people from interstate and overseas.

I have acknowledged the honourable member's initiative in moving this motion. I have, however, an amendment and I move to amend the motion as follows:

Leave out all words after 'South Australia' and insert the following—

'I. Congratulates the Artistic Director of the 1998 Telstra Adelaide Festival, Robyn Archer, the Chairman and Board, the General Manager and all the Festival management team, as well as the Writers' Week and Artists' Week committees, on the outstanding artistic, financial and popular success of the Festival;

II. Congratulates the 1998 Adelaide Fringe Festival on its popular success and contribution to the cultural life of this State; and

III. Acknowledges the increase in State Government funds to both the Telstra Adelaide Festival and the Adelaide

> Fringe Festival in 1998 which enabled more South Australian artists, companies and writers to participate and helped attract increased levels of private sector sponsorship.'

It is only a structural amendment in the sense of distinguishing the fact that the Festival is also responsible for the activities of both Writers' Week and Artists' Week and the selection of those committees, and that the Adelaide Festival Fringe is a stand-alone incorporated organisation and should be distinguished from the Festival activities. Some would also possibly want the programs more distinguished in future.

My amendment to the motion acknowledges an increase in State Government funding which I know has been supported by all members in this place in the past in terms of the focus for that funding enabling more South Australian artists, companies and writers to participate in the Festival. The increased funding has also, without question, supported activities by the board and management to gain more sponsorship from the private sector, which sponsorship has been critical in enhancing program activities.

I also acknowledge a survival kit full of vitamins that I received from Fauldings at the start of the Festival. The only thing that gave out was my voice at the end of the Festival, and it does not sound too good yet. This is the second consecutive Festival during which Parliament has not sat, although we did sit during the first week of the Fringe, which meant that I did not get to see as many things as I would have wished, day or night.

I also acknowledge the honourable member's reference to the extraordinary contribution made by Robyn Archer in promoting and marketing the Festival. Clearly she was brilliantly supported by Sandy Meakin and others on the staff. I remember one occasion when Robyn was speaking with Neil Kerley and Graham Cornes about the Festival. It was some television sports show, and Neil Kerley asked Robyn what one of the highlights would be. She said, '*Carmen*', to which Kerley replied that he did not realise Carmen was making a comeback. I know that Carmen is a great Sturt coach, but he retired many years ago and there is more to the world in South Australia than the footballer Phil Carmen! That was certainly proven with the reinterpretation of *Carmen* by the Spanish opera troupe, horses and all.

It was far from a feminist production but, in terms of the Spanish culture, perhaps it was so in the redefinition of Carmen not as a prostitute as we would ordinarily see her in opera productions but as an extraordinarily wonderful woman in terms of support for colleagues and the community, the underprivileged and freedom fighters, and the abuse she received as a consequence of that.

I think that one of the interesting parts of the composition of the Festival and the community support for it was the mix of free and paid events. The fact that South Australians accepted the generous opportunity that was provided for so many free events meant, I think, that they were also prepared to extend themselves to go to theatre that was more exacting. Much of the theatre, dance and visual arts programs the honourable member noted was exacting, but the depth of brilliant production that we saw in Robyn Archer's program was thrilling.

It was equally thrilling to note that the South Australian production and our actors could stand tall with the best in the world—and that applied to Meryl Tankard's Australian Dance Theatre. I had seen *Possessed* at the Barossa Music Festival about three or four years ago, but the production at the Festival was different by about 75 per cent. A lot of work had been put in by Meryl and her dancers. Leigh Warren and his dancers made a proud contribution to the reason why South Australia is stronger in dance than anywhere else in Australia.

Red Shed has been referred to. *The Architect's Walk* may be the Red Shed's last production because of funding cuts by the Federal Government. If a company had to dissolve as a company entity one certainly could not do it on a higher note. It is extraordinarily difficult to accept that the company has to go because of Australia Council funding decisions. I have spent time speaking with Senator Alston, the Minister for Communications and the Arts, Dr Margaret Sears, the head of the Australia Council and Mr Michael Lynch, its General Manager, to see how Arts SA and the Australia Council can address once and for all the dilemma that we have whereby the Australia Council seems to be making decisions about artistic policy and performance in this State. It seems to be making decisions on applications before our grant round in South Australia and is also making decisions without consultation with Arts SA.

Even though we have representation on the Performing Arts Council that representation is from the country. I am not demeaning that representation, and I always want South Australian country representation wherever it can be on a Federal body, or representation generally, but we cannot rely on that representation alone to make sure that our strength in theatre in this State, particularly amongst emerging artists, is well reflected at a Federal level. Senator Richard Alston did see Red Shed's production of *The Architect's Walk* and was equally impressed as the Hon. Carolyn Pickles and I were with that production. It is hard to rationalise that with the funding decisions made by the Performing Arts Council. The South Australian Government has continued to fund Red Shed to this time and it was State funds that saw this production proceed. It was the whole of the year's funds put into this one production. That was the choice of Red Shed and a choice that we were prepared to accept. I applaud the quality of the work.

I want to say a few words about the Plaza, the Squeeze Box and the visual arts installations on the opposite bank of the River Torrens. It is clear that we can do much more than we ever have in the past to make the Plaza and the Festival Centre a real centre for the arts and for the heart of Adelaide. We can use both sides of the river much better than we ever have before: the arts can do that for this city. For the first time in 25 years of the Adelaide Festival Centre Trust and Plaza we have worked out what we can do with those blue, red and yellow concrete boxes on the Plaza. I think that now that we have a master plan drawn up for development of the site we may see some further discussions with the Parliament and the Festival Centre Trust to see how, collectively, we can make that site more user-friendly, and if not as popular as it has been during the Squeeze Box period at least not as barren as it is at the present time.

The weather was brilliant throughout the Festival with only one wet night. This helped attendances generally and Adelaide's spirit, and Adelaide looked its best. The theme of Sacred and Profane, which was supported by the board and selected by Robyn, made so much sense when one looked at the overall program. I will not hark back to earlier fusses about the poster, but Robyn always said that it would all make sense, and it did. Perhaps that is a lesson for us to be a little more patient and understanding rather than leaping to conclusions in a whole range of areas. A number of members of Parliament, and some from this side, leapt to conclusions

and wanted action taken over the poster. I appreciate the help of the Hon. Anne Levy and the Hon. Carolyn Pickles during that time, but not the then shadow Minister and Leader, Mike Rann.

I made reference to Writers' Week yesterday in answer to a question from the Hon. Angus Redford. I strongly support the work of the Writers' Week committee and the Artists' Week committee. Although I was not able to attend any Artists' Week functions at the Festival Centre Banquet Room there was a much stronger attendance and participation this Festival, and a more varied program than has been undertaken in past years.

I know that most Fringe activities were focused on the East End but other areas of Adelaide—Marion, Noarlunga, Norwood, Melbourne Street and elsewhere—were used. The *Financial Review* wrote an article before the Fringe commenced suggesting that there would be—and this was based on figures from the Director, Barbara Wolke—a $53 million economic benefit produced for this State as a result of the Fringe. I would be interested to see whether that eventuates. It seemed to be an exceptional figure and an amazing calculation—almost a Fringe performance. I was interested also in the 1 million people who Mr Glenn Cooper, the Chairman, suggest would be attending the Fringe this year. While I suspect that neither of those calculations or hopes were realised, I want to thank the Fringe for providing the opportunity for us to again enjoy the variety of events and the extraordinary amusement and stimulation that so many of us received. There are issues for the Fringe to address in terms of programming and direction for the future, and I am keen to work with it through those areas.

It was fantastic to see so many little venues spring up in the East End of Adelaide above shops and restaurants which we had never seen utilised before. I acknowledge the support for the Fringe and the arts in general in this State not only from the many sponsors but also from the traders in the East End of Adelaide, Melbourne Street and elsewhere.

In terms of the number of people from interstate and overseas, no formal economic benefit or visitor study was undertaken this year, but I can advise the Hon. Carolyn Pickles that at a lunch forum that I attended one day a question was asked by, I think, Julia Lester, as coordinator of the discussion, whether the number of people from interstate and overseas would raise their hand, and about 80 per cent of the attendance was from interstate and overseas. I want to acknowledge that this Government has provided for this Festival and that of the year 2000 $1.5 million extra funding for the engagement of more South Australian artists and actors and for new commissions for the year 2000. I would like to insert in *Hansard* without my reading it a chart indicating the increased level of support for the Adelaide Fringe from State Government sources.

Leave granted.

Adelaide Fringe

	1993 000's	1994 000's	1995 000's	1996 000's	1997 000's
State Government Subsidy	392	397	397	597	565.75
Less LAC rent	-127.5	-127.5	-127.5	-127.5	-127.5
Less LAC utility costs	-24.2	-24.2	-24.2	-24.2	-24.2
Less loan repayments	0	0	-30	-31	-47
Less Festival venue				-200	
Net cash for operations	240.3	245.3	215.3	214.3	367.05
Plus one-off assistance		155 (loan)		83	7.8
Total cash paid for operations	240.3	400.3	215.3	297.3	374.85
Profit or Loss	30.6.93	30.6.94		31.12.94	30.6.96
Surplus/Deficit	75	-96		34	-84
Accum Surplus/Deficit	63	-33		1	-83

The Hon. DIANA LAIDLAW: Finally, I want to acknowledge the work of all who have brought the Festival and Fringe to Adelaide in 1998 and who have brought such credit to our State and to the arts in general, and to say 'Thank you' on behalf of the Government and South Australians generally. I thank the Hon. Carolyn Pickles for introducing this motion, which has enabled me to make such comments.

The Hon. R.R. ROBERTS: I support the motion moved by my colleague the Hon. Carolyn Pickles who, since taking over as our spokesperson on the arts, has thrown herself enthusiastically into this portfolio. She needs to be congratulated on her initiative in bringing this forward and offering due recognition to people involved in the Festival. It is not my usual habit to speak on motions in respect of the arts, but my artistic credentials were somewhat challenged during Question Time today. I do admit that I did not attend any of the functions offered by the Festival this year, because I had the great honour to represent all politicians in South Australia (with their unanimous support) at the parliamentary conference in London. However, I do point out that I did not go over there and not take in some of the arts and cultural heritage.

I visited places like Westminster Abbey and the Houses of Parliament, and I attended a performance of the *Phantom of the Opera*, the lead of which was played by an eminent Australian. I point out that I did miss that memorable performance of someone standing under a stream of rice for two hours. I am really disappointed that I missed out on that and had to watch the *Phantom of the Opera* instead. However, the Hon. Diana Laidlaw in her contribution in Question Time today made an attack on the fact that I represented this Parliament. I am not a sensitive person, but I point out that it was a unanimous decision of her Party and ours that I attend that conference to try to get a greater understanding of the workings of the Parliament, and of the culture and standards of the Parliament. I was very fortunate that I had that opportunity, and would encourage the Minister to take up the opportunity.

While she often throws barbs across the Chamber at me, at least I have not stooped to that form, as she and the Hon. Angus Redford did today. If the Minister thinks that members of Parliament should not attend cultural exchanges between Parliaments—paid for, I might add, by all Commonwealth members of Parliament, not by the taxpayers—then she ought to say so. If she is contrite at all about her outburst I am prepared to put my differences aside and accept her apology. However, I am not really expecting that to occur. In clarification, I point out that the reason for my interjection during Question Time was that we are seeing increasingly the dorothy dixer question from the rabble on the backbench to this Minister, who is obviously not capable of making a ministerial statement. Perhaps today she was trying to gazump the Hon. Carolyn Pickles by getting her question out, and I bet that her press release is already on file in the press benches today.

I do not object to the attacks on me personally, because I have broad shoulders, as has the Hon. Angus Redford. The only problem is that my broad shoulders stop at the shoulders

and his go right down to his ankles. I will not get into his mode of attack: I will put that one aside. This is a serious motion, because it reinforces the long-held view of the Australian Labor Party of the importance of the Adelaide Festival to the State. It is a fitting motion and, as I said, I congratulate the Hon. Carolyn Pickles on moving it.

I will not speak for any more than five minutes, unlike the Minister, who went for 10 minutes in Question Time and 25 minutes during this debate. I point out that the Standing Orders make it quite clear that the Minister could have spoken for an hour in this debate and not wasted the Opposition's Question Time. I ask her to refrain from doing it in future.

The Hon. M.J. ELLIOTT secured the adjournment of the debate.

PARLIAMENTARY COMMITTEES (CONTRACTS REVIEW) AMENDMENT BILL

The Hon. M.J. ELLIOTT obtained leave and introduced a Bill for an Act to amend the Parliamentary Committees Act 1991. Read a first time.

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

That this Bill be now read a second time.

Not long after the current Government came to office after the 1993 election it commenced negotiations and then signed off on a number of significant outsourcing contracts. I do not think anyone would suggest that what the Government did at that stage was unprecedented: it was not so much that it was doing some contracting out, but the scale of the outsourcing was certainly unprecedented. There are two debates that can be held about outsourcing and contracting out: the first is about whether or not it is a good or a bad thing; and I suppose a related matter, even if you think it is a good or a bad thing, is whether or not particular services should or should not be outsourced.

That is one debate that can be run, but that is not the debate that I am entering into here today. What I am entering into is the debate as to whether or not there can be adequate scrutiny of any outsourcing that occurs. As a matter of course, virtually every dollar that a Government spends is, at least in the Lower House, subject to scrutiny through the Estimates Committees. So long as work is being done directly by Government departments, we can question that spending very closely. However, with the Government's move into outsourcing, that avenue is no longer available. From the very beginning, not only did the Democrats oppose many of the outsourcings that the Government carried out—and, as I said, that is not the issue I am pursuing here today—but also we were very keen to have adequate scrutiny of it. It seemed to me that there were members of the Government who acknowledged that there needed to be some sort of process.

I clearly recall the Attorney-General acknowledging that what was happening was unprecedented and that we would need to develop procedures. The Government might argue that it has developed a procedure. I would argue in return that what it has put in place so far is grossly inadequate and does not offer the level of accountability that we might properly expect for expenditure of public money.

During the last term of this Government I sought, as did the Labor Party, to pursue the question of the details of contracts. Four separate select committees of the Legislative Council were established to look at the outsourcing of Modbury Hospital, the Mount Gambier prison, the water contract and the computer contract. The committees had very clear instructions to examine the contracts. As a member of one of those committees, I must say that it is rather difficult to examine a contract if you are not allowed to have a look at it. As far as I was concerned, the committee on which I served was really something of a circus in that we had some people talking about the contract in general terms but not giving us the detail. Without actually having the contract in your hand you do not know what is in the contract that is not covered by what they have had to say.

The committees became more insistent on seeing the contracts and made repeated requests. When those requests were denied, motions were passed by the Legislative Council insisting that the contracts be supplied. On the advice that I have been given by constitutional lawyers, among others, there is no question that the Government had no choice legally but to supply those contracts. Constitutionally, it had no out, but the Government decided that it was prepared to play a game of bluff. Two options were available to the Parliament at that stage, one of which would have ended up in the courts. Since the request for the contracts went not just to the Government but also to the private sector contractors, the contracts could have been demanded and their continual refusal could have seen them come before the Bar of the House.

I indicated on a previous occasion that I did not want it to come to that but that, if it did, at the end of the day no person has a right to refuse to do what the Parliament requests of them—that is the correct legal and constitutional position—and their failure to do what the Parliament requests is a contempt of Parliament. I have no doubt that before things had become that serious the Government would have supplied the contract to the committees. In any event, the Labor Party—although we did not know about it for some weeks after it happened—had an exchange of letters. The exchange of letters agreed to summaries of contracts being prepared, although I do note that the letter written by the Labor Party—and I am paraphrasing—noted that if it was not satisfactory it still might pursue the contracts themselves.

That opening was left there but, of course, the contract summaries took between 12 and 18 months after that time finally to come forward. In fact, they came in so late that the committees, which were dissolved at the election, never had a chance to examine them. So, the examination in any detail—even of the summaries—did not get anywhere. But it is an open secret that those summaries of contracts turned out to be next to useless in terms of getting a real understanding of the long-term impacts of those contracts on this State.

When you have contracts which run for 10 years, which run through the life of three Governments and which are worth hundreds of millions of dollars, they are not of minor importance. I will continue to pursue those contracts. As long as I am in this Parliament and as long as those contracts are not tabled, I will chase them. I feel confident that one way or another we will get them in the relatively shorter period. I will not let up until we see those contracts. At the end of the day the point is not whether they are good or bad contracts: the point is that, as far as I am concerned, the scrutiny should be there.

As I commented, normally every dollar of Government expenditure is subject to scrutiny at least through the Estimates Committees in the Lower House. I add at this stage that I do not understand why there is no Estimates Committee process in the Upper House. The Senate has it in Canberra and I think that we also—

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: It is not a matter of knocking it out. You can still have an Estimates Committee process, because the Senate has the capacity to examine Government expenditure—

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: No, I do not believe so. It is just that the process has never been established. What I have talked about so far relates to spending in the past. It is worth reflecting that a public works standing committee already exists and that it examines Government expenditure in relation to proposed public works where those public works are valued at more than $4 million.

The Hon. T.G. Cameron: How many of them are there?

The Hon. M.J. ELLIOTT: I could not tell you offhand how many there would be. The Public Works Committee lapsed at one time and the Government actually reintroduced it—and I think sensibly so. But if there is logic in examining the expenditure of $4 million on infrastructure, what is the logic in not allowing the examination of hundreds of millions of dollars of public money when it happens to be a contract that does not relate to construction works but relates to any other form of contract? I am saying that at this stage no other scrutiny has been made available. What the Government has offered us so far—and this is after the event, and the Government had this in its policy at the last election—is a continuation of the summary of contracts process with the Auditor-General signing off that it is a correct summary. The Auditor-General might sign off to say that the summary is accurate as far as it goes, but it still does not provide the sort of information that the parliamentary process should receive.

The question of the Auditor-General's Report and such matters is something I will address under another motion. This Bill proposes that a committee be established in exactly the same way as was the Public Works Committee, with one exception, that is, that it be a committee of the Legislative Council and not a committee of the House of Assembly; but in other respects the way it would work is exactly the same. Of course, one other essential difference is the fact that, because it deals with contracts that do not relate to construction work, the functions are spelt out a little differently, but the essence (even of that) is the same. It will look at the proposed contracts and make judgments upon it. It can then make the necessary report in exactly the same way as does the Public Works Committee.

So the Bill is in every way modelled on what the Public Works Committee does. There could be some argument about whether or not $4 million is the right cut-in point, but I will not debate that now. I think it is more important that we have a debate about the more fundamental issues. Why a committee of the Upper House? I have a long-term view about the future of the Upper House, and I think it has two possible futures. One future for the Upper House is that it becomes in every sense a House of review, that it becomes a House of committees, that we may no longer see Ministers within it. If there are positions of seniority it would be because there are chairs of committees here.

The Hon. T.G. Cameron: We will not miss them!

The Hon. M.J. ELLIOTT: There can be variations on what I am describing. Mr President, I think that we can see the Council becoming increasingly a House of committees, and I think I have even heard the Hon. Rob Lucas say that sort of thing in the past. I think I have also heard him in the past suggest that perhaps Ministers should not be in the Upper House. I do not think my memory is that deficient. He has not said that a lot in recent years, but I know that he has said those sorts of things in the past. I must say that I agree with what he used to say; and he has not said anything different more recently.

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: But that is not a matter of law is it? That is the inconvenience of democracy. So why am I pushing for this? I do think that the Council has a place as a House of review, that we might, long term, see its role change in relation to legislation and how it might handle legislation, and whether or not it can stop it forever. Those sorts of things could all be part of a broader debate about the role of the Upper House. The alternative view is that the Upper House and Lower House be merged into one, that the committees would become very important in the Lower House, and we might do what the Germans do, where they have all legislation going through the committees before it comes into the Parliament. It sounds incredibly sensible, because, try as we will, debating legislation in the Parliament, even during the Committee stages, does not give as effective scrutiny of legislation as we would otherwise get.

The Hon. Carmel Zollo interjecting:

The Hon. M.J. ELLIOTT: So that a range of views is put across all the spectrums. I think that that is another alternative view. Of course, the way that the one Lower House is elected would have to be part of the recipe as well. But there has to be a further upgrading of committee systems. There is no doubt that the balance between Executive and Parliament is now getting somewhat out of kilter. That trend has been happening at both State and Federal levels for some years now. If people genuinely believe in the Westminster system of Government then I think they will need to ask some important questions about how we get that balance back. I do think that part of it is through the use of committees. There is no doubt that at the Federal level the committee systems have been addressing the imbalance between the Executive and the Parliament very well

The other aspect is—and I make this invitation to both the Government and the Opposition—that it is a matter of the Parliament finally insisting that it will continue to retain that role. I am just a little concerned that there is a trend of insufficient resolve within the Parliament to insist upon Parliament retaining its own role. If we are not very careful we will find ourselves on the same slippery slope that perhaps failure to address tax issues resulted in some years ago in terms of the relative roles of Federal Governments and State Governments—but that is another issue.

I think I have covered the essential issues and, clearly, during the Committee stage we will have a chance to look at the details. But I reiterate again that there is nothing new in this in the sense that it is modelled on the Public Works Committee in terms of the way it is structured and the way it works. Its purpose is essentially of the same nature. I know that the one excuse that will be peddled out is commercial confidentiality. I can only say that we clearly have two issues in conflict here; one is accountability to the Parliament and the other is commercial confidentiality. It is a question of where one thinks the balance falls. In my view we must try to ensure that our committee system works properly and we must be prepared to work very vigorously to ensure that they do not leak—which for the most part they do not. But at the end of the day whatever risk there is in some information getting out, whatever that risk might be, it is a risk that we have to take if we are serious about ensuring parliamentary accountability.

I note also that the now Premier, John Olsen, back in 1995 issued a leaflet, full glossy, that was distributed to people who were applying for contracts at that time, and within that leaflet Mr Olsen conceded that constitutionally the Parliament or parliamentary committees may seek to see contracts. Although within that leaflet he expressed his view that commercial confidentiality had to be protected, he realised that, if Parliament decided that that is what it wanted to do, that would happen. Potential contractors were warned of that within that leaflet.

Finally and in summary, I cannot help but go back to what the Liberals have said in policy speeches at various times. Back in 1993, pre-election, to quote Dean Brown:

> A Liberal Government will be committed to open and honest Government fully answerable to Parliament and the people.

Fully answerable to Parliament and the people. They also said:

> A Liberal Government will ensure that Parliament is strengthened in holding Executive Government to account.

Frankly, I have not seen a great deal of that. In fact, what I have seen so far is the exact opposite, and every attempt is being made to stop Executive Government being brought to account. That lack of accountability was one of the major contributing factors as to why the State Bank went so terribly wrong under the previous Government. Neither the Government nor the Parliament were sufficiently scrutinising what the State Bank was doing, even though some questions were being asked in the Parliament by the Hon. Ian Gilfillan and by the Hon. Jennifer Cashmore in the other place. They were asking questions but those questions were being fobbed off in Question Time and the Parliament failed in its duty then. I would say to members that, if we do not take measures similar to those I am proposing in this legislation, we will be seen in years to come to have failed in our duty once again. I certainly hope that that is not the case, and I urge all members to support the Bill.

The Hon. T. CROTHERS secured the adjournment of the debate.

AUDITOR-GENERAL

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

> 1. That on Wednesday, 1 April 1998, at 2.15 p.m. the Council meet for the purpose only of resolving itself into a Committee of the Whole to consider the Auditor-General's Report 1996-97;
> 2. That pursuant to Standing Order 429 the President summon the Auditor-General to attend in the Legislative Council at the aforementioned time; and
> 3. That Standing Orders be so far suspended as to enable the Auditor-General to be accommodated on the floor of the Chamber to answer questions.

This is a package of several things, including the previous piece of legislation and another Bill that I will deal with next week in relation to the appointment of the Auditor-General, which are all linked into this question of accountability to Parliament. I do not intend to repeat all that I said about the need for accountability generally.

If one looks at its policies it is, in fact, acknowledged by the Government that the Auditor-General is a servant of the Parliament itself. In fact, in policies for both the 1993 election and also the 1997 election the Government made it quite plain that it believed that the Auditor-General should be appointed through the Parliament itself and not be a Government appointment. So, we have a servant of the Parliament and we have a requirement, under the legislation that establishes the office of Auditor-General, that the Auditor-General make an annual report to the Parliament.

I suppose I have now seen 12 Auditor-General's annual reports come into this place, and each time issues have arisen on which I would like to have had more information: the Auditor-General may have made a comment about how something was working or was not working, and there were issues about which one would have liked to know more. I found it frustrating to have information there that I would have liked to know more about but I simply could not get it, yet the Auditor-General is supposed to be a servant of the Parliament and reporting to us.

On the Notice Paper there is also a motion moved by the Treasurer on which we will be voting, I imagine, next week, where we will be noting the Auditor-General's Report. There was a process that we went through where we could ask questions of the Ministers about the Auditor-General's Report. That is pretty useful in terms of wanting to know how the Government reacts to the Auditor-General's Report, and I suppose it is pretty useful to know what the Government thinks about it and how it is reacting, etc. But I must ask the question: why are we not asking the Auditor-General more about his report? It is true that the Economic and Finance Committee has allowed some members—and I stress 'some members'—of the House of Assembly to be able to question the Auditor-General about some aspects of his report. However, there is no formalised process by which we examine the Auditor-General.

I would like to see us, as a matter of course, establish a pattern whereby the Auditor-General would make an annual report and there would then be a parliamentary process by which the report would be examined further and we could talk to the servant of the Parliament and ensure that there was no misunderstanding about what he or she was saying and what were the implications of what he or she was saying. There is no such process formalised within the parliamentary process at this stage. There is the opportunity, perhaps through the Economic and Finance Committee, for some members of the House of Assembly to question the Auditor-General.

I gave some consideration to moving a motion that a committee of the Legislative Council—a select committee, or whatever—might be set up to question the Auditor-General, but I have to say that, even looking at it from the perspective of members of my own Party, if we established a committee, one person would go on it. It is quite likely that, as the Treasury spokesperson, I would have gone on it. Yet, in this year's report at least the Auditor-General has made some comments about ETSA and Optima, for instance, which clearly fall in the portfolio area of one of my colleagues. We would make comments about health and a whole range of other things which will impact on all of us. We also have the question, if we establish a committee, whether there is a Liberal member, a Labor member or a Democrat. What about the Independent No Pokies—will they get representation as well? It seems to me that, at least in relation to the Legislative Council, with 22 members, having the Auditor-General appear before the whole Legislative Council would not be a difficulty.

It is for that reason that I propose a process whereby we call the Auditor-General before the Legislative Council so that we may examine him in relation to his report, rather than establishing a select committee. I have given it serious thought, and I could live with a subcommittee of the Legislative Council being established to examine matters with the

Auditor-General, and I believe it would be quite practical and workable for him, in this case, to appear before the Legislative Council as a whole. I have examined the Standing Orders and it is clearly something that would not be of great difficulty. We do not want the Auditor-General to be brought before the Bar: the implications of that sound pretty heavy, when they are not intended to be. This is not meant to be a cross-examination of someone who has done something to upset the Legislative Council. This involves, after all, a servant of the Council with whom we wish to discuss things. It is for that reason that I suggest that Standing Orders be so far suspended as to enable the Auditor-General to be within the Chamber itself so that we can ask questions. That is the third part of my motion. The second part thereof actually summons the Auditor-General to the Legislative Council, and the first part sets a time and place.

I have not spoken to the Auditor-General but I have asked people in my office to establish with his office whether or not he will be in town today fortnight, and he will be. So, I believe that would be a reasonable time to summon him before the Legislative Council. I hope to find a day when the Parliament will not be sitting. Parliament is due to finish sitting at the end of next week but I recognise that there is a chance we could overflow a day or two—although I do not believe it will happen. That is one of the reasons why I opted for that Wednesday. The other reason why I opted for it is that a large number of members of this place are members of other standing committees that often meet on Wednesday mornings, and that means that, regardless of other commitments, most members of this place would already need to be generally available and would probably be in the building or the near vicinity thereof.

So, for a range of reasons, that seemed to be an appropriate time. Certainly we need to give some notice to the Auditor-General that we wish to speak with him, which is why it could not be, in my view, this week or next week. That is the reason why I have chosen the date that I chose. As for the time, there are standing committees in the mornings and 2.15 p.m. is traditionally the time when the Legislative Council sits, anyway, normally to commence Question Time. I would not see this as an ordinary sitting day and we would not be doing any other business besides meeting as a Committee of the Whole, so there would be no Question Time and we could proceed immediately to question the Auditor-General in relation to his report.

I indicate that, if there were any other business on that day whatsoever, it would seem to me that after we had spoken with the Auditor-General it would be appropriate to look at the motion that has been moved by the Treasurer in relation to noting the Auditor-General's Report. Having questioned the Auditor-General and satisfied ourselves that we have fully understood his report and its implications in every way, that would be an appropriate time to then note the report. I hope that we can develop a process for future years whereby we would get a non-sitting day soon after the Auditor-General's annual report had been released and that we might then sit as a Committee of the Whole and carry out the same sort of process annually thereafter. If we are serious about carrying out our role of scrutiny, if we are to maximise the benefit of having the office of the Auditor-General and the benefit of the Auditor-General being a servant of the Parliament, I believe that we should take the opportunity to be able to meet with the Auditor-General to discuss his report and its implications. I urge all members to support the motion.

The Hon. T. CROTHERS secured the adjournment of the debate.

AUDITOR-GENERAL'S REPORT

Adjourned debate on motion of Hon. R.I. Lucas:

That the report of the Auditor-General, 1996-97, be noted.

(Continued from 25 February. Page 420.)

The Hon. P. HOLLOWAY: It is most unfortunate in a way that we are debating the report of the Auditor-General for the 1996-97 financial year in March 1998. Of course, that was as a result of the election being held in October last year when the Auditor-General's Report normally comes down. As a result of the election and the short parliamentary session that we had last year it has taken us until this time to have an opportunity on the parliamentary calendar to debate the report. It is unfortunate because we are now almost at the end of the next financial year.

Unfortunately, many of the findings of the Auditor-General are now getting on to nine months out of date. Nevertheless, the Auditor-General's Report is an essential tool for understanding the work of Government and its agencies. I always look upon the presentation of the report as one of the highlights of the parliamentary calendar.

It seems that each year the Auditor-General's Report gets bigger as the number of topics that the Auditor-General covers continues to grow. This year is no exception with something like eight volumes of the Auditor-General's Report, contained within which are a number of very important matters that the Auditor-General raises. Sadly, the time available to us, given that it is now nine months into the next financial year, is probably not all that we might like.

I begin by commending the Auditor-General for his careful and considered observation of this Government's dealings. I propose to concentrate on a number of sections of the Auditor-General's Report to highlight what I believe is a lack of understanding that the Government appears to have displayed in relation to the recommendations contained in the Auditor-General's Report.

First, I believe it is important to look at some questions that I raised in the Chamber several weeks ago during Question Time on the Auditor-General's Report. They are questions which are yet to be adequately answered by this Government. I refer to just a few matters. In Part A.2, section 9, of his report the Auditor-General states:

> Of crucial importance is whether the means by which forecast outcomes are achieved can be sustained in the long term and not be the results of continuous balancing from one-off adjustments.

The Auditor-General is talking about the balancing of this State's books. What could be more important than that?

An underlying deficit or surplus is a deficit or surplus that excludes the effect of substantial one-off items that are not of an ongoing nature. The examples of the transactions that should be excluded in determining whether or not there is an underlying budget surplus or deficit include the proceeds of a major asset sale, the return on capital from a Government business enterprise or a special dividend from a Government enterprise on account of some extraordinary item. However, what we found is that this Government in the 1996-97 budget attempted to make it appear that it had achieved a surplus by not showing the $77 million Electricity Trust dividend as an abnormal item.

The Auditor-General stated that 'of fundamental importance is the disclosure and recognition of the influence of large

or "lumpy" items such as the ETSA dividend'. He noted that the Government failed to recognise this dividend as an abnormal item. So, the Auditor-General has done us a great service in uncovering what is shoddy accounting practice on the part of the Government.

In relation to superannuation funding, the Auditor-General also made some interesting findings. At page 18 of Part A.2 he stated:

> . . . the level of superannuation funding provided for in the 1997-98 budget is substantially less than in 1993-94.

The Opposition recognises the irony in this statement from the Auditor-General, given the history of this matter. I am sure we all recall that in the wake of the 1994 post-election Audit Commission Report regarding unfunded superannuation liabilities the Government sought to spread panic about this issue. The Government then condemned the previous Labor Government for its supposed lack of provision for superannuation. Now we have the Auditor-General telling us that the most recent budget's funding for superannuation is substantially less than the last Labor budget—not just 'somewhat less' but 'substantially less'. I find it astonishing that the funding to cover future superannuation liabilities has fallen by a dramatic $212 million in real terms between 1993-94 and 1997-98.

Later in Part A.2, page 37, of his report the Auditor-General states:

> . . . the amount of superannuation funding contributions each year has been determined, in effect, as a 'balancing' item to maintain the deficit of the non-commercial sector at projected levels.

In other words, the Government has been trying to pull the wool over our eyes by hiding a deficit by variations in superannuation provisioning so that it looks as though it has met its 1994 financial statement target for a surplus by 1997-98. That is obviously not the case, and the Auditor-General has found the Government out by showing that the reduced liability funding is a discretionary decision in order to make contributions consistent with achieving forecast outcomes. At Part A.2, page 40, the Auditor-General points out that the present budget papers project that by the year 2000 the estimated superannuation and debt levels will be $14.383 billion, which is a deterioration of $675 million compared with the estimate given in the previous year's budget paper. That covers some of the more general financial matters where the Auditor-General has made a very important contribution for this year.

I will make some comments in relation to the proposed sale of the Electricity Trust. I must say that I am still at a loss to understand the position of the Premier at the time of his ministerial statement relating to the risks involved in keeping ETSA in public ownership, especially when he stated:

> . . . the Auditor-General's warnings did at first sight look unreal.

Having read carefully the Auditor-General's report, I am of the opinion that he raises no unreal warnings but in fact makes statements of which the Government should have been, and one suspects was, aware.

The Auditor-General makes clear that the State Government is the ultimate shareholder, and therefore the guarantor of ETSA and Optima. By virtue of this the Government accepts the risks associated with the introduction of these entities to a competitive environment. What is unreal about that?

The Auditor-General goes on further to state that, while competition introduces the risk of loss of market share, there is still the potential to win new customers in other regions. Again this does not seem particularly unreal. On the contrary, the Auditor-General appears to be putting forward a series of possibilities that may occur as a result of competition under the national electricity market. His observations are thoughtful and considered.

The Premier's emotional and somewhat irrational statements since the report's release are, in my view, at odds with the Auditor-General's cautious and intelligent stance on this issue. As an example, I refer once again to the Premier's ministerial statement. As reported in *Hansard* at page 310, the Premier states:

> We are being battered and manipulated by Federal decisions and Federal policies. That is to our detriment.

I wonder whether the Premier has told the Prime Minister how he feels. If the Premier, as he states on the parliamentary record, had no knowledge of the risks involved with the coming of the national electricity market, he was amazingly naive. The Auditor-General's warnings, which are dated July 1997, were apparently ignored by the Premier's own advisers for six months, and then an outburst of panic occurred whereby the Premier decided the only course was to sell ETSA and Optima.

Let us look at exactly what the Auditor-General warned the Government. In his concluding comments the Auditor-General states:

> Audit's concern is not so much that the identified risks exist but more that they are a necessary and unavoidable consequence of the restructuring of the ESI (electricity supply industry) and the entry by South Australia into the NEM (national electricity market). Audit is concerned to ensure that all the significant potential risks have been identified, where possible quantified, and strategies developed for their management.

[Sitting suspended from 6 to 7.45 p.m.]

The Hon. P. HOLLOWAY: Before the dinner adjournment I was discussing the report of the Auditor-General, in particular, Part A3, the Audit Overview, in which he considers several specific matters that are raised within the Public Finance and Audit Act, in particular, electricity reform in South Australia. Before the adjournment I quoted the Auditor-General when he said:

> Audit is concerned to ensure that all significant potential risks had been identified,—

those remarks relate to the State's entering the national electricity market—

> where possible quantified and strategies developed for their management.

My point was that the risks about which the Auditor-General speaks and which the Premier, in his ministerial statement, called 'unreal' were, in fact, a necessary and unavoidable consequence of the restructure of the electricity industry: not so necessary and unavoidable, however, that the Premier's advisers felt compelled to speak to him of them for the last six months of 1997 when strategies could have been developed, as suggested by the Auditor-General, to manage the risk. The Premier's main concern in his quest to sell ETSA and Optima is the money he states we are in danger of losing by keeping the entities.

During the time that was put aside for questions on the Auditor-General's Report, I asked the Treasurer how the $2 billion risk, which was quoted in the Premier's ministerial statement on the sale of ETSA, was calculated. The Treasurer's response was not particularly enlightening. Like his colleagues, the Treasurer appears to have taken the

Auditor-General's observations as some sort of invitation to the Government to sell off a further asset, when the Auditor-General has simply set out in clear terms the risks to be faced as a result of our entrance into the national electricity market.

The Premier has made much of the timing of all this. He claims that he was not told of the risks inherent in the process until very recently. The Premier, in his ministerial statement, stated:

> Twelve months ago, even three months ago, we had no indication this was likely to be the result to South Australia of the national electricity market.

Like most South Australians, I am still wondering how exactly this can be the case. Even without the Auditor-General's specific warnings the risks must have been apparent. The Auditor-General, in his report at page 39, states:

> A number of the Government appointed consultants participating in the separation process have identified that there is considerable scope for the South Australian Government to manage the various risks.

We should remember that this report was drafted in the middle of 1997 and basically it was unchanged in its final form. The Auditor-General, after all, reports on the 1996-97 financial year. Obviously he does not report prospectively but retrospectively. He bases his reports on documents and discussions with officials of Government. If the Auditor-General is raising concerns about the electricity reform or any other matter then, clearly, he is doing so on the basis of his discussions with and documents provided by Government officials during the course of the financial year immediately preceding his report.

If consultants had identified the risks of the national electricity market to the Government by the middle of last year were they, too, guilty of keeping the information from the Premier? The Opposition has raised continuously its concern about the overuse of consultants by this Government. How does the Government explain this apparent contradiction? The Auditor-General quite rightly states that we must learn from the State Bank. He states that the most important lesson is as follows:

> The need to establish and maintain an appropriate prudential control framework encompassing competent management, adequate accountability and timely and effective monitoring.

I have yet to see an example of this happening since the announcement to sell ETSA and Optima. All that has happened is that, in his craze to sell this proposal to the public of South Australia, the Government has used emotive language, brought out the dinosaur of the State Bank, attempted blackmail in its promises of better things to come if only ETSA and Optima are sold, and papered over the detail. Like the Opposition, the public of South Australia are not buying it. Just today we are told that there will be some environmental basis on which the proceeds from the sale of ETSA will be considered—some sort of social or environmental dividend, if one likes to call it that.

I pose the question: what will the Auditor-General say if the proceeds of the sale of ETSA—if it does in fact proceed—are not used to pay off debt? I would have thought that it would be quite improper to use the proceeds of any asset sale to fund recurrent expenditure. It highlights the point I made at the start of my contribution that the use of one-off asset sales are clearly not an appropriate way to support the current budget. It would be quite improper to use asset sales in this way.

In relation to the risk which the Government talks about and on which it supposedly based its proposed sale of ETSA, it is also important to make some comments in relation to national competition payments—after all, it was the risk of these payments by the State which appears to be the main basis of the risk to South Australia if, we are told, ETSA is not sold. I asked the Treasurer a question in relation to competition policy on 25 February. I received the following reply from the Treasurer yesterday:

> The national competition payments are subject to satisfactory progress with the implementation of specified reform conditions in the agreement. However,—

and this is the important part of the Treasurer's answer—

> no payment levels attach to specific reforms.

In other words, obviously the Commonwealth Government or the National Competition Council have not placed specific dollar amounts on what competition payments are supposedly in jeopardy if the Government does not proceed down a track that the National Competition Council prefers.

I believe that the Auditor-General's basic message has been lost in all the emotional Government rhetoric. I believe that the Auditor-General is saying that we should carefully consider the implications of South Australia's entrance into the national electricity market and to make decisions accordingly. The Premier's dramatic announcement on 17 February has none of the hallmarks of a carefully considered decision, but is more of an excuse to do something that he has dearly wanted to do since becoming the Premier, namely, sell off another, and perhaps the most valuable, asset that this State owns. In my view the Premier went totally overboard in his attempts to link the sale to the Auditor-General's concerns when he said:

> The ACCC and the NCC were so angered by the path that we had chosen which did not match their criteria for competition policy that South Australians stood to lose more than $1 billion in competition payments from the Commonwealth.

On the other hand, the Premier, standing on his principles, refuses to bow to the NCC and install another casino in South Australia, and I agree completely. What a convenient turnaround!

We now have the Premier, in more recent times, saying that changes to shopping hours will apparently be imposed on us also as a result of national competition policy. That poses the question: 'Who is Mr Samuels?' Is he some new god that we in the States have to bow down before and be told what we must do in terms of whether or not we should sell our basic assets, change our shopping hours or have casinos? It is important to realise that other States of Australia have been much more forthright in standing up to the national competition policy.

Because of my shadow responsibility for the Primary Industries portfolio I know that the New South Wales Labor Government has stood up to Mr Samuels in one important case in the rice industry. A review of the rice industry was conducted in New South Wales. I understand that that Government was threatened with a loss of $10 million in compensation payments if it did not reform the rice industry along the lines wanted by the NCC. The New South Wales Government refused to go along with that because it realised that the loss of the single desk for rice marketing in that State would be disastrous for rice growers and the communities in the MIA area of New South Wales, and ultimately the NCC backed down. The importance that has been given to Mr Samuels, as if somehow or other we have to hang on

every word he says, is ridiculous. My suggestion to the Premier is to read the Auditor-General's Report more carefully next time and to meet with him more often.

I will move on from the Auditor-General's comments on the sale of ETSA to the next section of his report A3, because I think it is very clear that the Government has been extremely selective in its reaction to the Auditor-General's Report. In my view what should be of equal if not more concern to the Government are the Auditor's warnings on the ownership of intellectual property rights where agencies are outsourced. He devotes some 30 pages to this issue following his comments on electricity reform, and that is not much less than he devoted to the electricity market. I believe that the risks the Auditor-General refers to in that report are substantially greater than those he refers to in the electricity reform part.

The issue that he refers to relates directly to the current policy of outsourcing Government functions to private entities. At this stage we should remember that if the Electricity Trust is not sold we are told by the Premier that its management will be outsourced along the lines of other contracts that the State has with water and information technologies. The Auditor-General in his report warns that outsourcing can cause uncertainty in relation to the ownership of intellectual property. He sets out a number of risks inherent in this process which I intend to go through in a little detail in a moment.

It is very important to consider this issue carefully and it is apparent that the Government has chosen not to do so. It is a pity that since the Auditor-General's Report was released the Government has not spoken out as much about this important subject as it has about other warnings contained in the report. I intend to go through, for the Government's benefit, the warnings given by him in relation to intellectual property assets to remind it of the very real dangers it faces if current practices are continued. The Auditor-General states:

> Intellectual property rights are of critical importance to the capacity of Government to continue to be capable of delivery of services to the community of South Australia.

I would have thought that when the Auditor says that he is trying to impress upon us just how important these matters are. He continues:

> It is a testament to the policy direction of this Government to have to be reminded of such a basic principle.

What he is saying is that this Government is putting at risk essential services to the community because of its piecemeal approach to the issue of ownership of intellectual property assets. The Auditor makes what in my view is one of the strongest warnings in the many hundreds of pages of all of his reports when he states:

> Government has become highly, and in some cases totally, dependent upon access to the infrastructure used to deliver Government services. Such infrastructure incorporates a range of technologies, for example, software, that are intellectual property assets. Without a guarantee of availability to these intellectual property assets the Government is not in a position to ensure it can effectively govern.

What the Auditor is saying is that there is a risk that this Government may not be able to effectively govern if it does not correct some of the problems that are faced in these issues concerning intellectual property. That is a dire warning and it is one which must not be ignored by the Government. The Auditor warns of significant commercial prejudice if this matter is not adequately dealt with. He warns that if the Government does not strategically direct the function of an outsourced agency there is a risk that the outsource provider may not align its direction alongside any change of policy needs of the Government. There is warning after warning.

In order to detail more specifically the risks outlined by the Auditor-General in his report in relation to intellectual property and its significance to the current outsourcing arrangements, particularly the EDS arrangement, I will go through each of the risks that the Auditor-General talks about. We have been told that we have to sell the Electricity Trust because of risk. Let us look at some of the other risks, at what I think are greater risks, the Auditor-General is referring to.

The first of these is the risk of a Government not being properly compensated for the transfer or use of Government intellectual property assets. Because the Government has a significant investment in its intellectual property assets there is an obvious risk of significant adverse financial impact if outsourcing is not managed properly. The Auditor states that under the outsourcing agreement with EDS the Government is paid no compensation or licence fee for the use of its intellectual property assets provided those assets are used solely to deliver the outsourced services to Government. If the assets are used for servicing third parties the agreement states that the Government and EDS will negotiate in good faith an appropriate compensation amount.

The Auditor-General warns that this agreement does not identify specifically or by category the types of intellectual property assets the Government owns and will be making available to the outsourced provider. The risk is therefore that the Government cannot know what assets it is providing; therefore, it will not be able to ensure an effective management of its assets over the course of the contract or guarantee that they will be handed back at the termination of the outsourcing agreement. The Auditor-General recommends that Government agencies should make an assessment of the value of intellectual property assets to the Government and the potential benefits that will be enjoyed by the outsource provider in using such assets, and the agency should then seek to negotiate appropriate compensation.

The second risk under intellectual property assets that the Auditor-General has referred to is the risk that modifications and enhancements to intellectual property assets may not be owned by Government. Obviously intellectual property assets should be enhanced as circumstances require to keep up with best practice and changing requirements. Any agreement should therefore address the ownership of such modifications and enhancements. The Auditor-General separates intellectual property into core assets which the Government must retain to resume providing relevant services, and other assets where the value is not in the essential connection to the relevant service but in its potential for successful commercialisation. With the EDS agreement, the parties have agreed that while they will own any improvements made by them to their own software they will negotiate on ownership or modifications made to each other's software. Therefore, the ownership issue itself is open to negotiation. The Auditor-General recommends that outsource agreements should clearly deal with modifications and enhancements made to intellectual property assets, and the report states that such assets should vest in the Government. This is an urgent matter which should be addressed by the Government immediately.

The third risk that the Auditor-General refers to is ensuring that the Government shares appropriately in new intellectual property assets developed during the outsourcing arrangement. The risk here is where the outsource provider develops new intellectual property assets during the outsource

arrangement. In this situation the Government may find itself with no entitlement to the intellectual property in the absence of any provision to that effect. With EDS the assets include software, procedure manuals, miscellaneous reports and documents and the reports required by Government. The Auditor recommends that the Government establish a position on ownership of new intellectual property assets.

The fourth risk identified by the Auditor-General is ensuring that access is available to the Government's intellectual property assets. Obviously, the Government must have ready and immediate access to intellectual property assets that are outsourced. With the EDS agreement there are currently no specific processes put in place to allow Government to get immediate access to its own assets. The Auditor sees this issue as critical; he warns that the Government must put in place both contractual and practical mechanisms to ensure physical access to materials which embody such intangible assets.

The fifth risk involves preserving Government intellectual property assets. When an asset remains with a Government agency the Government is in a position to ensure best practice. Once the asset is outsourced, however, it is vital that the Government ensures that the outsource provider carry out best practice protection. The Auditor says!

> Any failure to address this risk could mean that the Government may not be able to continue to provide its services and may be exposed to the cost of redeveloping the destroyed intellectual property assets.

I just make that point again: the failure to address this risk, identified by the Auditor-General, could mean that the Government may not be able to continue to provide its services. I would have thought that that was every bit as serious as some of the risks that this Government purports exist, to justify the sale of the Electricity Trust.

The sixth risk identified by the Auditor-General is ensuring Government information is not improperly used or disseminated. If Government information is improperly used or disseminated to third parties the risks to the Government are: (a) claims by individuals that personal information has been improperly used; (b) the inability by Government to carry out services if information is lost or corrupted; (c) the loss of integrity in Government safeguards with the refusal or reluctance by the community to provide required information; and (d) the inability of Government agencies to comply with their obligations.

The seventh risk is managing third party intellectual property assets. Currently the Government uses a wide range of intellectual property assets which are licensed from third parties. If a Government agency allows an outsource provider to have access to these assets without the licensor's permission, the Government may be liable to revocation of the licence or a claim for compensation.

The eighth risk is ensuring open and effective competition when going back to the market on the expiration of the outsourcing agreement. Here the Auditor-General recommends that agencies should develop a position on the type and level of detailed information required to go back to the market with a request for tender or request for proposal upon the expiration of an outsource agreement.

The ninth risk is protecting the Government's position on expiration or termination of outsourcing arrangements. Basically, the Auditor asks here: what assets will be handed back to the Government and in what state will such assets be on termination of such an agreement? This is extremely important as Government cannot ensure continuity of services while this is uncertain. The Auditor warns that all outsourcing arrangements must specifically address the Government's needs for ongoing access for intellectual property assets of the outsource provider which have become critical for continuity of service.

Overall, the Auditor-General recommends that:

· the Government considers high level risks identified in the Auditor's report and creates appropriate policies to deal with them;

· that Government put into place appropriate training and education;

· issues of intellectual property assets and Government information are specifically focused upon in outsourcing arrangements;

· standard form intellectual property law provisions are devised to provide a reference point for agencies;

· Government develop contract management program;

· a benchmark Government approach be created with regard to the protection of intellectual property assets and Government information in outsourcing arrangements.

I do not believe that any of those risks that are identified by the Auditor-General in that important section of his report are 'unreal', to use the words of the Premier in his first reaction to the risks identified in relation to the Electricity Trust. I would recommend that anyone who is interested in risk identified by the Auditor-General or anyone who has been persuaded by the Government's arguments on the sale of ETSA should read this particular chapter of the Auditor-General's Report and see where there are what I think are genuine risks that ought to be addressed by this Government. I also say that the report clearly shows, particularly in relation to the EDS contract, that it was obviously rushed through by the Government and many of the details that should have been tidied up before outsourcing of our information technology was undertaken were not identified when they should have been at the start of the process. Unfortunately, we are now at the stage where, several years into that contract, we are finding that there are still many loose ends yet to be tied up and, as a consequence, there are many risks to the public of this State and to the very continuity of Government itself that are identified by the Auditor in his report.

Before I conclude, I want to make some other remarks in relation to the EDS contract. Following on from the information about intellectual property, the Auditor-General considers information technology itself and makes some comments on the outsourcing arrangements with EDS. I mention a few of the key findings in relation to that report. These are that:

> Key documentation requirements, principally agency service level agreements and associated annexures and agency security specification documents have not reached a satisfactory stage of completion.

That is one of the key findings of the Auditor-General. He also finds:

> There were no formal documented procedures in place to ensure the regular updating of agency service level agreements as a result of agency change requests processed during the year.

He is talking here about the 1996-97 year. This was a contract that the Government began negotiating immediately after the 1993 election. We are still at the stage where agency service level agreements are far from satisfactory. Indeed, the Auditor-General makes this comment:

> Audit considers it important that a comprehensive review of the adequacy of agency service level agreements and associated

documents be undertaken by the Department of Information Technology Services through consultation with the Crown Solicitor's office.

He also finds:

> The review revealed EDS had only prepared draft procedure manuals for the majority of agencies selected for review and that those draft manuals were deficient in a number of areas.

He also says:

> During the review a number of Government agencies indicated the need for more direct guidance and assistance in certain contract management areas, notably new services, contract pricing, invoice details and provision of information to enable effective agency monitoring of service level delivery.

So what the Auditor-General is really saying is that this contract is being rushed through and there are many loose ends which provide problems and risks for this State.

Along with the great volume of information that the Auditor-General provided us with was, finally, a summary of the outsourcing agreement with EDS. Because such a large volume of information was presented by the Auditor-General I think this particular document has probably not had the attention given to it that it deserves. I must say that I do not believe that the contract summary procedures have been a great success. However, I must say that the EDS contract summary does give more information than the summaries I have seen on some of the other outsourcing activities of this Government. It is probably the most useful of those summaries to date, although what it does for me is raise as many questions as it answers.

I refer briefly to a few of these before I conclude. Some of the things that we have found out about this contract that we have been waiting to see for such a long time, and despite four years of select committees and answering many questions in this Parliament, are quite revealing, and I mention just a few of those. One of the things that we are now told about this particular contract is that the State has agreed to limit EDS's liability and damages to the State both for single claims by the State and for all claims in aggregate by the State. There was a big debate in this Parliament several years ago about what would happen in the case of any problems, claims for damages against EDS. The Opposition at the time raised the example of the State of Florida which had sued EDS and which had resulted in long law cases.

We now see that under this contract the State in fact has agreed to limit EDS's liability. As I said, that simple statement probably raises as many questions as it answers. We are also told—another interesting thing here—that, if the revenue to EDS under the contract falls significantly below the parties' expectations, EDS has a right to seek to renegotiate the contract and, if the parties are unable to agree, EDS may terminate the contract. Given the Auditor-General's comments on the risks involved with the termination of the contract, that should make us all a bit worried.

In his summary the Auditor-General also pointed out that the State has provided certain legal assurances in terms of virus scanning, the introduction of new software and in relation to the maintenance of the State's hardware, equipment and other devices. Of course, we have no idea what those legal assurances are. Another interesting point in this contract summary is that the contract requires EDS to provide annual feedback on agency satisfaction surveys. Of course, the select committee into EDS had a look at agency satisfaction with the contract in its early days, and it would be no exaggeration to say that there was little, if any, satisfaction at all. It would be interesting to know what that annual feedback is. However, I am sure that with the way this Government has treated this contract it is unlikely that the public and this Parliament will ever get that information. Nevertheless, it is interesting that it is required.

The other matter that has been raised in the past in relation to the contract concerns what happens with the economic development obligations that are required of EDS under this contract. We are told a little in this summary. For example, we are told that a breach of EDS's economic development obligations can lead to publication of the fact of the breach by the Government and, in some cases, termination of the contract. If at the end of the term of the contract there is significant as-defined shortfall in the delivery by EDS on its economic development obligations, there is a cure period of a further 36 months during which EDS must remedy the shortfall and undertake some additional works.

Whereas we are told that EDS is required to source an agreed volume by value of products and services from local IT business, we find that in the case of EDS's economic development obligations events of default are defined in ways that vary as between the category of obligation. They usually incorporate periods of grace. For example, EDS does not breach the contract if it fails to meet the obligation referred to in the paragraph I just read out, the requirement relating to an agreed volume of products and services from local business, unless it does so for two successive years. From this summary we are gradually learning a few more things about this contract. I must say that they raise some questions about just how candid this Government has been with this Parliament in relation to that contract.

In conclusion, I shall make some remarks on what I think has been a very important Auditor-General's Report. Although I have used a considerable amount of time, I have really only scratched the surface on several of the topics raised in the Auditor-General's Report. I am sure there are many other comments he has made which are worthy of comment. I commend the Auditor-General on his insight and thoughtful understanding of this Government's management. I believe that the information that he has provided to this Parliament has shown up this Government, and the Government's response has been predictable: ignore basic good advice. In relation to the ETSA report, in particular, the Government yet again is rushing into a privatisation process without carefully considering what the Auditor-General is really saying. As I said, what is the point of rushing into an outsourcing of ETSA if the Government does not learn from the comments that the Auditor-General made in his very important sections on intellectual property and on outsourcing generally?

I believe the Government has used the report selectively and that it will pay the price for that. The Auditor-General has carefully considered the Government's actions and in many cases—in my view, too many cases—found them wanting. The Government must look again at what the Auditor-General is saying and not simply use some of his observations as an excuse to sell off our State. I commend the Auditor on his reports, and he can be assured that the Opposition regards his report and the work that he has done as a very important and vital contribution to good Government in South Australia.

The Hon. T. CROTHERS: My colleague, the Hon. Paul Holloway, as is ever his wont in anything that he addresses his mind to, is most thorough and adopts a fairly high level of intelligence approach to these matters. I am sure that the

Council will appreciate that this evening we have had the benefits of that wisdom enumerated for us in respect of the Auditor-General's Report. My contribution to this report is based on the proposition of the outsourcing content of the report and matters that flow from that. Members who served in the last Parliament might well recall a question that I asked in respect of the Auditor-General and the diminution of his authority relative to the fact that so many things were being sold off, which diminished his capacity at that time, in my view, to have the proper oversight of the people's money, the State's finances, that he is compelled to do under the law of this State.

It is worth noting that there is a handful of officers holding high office in this State who, in order to be removed from office, require a vote of no confidence in them expressed and carried by both Houses of this Parliament: members of the judiciary; the Solicitor-General; if my memory serves me properly, the Ombudsman; and, last but by no means least, the one that springs to my mind is the Auditor-General. There is no doubt in my mind that there is good and valid reason why the Auditor-General should not serve anyone other than the people of this State. His accountability is held to be of such value when it comes to an independent accounting of the Government's expenditure, etc. that he can be removed only by a vote carried by a majority in each House of this South Australian Parliament.

We have seen some glaring examples in recent times of people in other States, such as Victoria, trying to demean the powers of the Auditor-General and, in fact, even introducing Bills into the Parliament endeavouring to do away with that office as it was then constituted, some 6 or 9 months ago, because it appeared from newspaper reports at the time that certain elements of the Victorian Government were less than happy with the criticism that the Victorian Auditor-General was levelling at their expenditure and their processes of accountability in respect of that expenditure. There can be no doubt that the people of this State, for whom we all exercise a passing responsibility relative to the stewardship of their property and their moneys, require this Parliament and other Parliaments of like ilk to have independent accountants or auditors relative to the manner in which the Executive of the day and the Parliament of the day expend moneys that have emanated from and, indeed, belong to the people.

ETSA is one prime example of that. When I asked the question of the then Minister, who from memory was the present Premier, some four to five weeks later the Auditor-General (Mr MacPherson) was on his way to England to see what had happened to the Auditor-General's responsibilities under the willy-nilly privatisation and selling off of assets by the then Thatcher Conservative Government. It is not for me to say that there was any connection between the question that I asked of the Minister and the fact that the Auditor-General was sent to the UK to familiarise himself with what transpired to his great office when Government assets were sold off.

I know that many members on both sides of Parliament value the Auditor-General's Report. He was critical of my Party when we were in government, and rightly so. He is critical of the present Government's handling of some matters, and rightly so. Auditors-General are by nature reasonably cautious people and they do not go into print unless they are fairly sure that that which they are saying is accurate in the extreme.

One matter that has exercised my mind for some time is what happens to the powers enjoyed by the Auditor-General under Acts of Parliament given outsourcing and the sale of Government assets, which are the people's assets? What happens to his responsibilities? Is there a surreptitious diminution of those responsibilities by virtue of the salient fact that many of the State's assets are being sold off? I do not know. That question has never been debated and it has never been answered, certainly to my satisfaction or to that of any person who has similar thoughts to mine on that matter.

These reports are very important because, as the Hon. Mr Elliott said today in respect of another matter, because of the way in which Executive Government has taken on itself virtually all the powers of the Parliament. I cite my own Party when we were in Government as no different from the current Liberal Government in that respect. That is the beginning of the end of the Westminster system. Fortunately, we have the judiciary and the Auditor-General who exercise the role of reinsmen with a curved bit on the horse of the Executive. Because of the trend of Executive Government to take more power on itself, the Auditor-General has an additional role to play compared with his functions of 20 or 30 years ago.

Such was the power that the Executive took upon itself in America, the country of the written constitution—and my friend the Hon. Robert Lawson would bear me out—that in a series of American Supreme Court judgments and decisions by the Congress and the American Senate, the power of the incumbent President has steadily been eroded. I do not want to see that happen to the Auditor-General's office in this State.

The functions and responsibilities of that office have been admirably discharged by the incumbents whom I have known, and I again say that it would be better for us in respect of the ideology we hold to ensure that the State has an independent Auditor-General and that the Executive does not continue to make further advances in embracing the powers that were formerly the bailiwick of the Parliament in full assemblage.

Outsourcing is of the same ilk as the selling off of ETSA and other Government assets. We have never been told, despite my asking questions on different occasions, how much the outsourcing and the selling off of State Government assets diminishes the powers that the Auditor-General enjoys under Acts of Parliament in respect of his being the keeper of the State's conscience regarding the expenditure of the moneys and the wealth of this State. Since I raised the issue several years ago, that remains a nagging doubt in my mind which will take some dispelling.

The present mood in the Government is to sell off ETSA in order to raise $5 billion. The people of this State have garnered that money over many years as a squirrel squirrels away nuts each autumn. Will the power that the Auditor-General exercises to safeguard the people's assets be diminished almost to nothingness by virtue of the fact that these industries and assets are being outsourced, privatised or straight out sold off?

I commend the Hon. Mr Holloway for the manner in which he dealt with this subject. As he said, by no means has he exhaustively dealt with the matter contained in this report, and nor have I in my brief contribution. It is no good just to pick out the eyes of a report and use that to advance the philosophical thought of the moment. One must look at the matter in its totality, and that is why it is so essential for Parliament to ensure that the office of the Auditor-General is not further diminished, because it appears that he and he alone is the one who is looking at the expenditure of this

State's money and who is safeguarding this State's assets in their totality.

After all, if one sells off the family silver, such as ETSA, at the end of the day one has no silver left to sell. Where does one go from there? ETSA brings into the Treasury coffers of this State tens of millions of dollars a year. I commend the motion to the House. I have spoken on the one matter that I perceive to be of vital concern when one considers the selling of any of the State's assets, that is, how much does that surreptitiously diminish the powers and responsibilities of the Auditor-General? That question has never been addressed in this Council and, before any major asset is sold off by this or any other Government, it should be answered at length.

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

NATIONAL PARKS AND WILDLIFE (GAME BIRDS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 18 February. Page 314.)

The Hon. CAROLINE SCHAEFER: I oppose this and, in so doing, will paraphrase the letter that I have written to the some hundreds of duck shooters who have lobbied me in the past couple of weeks. In my letter to them I have said that I have very little sympathy or affection for the notion of duck hunting. However, I recognise the amount of money and effort that the duck hunting lobby has put into preserving their chosen activity. I have called it an activity rather than a sport, because I fail to see how anyone can particularly enjoy killing birds—or killing anything, for that matter, but killing ducks—purely for the sport. I can understand the necessity to cull ducks and in fact most wild animals, and I can understand the desire to kill sufficient birds to eat. After that, I fail to understand what pleasure these people derive from this activity.

However, having said that, I also acknowledge—and did so in my letter—that these people have probably done more for the preservation of wetlands than any other group. For example, the Water Valley wetlands system is privately owned and consists of some 5 600 hectares, which has been preserved and organised for duck shooters.

That aside, my main reason for not supporting this motion is the fact that, at the moment, duck shooting is organised: we know where these people go, and we have some idea of how many ducks they shoot and the size of the culls. They are very heavily regulated. Without that organisation and regulation, I believe they would go back to their chosen activity as it was when I was a child, where people hunted ducks on every dam and every waterway on every private property onto which one could go, to such an extent that I believe they threatened the continuation of some species and it was almost unsafe to take on any leisure activities on one's own property.

Also, there are a number of figures which would illustrate that we are better off in South Australia with legal but regulated duck hunting than we would be if we were to ban it. I quote the example of New South Wales, where duck hunting is banned, except in the case of people with destruction permits, which are issued to rice farmers. At the moment, there are 469 destruction permits, with 3 420 hunters licensed to shoot ducks over rice fields. It is estimated that since duck shooting was banned 100 000 ducks are shot each season. Prior to the banning of duck hunting in New South Wales an estimated 30 000 to 40 000 ducks were shot per season.

So, it seems to me that the best thing, as strange as it may seem, that we can do for the preservation of the species is to continue to legalise duck hunting, but under heavy restrictions. It gives me no great pleasure to support such a notion but I have reached this decision by myself, and I genuinely believe that at this stage this is the kindest thing that can be done for the species. I also recognise, as a primary producer, that there has always been, and will always be, the necessity to cull species, and I believe that in some cases this is a move to ban all hunting, regardless of the purpose for that ban. It gives me no great pleasure to stand up and support duck hunting, but I believe that is the best and most humane method of retaining the species.

The Hon. J.S.L. DAWKINS: I oppose the motion. I am not a shooter and I do not derive any pleasure from the stories I hear from shooters about some things that happen in some instances. However, I believe that the prohibition on shooting ducks and other similar species would have very undesirable consequences. My understanding is that duck shooters currently operate under significant restrictions and have demonstrated a willingness to improve the environment of the wetlands where the ducks live. As such, I am concerned about the prospect of some shooters going underground and causing significant damage to the duck population and its habitat.

I recently noted comments by Dr Graham Webb of Darwin, who is the Chairman of the Australia New Zealand Sustainable Use Specialist Group. Dr Webb is also a non-hunter, and he said that this Bill seeks to punish rather than reward hunters for their habitat conservation efforts of the past.

I believe that this Bill would obviously prevent such conservation efforts by those people continuing. Wildlife conservation is totally dependent on habitat conservation, and users of wildlife such as hunters are the ones who invest resources in habitat conservation. Indeed, many areas of the world are trying to encourage sustainable use programs such as those in South Australia.

I also raise the aspect of the timing of this motion. The Senate Rural and Regional Affairs and Transport Reference Committee in the Federal Parliament is due to report in May 1998 on the results of a comprehensive parliamentary review of the linkages between conservation, animal welfare and economic development in this country. This committee is chaired by the Hon. Mike Elliott's Democrat colleague, Senator John Woodley. That committee has received more than 340 submissions and held 13 public hearings.

In addition, the Commonwealth Environment Minister (Senator Robert Hill) has announced significant reforms to all Federal environment legislation in order to promote conservation and sustainable use of biodiversity in Australia. For these reasons, it would seem that the Hon. Mr Elliott's Bill has been put forward prematurely.

The likely consequences of a ban on duck hunting have been canvassed somewhat by the Hon. Caroline Schaefer. I would like to echo my concerns about the evidence of what has happened in New South Wales, where far more ducks have been killed, in a supposedly restricted destruction permit situation, than was the case prior to the ban, when only 30 000 to 40 000, rather than 100 000, ducks were shot during an open season.

The Hon. T.G. ROBERTS: I rise to indicate early in the debate the Opposition's position, and I must state the Party policy. As is the case within the community, the Labor Party has a variance of views. I am not sure whether there are too many animal liberationists within the Labor Party ranks, but there are certainly in the Party people who have a view that duck hunting should be banned, that it should be an integrated part of an environmental policy linking all our wildlife species and that it is a humane sport—if it can be called a sport: it is more likely to be called a recreational pursuit. But there are some people who insist on their rights in relation to liberty to hunt recreationally and to hunt ducks.

The Labor Party is no different, there being a broad representation of views. Some are of the view that there should be open season on ducks and others are of the view that there should be controlled hunting. At the moment the Labor Party's view in relation to duck hunting is that it should be a controlled recreational pursuit and that there should be some regulations, limitations and encouragement for rehabilitation of habitat in that policy.

There should also be restrictions on the type of shot that can be used in some habitats where there is a concentration of shooters, such as Bool Lagoon and other places where a lot of hunting is done. I am told—and I am not too sure of the history of it—that it was the recreational hunters who suggested that the shot be changed from lead shot to steel shot—

The Hon. M.J. Elliott: No, I asked questions in here before it happened.

The Hon. T.G. ROBERTS: It depends to whom you speak what sort of replies you get about that question.

The Hon. M.J. Elliott: The swamps were dying down at Bool Lagoon because they were ingesting all the lead.

The Hon. T.G. ROBERTS: Yes. The problem did emerge earlier than the limitations were placed on the exchange of lead shot for steel shot. As the honourable member suggests, concerns were being shown by people who had an interest in conservation as well as those who had an interest in hunting that other species of birds were staggering around in a not too well state because of the weeds that they were eating and when their crops were opened up it was found that they had ingested lead shot. So, a change was made. Our Party supported that intervention to change from lead to steel.

I do not think that too many people in the Party or in the community now—and there have been some advances in views and thoughts—would agree with an open shoot at all times regardless of the seasonal conditions. Most people have a view that, if the duck season has a regulated time for opening and closing and if the general consensus is that various geographical areas are closed to hunting, then most hunters respect that. In fact many of the hunters make contributions towards an acceptance of those views by self imposed regulations, if you like. They police other hunters and stop them from breaking the law by hunting outside the season or at times when those partial bans are in place. Coming from the South-East, I certainly mix at a close level with a lot of hunters.

The view put by the Hon. Caroline Schaefer that, if there were no regulations to restrict hunting, then some people might take the liberty of using their own seasonal controls—hunting at night and hunting outside the season. I think that will occur anyway. When a ban of any sort is imposed, there will be those who will poach. They will poach on public property and on private property as well if they can get away with it. At the moment there is what I would call a Mexican stand-off. People are watching to see whether excesses of hunting will impact on native species. There are certainly those who are not regarded as animal liberationists but as protectionists of native species who have identified species that are under threat, including the freckled duck. Restrictions were brought in and identification tests made so that hunters were able to tell protected species from those that were able to be shot.

The Hon. M.J. Elliott interjecting:

The Hon. T.G. ROBERTS: As the honourable member interjects, some people can see better than others at sun up and the various states of sobriety sometimes impact on hunters' eyesight. The excesses of the early days are over. Hunters now are more responsible generally. The debate will have to close the gap on one position or another because, as I said, the community generally is broken into two groups: those who support restricted or regulated hunting and those who are opposed to hunting altogether as being an inhumane pursuit. The debate has to be carried further into the community to obtain a broader range of views and perhaps a more spirited debate to get the silent majority to join in. If legislators are to change the position that we have at this time, they would have to weigh in on the side of caution, with regulation.

If there is to be any movement towards a total ban, then certainly the people of South Australia and the silent majority will have to speak with a louder voice than they have at the moment. Whenever there is a Bill or a move towards the total ban on hunting, you can count on almost the same reaction—and all those spirited positions within the community—that you get to the euthanasia Bill and the legalisation of marijuana. People seem to have very strong views. Obviously they will react and they have reacted to this Bill.

As I say, the Labor Party is bound by a convention decision. I refer to a letter which I have sent to people who have written to me, and in particular to Mr Kevin Peters, whom I know quite well and who is a lobbyist for and on behalf of recreational hunters. The letter states:

> Thank you for your letter regarding the private member's Bill presented to the Legislative Council dealing with duck hunting.Labor's policy on hunting is as follows:
>
> 'Continue to monitor the impact of recreational hunting on indigenous animals and encourage recreational hunters to target feral pests rather than native species while in all cases ensuring full compliance with the Prevention of Cruelty to Animals Act and the National Parks and Wildlife Act.'
>
> Members of the Labor Caucus are bound by this policy. Thank you for raising the issue with me.

I indicate that that is my position in relation to the Bill and other members can indicate their position during the debate.

The Hon. T. CROTHERS secured the adjournment of the debate.

DENTISTS (DENTAL PROSTHETISTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 February. Page 423.)

The Hon. P. HOLLOWAY: The Opposition supports this Bill, the principal aim of which is to permit dental prosthetists to make partial dentures subject to their having suitable qualifications to undertake that task.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Yes, it does make it a lot harder. It was easy when they were called clinical dental technicians, even if it took longer to say. I make my comments brief because this matter has been the subject of consideration by the Parliament on a number of occasions. The Bill I introduced about 12 months ago sought to achieve much the same as this Bill, although the Bill introduced by the Hon. Angus Redford addresses a couple of additional issues and, in some respects, goes further than the Bill I put before this Parliament 12 months ago. As we have gone through it all before I will not repeat my remarks. I believe that the Hon. Angus Redford gave a very detailed outline of the history of this measure and put forward an overwhelmingly strong case for it to be supported.

Dental prosthetists have had the right to make partial dentures in Tasmania since 1957, in New South Wales since 1975 and in just about every other State of Australia since then. I think that Western Australia is the only State where they may not have the right. In that time there have been very few, if any, problems with dental technicians having that right. Dental prosthetists are highly qualified people. This Bill seeks to permit only those prosthetists who have not only been practising for many years but who have also achieved academic qualifications that would enable them to identify any problems with the mouth of a person who is fitted with a partial denture. Therefore they would know whether it was proper to make such dentures. When these measures were originally put forward there were no requirements for such qualifications but, in this Bill, as in the Bill I moved 12 months ago, we can now require that dental prosthetists have suitable qualifications because these are available from institutions in Australia.

I do not believe that there is any real risk in permitting dental prosthetists to have this right, and the evidence from those States that have permitted them to undertake this practice bears that out. We passed a Bill in respect of mutual recognition fairly recently. It is inevitable, in my view, that, under national competition policy, the Dental Act will have to be reviewed before the end of the year 2000. I do not believe that, in the circumstances, it would be possible for dentists to retain the restrictive work practice which they have at the moment which prohibits dental prosthetists from undertaking this particular work. It is inevitable that this measure will come through the Parliament sooner or later, and I certainly hope that this particular Bill is passed.

Considerable cuts have been made to the dental health program by the Federal Government; I do not blame this State Government for that. It is unfortunate that the Commonwealth Government has withdrawn from dental care. That has resulted in huge waiting lists in the public dental system. The fact is that dentures of any sort are very expensive. It is beyond the financial capacity of many people to be able to pay for those dentures. It is indisputable that dental prosthetists are able to make partial or full dentures considerably cheaper than dentists.

Indeed, I have pointed out in past Bills that when a dentist fits a denture he or she takes the impression which is then referred to a dental technician who actually makes the particular denture. In most cases dentures are made by dental technicians or prosthetists. Given the present problems with dental care funding, I believe that this Bill would provide a cheaper alternative to many people who have lost teeth and for whom a partial denture would be of considerable value. They will have another option and, at least in a small way, it addresses this problem of dental care funding cuts.

The Hon. Angus Redford's Bill also makes changes to the Dental Board. The Opposition is happy to support those measures. In particular, the Hon. Angus Redford proposes that a dental prosthetist or representative of dental prosthetists will be a member of the board and the various tribunals. I believe that the Australian Dental Association is one of the more notorious closed shops, and it is a positive move that there should be some broader representation on that body. I do not want to be too critical of dentists in their fight to keep dental prosthetists out of this particular area. The view that is genuinely held by many dentists is that there are better means of dealing with missing teeth than dentures. In some cases, if one can afford it, it is clearly better to consider such treatments as bridges and crowns, etc.

The fact is that these are extremely expensive treatments. Whereas the dentists are correct in saying, 'Look, it would be far better, rather than someone losing a tooth and having a denture, to consider some more expensive root canal treatment and the saving of that existing tooth.' That may well be better for dental health but, unfortunately, the fact is that many people cannot afford such treatment. For those who are in that position at least their capacity to have a partial denture fitted by a qualified dental prosthetist is certainly better than the alternative of nothing.

The Hon. Angus Redford's Bill insists on the requirement of a certificate of oral health from a dentist should a partial denture be fitted. In other words, there must be a certificate of oral health from a dentist within six months of a dental prosthetist's making a partial denture. My view is that that is an unnecessary measure. Certainly in Tasmania and New South Wales that has never been such a requirement, and I do not believe that there have been any problems with that measure. Under the Hon. Angus Redford's Bill a $5 000 fine will be imposed on any dental prosthetist who fits a partial denture where the health of the patient's mouth is not appropriate for such a denture to be fitted. I believe that that particular provision is sufficient to prevent such a thing happening. The Hon. Angus Redford's Bill is having two hits: on the one hand he makes it an offence for a dental prosthetist to provide dental treatment to a person whose gums are damaged; and, on the other hand, he also requires that the person obtain a certificate of oral health from a dentist. We believe that that is a bit of overkill and that the requirement of a certificate of oral health is unnecessary. Nevertheless, given the failure of this Bill in the past, the Opposition would not like to see this Bill fail on that one requirement. However, we believe that it is unnecessary and I will be testing the Chamber by moving an amendment to that clause during Committee.

The Opposition supports this Bill. I welcome the Hon. Angus Redford's introduction of this Bill and trust that this Council and the other place will support its passage.

The Hon. CARMEL ZOLLO secured the adjournment of the debate.

WATERFRONT REFORM

Adjourned debate on motion of Hon. T.G. Roberts:

That this Council condemns the Federal Liberal Government and the National Farmers Federation for their provocative approach to waterfront reforms in Australia, in particular—

1. their support for current and past serving members of the Australian Defence Forces to participate in an ill-fated overseas strike breaking training exercise; and
2. their support for the conspiracy entered into between Patrick Stevedores and a National Farmers Federation front company

to establish a union busting stevedoring company at Webb Dock, Victoria,

and calls on the Federal Government and the National Farmers Federation to recognise that just and fairly negotiated settlements between management, unions and the workers involved can achieve more in terms of productivity and improved labour relations, as witnessed by the achievements at the Port of Adelaide, than by the use of the jackboot.

(Continued from 25 February. Page 427.)

The Hon. CAROLINE SCHAEFER: Unlike the Hon. Ron Roberts when he spoke on this matter, I do not wish to turn this debate into a personal slanging match. I do not intend to refer to his income or denigrate his family as he did to my colleague the Hon. Angus Redford. However, I feel that I must mention his outburst with regard to the perks and rorts that he said are available to farmers. It included sales tax exemption, which, in fact, is available to all business inputs, not just farmers' business inputs; fuel tax rebates, which are for farmers and the mining industry and are available on farm diesel only; and, above all, his mention of the superphosphate subsidy. I was fascinated by his mention of the superphosphate subsidy because it came from a former shadow Minister for Primary Industries. Ron Roberts, the farmer's friend: well researched in every way! The super subsidy was eliminated, from my recollection, in the early to mid 1980s—yet he mentioned it as a subsidy that we retain to this day. I repeat: he is a former shadow Minister for Primary Industries.

I will not go on with the kind of personal abuse that I witnessed. Suffice to say that when he accused the Hon. Angus Redford of hiding behind parliamentary privilege it was the perfect example, in my view, of the pot calling the kettle black. I want to keep my remarks to the facts.

I have no objection to anyone getting a fair wage for fair work. I believe that employers have obligations to their employees and that employees have similar obligations to their employers. If employees do not produce more for their employer than they are paid, both they and their employer are headed for unemployment. That is simple logic, as is the fact that if Australia is not competitive on a worldwide basis we are headed for bankruptcy as a nation.

I am not here to union bash but to talk about productivity and competition. Surely, no-one can deny any business the basic right to purchase goods and services at competitive rates. Surely, no-one can say that a firm should be banned, put out of business, because it wants to compete. Yet that is what this is about: the right of one firm to compete and another to purchase its services.

This is not the case under current MUA conditions. At present Australian ports are known as the least efficient and least reliable in the world. Their crane movements of 18 per hour are 45 per cent less than the benchmark aimed at by the Federal Government and already achieved by New Zealand, our direct competitor, and about half world's best practice of 30 crane movements per hour. Not only are our stevedores less efficient than their peers but they are by any standard particularly well paid for their inefficiency, with an average wage of $74 000 per year, and some who are lucky enough to attract overtime earn up to $120 000 per year. This compares with an average of $47 000 for a police officer, or more than 57 per cent more than that police officer; 74 per cent more than a nurse on an average of $43 000; and 108 per cent more than construction workers who average $35 000 per annum.

Although these figures have been bandied about quite a bit in the press I think it is again worthwhile to look at how the crane drivers earn their money. For the 50.3 hour working week for which they are paid they spend 14 hours on relief time, 10.5 hours on holidays or paid sick leave, 8.5 hours training and 3.2 hours on meal breaks. They therefore actually work 14.1 hours. If, however, they are lucky enough to get the double-header of Saturday, they work 15 hours, which comprises 2.5 hours for meal breaks, 4.5 hours on other duties and 8 hours driving a crane. For this they are paid for 33.75 hours, or $611.

I would not object to this sort of pay if there was a comparable efficiency, but there is not. Perhaps the most disturbing part of this largesse is that, in spite of pay and conditions that must be the envy of the rest of the world, workers' compensation payments are second to none. In 1994-95 the cost per employee was a staggering $1 450 as opposed to $474.52 for construction workers, $623.51 for mining workers, $371.92 for transport workers and an average of $244.02 for all industries. Indeed, stevedoring must be a very dangerous job! Either that, or we need to look at what these people are actually doing.

As well as this, and in spite of the unsuccessful efforts of previous Labor Governments to instigate waterfront reforms, the stevedoring industry continues to have the highest number of industrial disputes and has done so since at least 1986. There is widespread community support for waterfront reform. Australia needs an efficient, reliable and competitive waterfront. I think that the article by Don Chipp in the *Sunday Telegraph* of 1 March this year sums up the feelings of many. It states:

> A comforting feature of living in Australia is that when cheating practices are inflicted by one section of the community on others they are readily exposed. The media is normally in the vanguard in this exercise. Politicians rorting travel expenses is a classic example; wealthy people cheating on tax is another.
>
> A quaint exception seems to be the flagrant abuse of fair play by the Waterside Workers Union. For a start, they are engaging in a practice which is an anathema to all fair-minded Australians: a monopoly over the workplace.
>
> No-one can work on the waterfront without the express approval of the Maritime Union of Australia. The union, not the stevedoring company, decrees how many men will load or unload a ship. The prosperity and welfare of all Australians is determined by the efficiency and economies we employ on loading and unloading the goods which we trade with other countries.
>
> A few of the privileges which this monopolistic trade union have gained by blackmail tactics have been:
>
> · Full-time permanent employees average incomes of about $75 000 per annum and many average $90 000 (or $1 500 a week) for a 29-hour week.
> · A wage package includes five weeks annual leave with a 27.5 per cent holiday loading.
> · Ten days sick leave per year cumulative which can be 'cashed in'.
> · Compulsory union membership is a feature of employment on the waterfront.
> · The time lost in waterfront strikes is second only to coal mining. By comparison—

and he goes on to quote the figures that I previously quoted with regard to comparable wages. He continues:

> Understandably, and commendably, the National Farmers Federation has taken the union on. The wharfies are now demanding a rise of $86 a week (about $4 500 over a year). With a few exceptions, Governments have squibbed an encounter with the MUA. The farmers are about to bite the bullet and are committed to a fight for real justice.
>
> It is to be hoped that we the public and the media join the farmers in this commendable battle for justice.

This is not about union bashing. This is about genuine industrial reform; this is about industrial competitiveness; this is about jobs rather than monopolies. As a nation struggling

for status as a net exporter, we all have an interest in this outcome. I oppose the motion.

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

REPUBLIC

Adjourned debate on motion of Hon. M.J. Elliott:

1. That Australia should become a Republic with an Australian citizen as Head of State; and
2. That the concurrence of the House of Assembly to this motion be requested.

(Continued from 18 February. Page 320.)

The Hon. CARMEL ZOLLO: I would like to speak briefly in support of this motion. As a member of the Australian Republican Movement for several years I was pleased to see a constitutional convention, albeit not exactly what the ARM had advocated, but certainly a recognition that the issue is one which will not go away and one which is deserving of a serious debate. I take this opportunity to congratulate the four ARM members elected to the convention: former Liberal Senator Baden Teague, Ms Linda Kirk, a lawyer and lecturer in constitutional law at the University of Adelaide, Dr Antonio Cocchiaro, a prominent member of the Italian community, and Youth Convenor Ms Kirsten Andrews.

The event itself will certainly become part of Australia's history, irrespective of what may happen with the referendum to be put to the Australian people next year. My principal concern arising from the convention is that we still need more effectively to communicate with the Australian community the message that having an Australian Head of State will not in any significant way change our Westminster system of Government. It is a system which has given Australia one of the best and most stable democracies in the world. It also has nothing to do with changing our Federal system of Government or retaining our membership of the Commonwealth of Nations. It of course suits opponents of a republic to continue to make misleading statements about such issues.

The minimalist approach advocated by the ARM, that is, to replace our Queen as our Head of State with an Australian citizen, to be appointed by a two-thirds majority of Parliament, would allow us to retain our current system of government virtually intact. The central ingredient of the minimal change approach is that Parliament should elect or appoint a president. A directly elected president would require significant alterations to the Constitution and possibly lead to major changes to our system or style of government.

Ms Linda Kirk, the ARM's SA constitutional lawyer to the convention, very eloquently expressed such a sentiment during one of her speeches:

> In developing a republican constitution, we must ensure not only that the strengths of the present system are reproduced but also that we improve upon and enhance existing arrangements. . . The strength of our present system is that it provides for a stable and secure democracy. The Governor-General is vested with many significant powers under the Australian Constitution, including the power to appoint and dismiss a Prime Minister and to summon and dissolve Parliament. In practice, these powers have been uncontroversial because their exercise is tightly constrained by constitutional convention. This requires that the powers are exercised only on the advice of the Ministers of the elected government. The conventions are not rules of law and are not enforceable in the courts. The sanction for a breach of the convention that the Governor-General acts on advice is dismissal by the Queen on the advice of the Prime Minister.
>
> If the powers of the Head of State in the republic are to be substantially the same as under existing arrangements, then there must be effective procedure to dismiss a Head of State who acts without, or contrary to, advice.

Ms Kirk then went on to discuss several models for the removal of a president who acts without or contrary to advice, and concluded by saying:

> There is room for creativity in the design of a model which will replace the existing system with procedures that are uniquely Australian.

She urged her fellow delegates to take up this challenge. The issue of directly electing our Head of State has been of concern to me because I think some convention delegates and the media have managed to concoct a message of denial to the electorate, a denial of democracy in not being able to choose a Head of State. The principal argument being bandied about for directly electing a Head of State is that people do not want politicians or ex-politicians being appointed by other politicians. But the quickest way to politicise the office is by direct election, because only political Parties have the resources to conduct an expensive national campaign. They would also have a vested interest in promoting a sympathetic Party-political candidate to minimise potential conflict between the Government and the Head of State.

Does Australia want to go down the road of the US presidential style of Government? I think not. The US President is in the political sense the equivalent of our Prime Minister—that is, the President and the cabinet, which is appointed from outside the legislature, is not a ceremonial position but is the executive arm of Government. Given the lack of compulsory voting in that country, the US President is often elected with only 25 per cent of the popular vote—but that is a separate issue. If we were to elect our Head of State that person would then automatically become a responsible person and be in competition to our elected Prime Minister.

Another important issue is the need for a new preamble to the Constitution, a preamble that acknowledges our indigenous Australians, our now culturally diverse population, the equality of all people before the law, and recognition of gender equality. A consensus was also reached at the Convention that a Commonwealth republic need not affect the States, which could still be responsible for the title, role, powers, appointment and dismissal of the State Head of State.

The South Australian State Constitution certainly can be amended by an ordinary Act of Parliament. Whilst it may not be an easy task to do so, it can be done by a variety of amendments to various Acts to remove references to Her Majesty and to alter the term Minister of the Crown to Minister of the State, and other minor changes that would acknowledge that the Governor is the representative of the sovereignty of the people of South Australia, and not a representative of the British monarch. For historical and public relations reasons I personally prefer to retain the title of Governor.

Ms Kirk also addressed the matter of whether States can and/or should be forced by the Commonwealth to adopt a republican constitution, if Australian becomes a republic. She clearly identified that:

> The Commonwealth Parliament may have the ability to abrogate State entrenched manner and form provisions and/or to otherwise alter the State Constitutions without the States' consent.

She identified the two sections as 51(38) and section 128. Ms Kirk concluded with some bipartisan comments, which I am sure we would all agree with:

> It is essential that the States consent to the constitutional reforms that will give effect to a republic and that the people of the States are given the opportunity to participate in determining the constitutional structures of their State.

Some consultative work has, of course, already occurred in South Australia. Former Premier Dean Brown set up the South Australian Constitutional Advisory Council, chaired by Professor Peter Howell, which looked at, amongst other things, the important question of how South Australia would be affected by an Australian republic and whether South Australia should still retain a Governor. Submissions were received from throughout South Australia. The Constitutional Advisory Council recommended that a State referendum be held, prior to any Federal move, to decide key issues and that a State Governor should continue to be appointed if and when Australia became a republic. I do not personally think there is any need for the holding of a State referendum at any time. If a majority of Australians in a majority of States vote in favour of a republic then that decision should be accepted by all States.

As I indicated earlier, a number of legislative changes would be required to acknowledge that the Governor, and not the British Monarch, is the representative of the people of South Australia. My colleague, the Leader of the Opposition, the Hon. Mike Rann, has also indicated that he sees no reason to abolish the role of the State Governor or even to change the title 'Governor' should Australia become a republic.

I wholeheartedly support the motion that Australia become a republic with an Australian citizen as a head of State and am confident that the motion will receive wide support both in this Chamber and in the House of Assembly. I am also confident that the referendum will be carried next year and that Australia will usher in a new millennium as a truly independent nation which has come of age.

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

SELECT COMMITTEE ON THE VOLUNTARY EUTHANASIA BILL

Adjourned debate on motion of Hon. Carolyn Pickles:

> I. That a select committee of the Legislative Council be established on the Voluntary Euthanasia Bill 1997;
>
> II. That Standing Order 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only;
>
> III. That this Council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being reported to the Council;
>
> IV. That Standing Order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating; and
>
> V. That the Minutes of Proceedings and Evidence to the Legislative Council Select Committee on the Voluntary Euthanasia Bill 1997 be referred to the select committee.

(Continued from 25 February. Page 421.)

The Hon. CAROLINE SCHAEFER: I intend to speak very briefly to this motion as my views and, indeed, the views on euthanasia of almost everyone who sits in this Chamber are well known, whether they be for or against this issue, and have been canvassed on several occasions in the 4½ years that I have been here. There are two new members, and the Hon. Carmel Zollo made her view on voluntary euthanasia well known in her maiden speech. I suppose that we will necessarily dig over old ground to talk for a long time about this matter.

The motion before us is designed to reinstate a select committee to inquire into the merits or otherwise of voluntary euthanasia as was put before the Council by the Hon. Anne Levy prior to her retirement. I point out that, due largely I believe to the heavy workload of the people who sat on that select committee, it met on only two occasions in perhaps four or five months.

The Hon. Carolyn Pickles interjecting:

The Hon. CAROLINE SCHAEFER: There was an election, but even prior to that it met on only two occasions over a quite long period of time and it was always very difficult to get a quorum for that select committee. I am of the view that a select committee in itself has limited value in that this will always be a conscience issue and will always be voted on according to the consciences of the individual members who take their place in this or any other Chamber.

However, I acknowledge that there were some 3 000 submissions, be they letters or requests, to give evidence to the former select committee. I believe it would be irresponsible of any Parliament to ignore that number of submissions. Obviously, it is an issue about which people are passionate. Whether they be passionately for or passionately against it is really beside the point: they are passionate about this issue and therefore have the right to some form of public inquiry.

As I say, I have expressed my views a number of times, and it is my view in this case that it would be more appropriate that this matter be referred to the Standing Committee on Social Development, as standing committees were set up precisely to deal with these sorts of issues and because three of the people who were on the previous select committee also are on that standing committee. I see little point in duplicating work when it is not necessary to do so.

The standing committees do have resources and they do meet regularly, regardless of the reference before them. I understand fully that there are in this Council people who believe that my position as Chair of a standing committee would compromise the investigation if it were put before us. I reject that entirely. I think that casts aspersions on my honesty and my professionalism. As I say, my views are well known and, indeed, Anne Levy's views were well known and she saw no compromise in chairing a select committee. I would give my word in this place that any investigation would be as unbiased as I could make it and that all relevant witnesses would be called and heard.

The Hon. Carolyn Pickles has said that she wishes to bring up what she believes to be new evidence. Again, as Chair of the standing committee, if the reference were to go to the standing committee, I would give my word that we would see that she was called as a witness.

Another argument against the matter going to the standing committee is that the inquiry would not begin probably before October due to previous references, but as I say the evidence is not great for frequent meetings of select committees. So, with 3 000 pieces of evidence already, I would be very surprised if much headway were made before October, wherever it is referred.

I do this not as people may think for political grandstanding but simply because I think it is the appropriate place for

it to go. There seems little point in duplicating work for a number of people who would be on both committees and also because I think an investigation of this magnitude deserves the deliberation of both Houses—not just the Upper House. If this reference was to go to a select committee it would mean that it was purely a select committee of the Upper House and could then be ignored by the Lower House. At least if it is addressed by a joint House committee the report, whatever that report might be, would be tabled in both Houses. Basically, those are the reasons why I move the following amendment:

1. Leave out paragraphs I to IV and insert—
   'I. That the Voluntary Euthanasia Bill 1997 be referred to the Social Development Committee for inquiry and report.'
2. Leave out paragraph V and insert—
   'II. That the minutes of evidence to the Legislative Council Select Committee on Voluntary Euthanasia Bill 1997 be referred to the Social Development Committee.'

I conclude by again reiterating that matters such as this will always rightfully be matters of conscience and, regardless of which committee addresses the matter, it is almost certain that there will be at least one minority report. In the end, when any report is tabled to either House or both Houses, the vote will remain up to the consciences of individual members.

The Hon. CARMEL ZOLLO: As the Hon. Caroline Schaefer has mentioned, I am opposed to voluntary active euthanasia. I disagree with the implication of enshrining into law the act of one human being physically assisting another to die. Euthanasia is portrayed as an individual right by its advocates, but it is not an individual act, and I believe that its legislation requires the sanction of the community as a whole. Euthanasia is also portrayed as empowering the terminally ill, but what is forgotten is that it ends up empowering not just the terminally ill but other people as well.

Parliament already has in place a properly constituted committee in the form of the Social Development Committee which is capable of inquiring into the issue, taking evidence, coming to a decision and then reporting to Parliament. Further, if any of us had any doubt about how important or otherwise the issue is to the general community outside the pro-euthanasia lobby, one has only to look at the last State election results. The candidate who stood on its platform received barely 4 000 votes out of nearly 1 million, a vote ratio clearly consistent with the actual requests for the voluntary act of euthanasia.

Statistics now collected in South Australia and for a long time overseas show that between 2 per cent and 8 per cent of people dying from a terminal illness make sustained requests for a voluntary act of euthanasia, which does not translate to the 80 per cent of the population supporting 'a lethal injection to be permitted in certain circumstances' that one hears about in surveys. Perhaps how one phrases the question dictates the response that is received.

This issue has already been visited on a number of occasions. Two Bills have been presented to Parliament and the last Bill resulted in the formation of a select committee purely for political expediency, simply to remove it from the floor of Parliament because an election was imminent. I also happen to believe that it is no coincidence that the issue is one that has usually been debated only in rich Western societies. I am sure that the issue is not of great concern in Third World countries where it is a struggle to survive and where the majority of people live in poverty and do not have the luxury of worrying about finetuning their time of death but are consumed with the daily struggle of existence.

I believe that there are more important, pressing issues in our society than providing additional resources to this committee. Of greater importance—and I am sure that the vast majority of people would agree—is Parliament's devoting more time on legislation and policies dealing with the No. 1 problem in our community, namely, unemployment and the need to channel more funds into education and into a good health system which includes palliative care.

I am pleased to note that both the medical profession and the Palliative Care Council are promoting education programs in both the profession and the wider community in order to increase understanding and knowledge of the issues involved in the delivery of palliative care. I totally reject any suggestion that reconvening this committee to look at voluntary euthanasia legislation will assist in any way to address the complex issue of an ageing population. Life should not be measured by economics. Such an argument is truly a reflection of a decadent society and places enormous pressures on the elderly, suggesting that there is a duty to die.

I believe that our palliative care legislation enables our clinicians to provide medical assistance based on the intention to relieve symptoms and pain. When the intention is always to relieve pain and heal, there should not be any doubt about ministering such help because the alternative is the deliberate and intentional act of killing another. When the intention is for pain relief, clinicians should and do have society's support.

Intent is the measure by which many actions are measured in society, especially in most areas of the law. We have excellent legislation in the Consent to Medical Treatment and Palliative Care Act 1995 to deal with this most distressing and difficult issue of pain and terminal illness. The intention of the Act is clear. It enables clinicians to administer with consent pain control and the relief of symptoms. The Act should be given more time to prove its worth, and for that reason alone I see no reason to reconvene the select committee.

I am unable to support the motion to reconvene the select committee into euthanasia. I am prepared to consider an amendment to refer the matter to the Social Development Committee if for no other reason than to deal with the public submissions that were received last year.

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

CROYDON PRIMARY SCHOOL

The Hon. CAROLYN PICKLES: I move:

That this Council—

1. Calls on the Minister for Education, Children's Services and Training to acknowledge criticisms by the Ombudsman that the final report to the Minister of the upper west school cluster review did not reflect dissenting views, that documents presented to the Minister contained inaccuracies, that the Co-Chairs of the Croydon Primary School signed the final report on misleading advice and that grave doubt exists as to the extent of consideration given to the Croydon minority report;
2. Acknowledges the significant campaign by the Croydon Primary School Council and parents and friends to save the school and advance the educational opportunities of their children; and
3. Condemns the Minister for closing the school.

Some time has now elapsed since the Croydon Primary School was closed by the former Minister for Education and Children's Services (Hon. Mr Lucas) at the end of the 1997

school year. Many of my colleagues who were involved in the campaign to try to save the school, particularly the Hon. Michael Atkinson and the Leader of the Opposition (Mr Mike Rann), were appalled that the Government would not reverse its decision. I am angered by the Government's and, in particular, the now Treasurer's gross mismanagement of the matter and I am saddened because a community, parents and children lost their fight to retain their local school. There appears to have been a lack of integrity and transparency inherent in the Government's actions and process in this whole sorry saga.

First, I will address the criticisms of the Ombudsman and his letter of 25 September 1997 to the Chief Executive Officer of the then Department for Education and Children's Services regarding the conduct of the upper west school cluster review. In his letter, the Ombudsman highlighted a number of flaws and irregularities in the Government's decision-making process, stating:

> It is my view that there remain a number of aspects of this process which I consider less than satisfactory.

The list of concerns by the Ombudsman is a long one and includes the fact that dissenting views were not included in the final report of the upper west school cluster review. Again I quote the Ombudsman, as follows:

> I consider that where at least one school [Croydon Primary] was clearly not in favour of closure it would have been appropriate for this to be recorded in the final report rather than a summary of the collective views of the schools which may present a misleading picture.

The Ombudsman indicates there that there were misleading conclusions in the final report. Rather than acknowledge the true feelings in the community, the Government decided to gloss over the reality of the situation, hoping that no-one would pick it up.

The Ombudsman went further and questioned the extent of the consideration given to the Croydon Primary minority report. The Ombudsman also stated that the minority report delivered to the Minister's office for distribution to the department never saw the light of day. The Minister's office did not distribute the minority report. This tale of woe has sadly highlighted the Government's determination to close the school despite the community's strong opposition to that closure.

The second part of my motion acknowledges the significant and impressive campaign by the staff, students and parents and friends to save their school and to advance the educational opportunities of their children. I extend my congratulations to the team of Croydon Primary School supporters who ploughed on despite the Government's incompetence and attempts to rig the outcome of the review. Theirs was a struggle motivated by a desire to advance the educational opportunities for their children, and it is that reason which attracts the hearts and minds of the broader community. Today it is Croydon Primary School, but who knows which school community will suffer the same fate in the future?

I believe that the final part of the motion speaks for itself. Against all the evidence, the community's desire and recommendations from the Ombudsman, the Government stormed ahead and closed the school. To this end, I believe that the Government paid a price, if only a small one, at the 1997 election, when it was subject to the same feelings of loss and devastation experienced by the Croydon Primary School students. Hopefully, for the sake of our children, the Government will learn from this experience, but I believe that that is unlikely.

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

ROAD TRAFFIC (SCHOOL ZONES) AMENDMENT BILL

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning) obtained leave and introduced a Bill for an Act to amend the Road Traffic Act 1961. Read a first time.

The Hon. DIANA LAIDLAW: I move:

That this Bill be now read a second time.

I seek leave to have the second reading speech and the explanation of clauses inserted in *Hansard* without my reading them, and I do so having reached an understanding earlier that such a move is acceptable to the Labor Party and the Democrats.

Leave granted.

The purpose of this Bill is to amend the law to clarify the operation of School Zones.

The Government has made a major and long-term commitment to improve road safety conditions for school children as part of an extensive campaign to reduce road deaths and injuries overall. New School Zones were introduced at the beginning of 1997, not to change the law, but merely to better advise motorists of their responsibilities. Only the signs were changed, so that motorists would know the speed limit and the times that it must be obeyed. Generally this favoured motorists, as it reduced the times at which the speed limit applied, while also advising them of their obligations. It also appears (in conjunction with more diligent enforcement) to have favoured children, since the rate of death and injury among children as a result of road accidents in school hours was particularly low in 1997.

Since at least 1936, motorists have been required under the law to observe a speed limit of 25 km per hour (or 15 miles per hour) while passing schools, if children were proceeding to or from school. Originally there was not even a requirement that any signs be displayed to advise motorists when they were passing a school.

The 'School Limits' that applied prior to 1997 consisted of a sign saying 'School' and a further sign saying 'End School Limit'. No information was given to motorists of the speed limit to be obeyed or the relevant times. The law required the special speed limit to be observed at any time children were proceeding to or from a school. This applied even at night or on a weekend, for example, if children proceeded to the school to attend a concert or participate in sporting fixtures.

This obligation was not understood by some motorists and resulted in an increasingly casual attitude amongst motorists to obeying the speed limit. Fatalities and serious injuries to children during school hours as a result of motor vehicle accidents were steadily increasing. In response to these concerns, in 1995 I established the Pedestrian Facilities Review Group which included representation from the RAA, police, local government, school associations and the State Government. The Group recommended many road safety initiatives, including the need for additional information for motorists. Specific recommendations included that the signs indicating 'School Zone' should be supplemented by signs indicating the relevant speed limit (25 km/h), plus specific hours in which the speed limit applied.

Section 49 no longer applied as a result of the change in signs. Instead, the Government relied upon the Minister's power under Section 32 of the Act to fix a speed limit for a portion of a carriageway. Advice from the Crown Solicitor confirmed that the Minister had the power to fix such speed limits. The advice stated that the 'time of day' indicators probably had no effect on the lawfully erected and prescribed signs, but cautioned that the issue may be open to challenge. Legislation to allow the creation of part time speed zones was passed by the Parliament in Spring 1997.

On 30 January 1998 the Magistrates Court found that, in a specific matter, the Minister for Transport and Urban Planning did not have the power to establish a part-time speed zone. Following the ruling the Government has determined not to take this case

through a costly and protracted appeal. Rather, the Government has opted to act urgently to overcome any uncertainty arising from the magistrate's decision, in order to restore community confidence that speed zones can be effectively enforced to ensure the safety of children.

Prior to the magistrate's decision, in response to the community concerns over School Zones I reconvened the Pedestrian Facilities Review Group to consider a number of issues, including the varying hours in which school zones operated. The Group made several recommendations but it was unable to reach a consensus on a new policy for school zones. The issue of the appropriate times at which school zones should operate involves balancing the interests of motorists and the interests of school children. Schools open and close at different times and on different days. The issue is complicated by the fact that kindergartens have in the past been viewed as schools, and school zones have been installed outside many of them. Kindergartens have two intakes a day, so that children are in the area in the middle of the day, as well as early in the morning and later in the afternoon.

The Government has sought to obtain community consensus on the times that the 25 km/h speed limit should apply. Since no uniform fixed times are likely to be acceptable to both motorists and schools, the Government has determined that the school speed limit should apply at all times when children are present. This will be achieved by providing that the speed limit will apply at times when children are present in the School Zone.

It is proposed to clarify the law to make it clear that school zones are applicable in the case of primary and secondary schools and kindergartens, which are the institutions that in practice currently enjoy the benefit of 25 km/h speed limits. The issue of whether similar speed zones should be installed outside child care centres has also been raised in some quarters. The Government is investigating this question further. The Bill makes provision for broadening the application of school zones by means of a Regulation, should the need to do so become apparent at some future time.

So as to maximise the certainty of the new law and the protection of children, the legislation provides that an allegation in the complaint to the effect that children were present in the School Zone at the time of the offence is to be taken as sufficient proof of that fact, in the absence of proof by the defendant to the contrary.

The Crown Solicitor and Parliamentary Counsel have also raised the issue of the need to consider the provisions of the Act concerning the authority required to install these signs. Amendments will be made to the Regulations that describes traffic control devices, reflecting the changed signs to be used. As a result of the changes to the law in this Bill, the legally effective sign will be a sign which conforms to the one prescribed. The law will be clear, simple to administer, and will be based upon traffic signs which are well recognised and readily understood and obeyed by motorists.

The Government is also keen to respond to concerns from motorists regarding the visibility of certain signs. Section 25 of the Road Traffic Act 1961 currently provides that every traffic control device must be erected or placed or marked so as to be clearly visible to approaching drivers. I have directed Transport SA to work with councils to review the location and signage for all school zones. The Pedestrian Facilities Review Group has also recommended the use of appropriate warning devices—for example zigzag lines painted on the road or 'SCHOOL ZONE AHEAD' signs. These will be progressively installed where there are visibility problems. I have already publicly announced that the Government will install flashing lights or other forms of crossings near schools where appropriate, starting with main or arterial roads.

Many motorists penalised in 1997 for speeding in a School Zone have expressed disappointment that fines paid have not been refunded. I understand their sense of grievance when they see many motorists who did not pay their expiation fees get off scot-free. But they have not denied breaching a law which reflects a clear bipartisan policy that has existed in this State for over 60 years. This policy has existed to protect the safety of children and as I have already stated, the system that applied in 1997 was more favourable to motorists than the one which previously applied.

It is proposed that an extensive public awareness campaign will be launched to advise road users of the changes, the cost of which will be met from existing Transport SA resources as will the cost of new signs on roads that are the responsibility of the Commissioner of Highways.

As community consensus on the school zone issue has not been possible, the measures now proposed draw on pre 1997 practices and build on the increases in child safety achieved since this time. I commend this Bill to Honourable Members as necessary to clarify school speed limits in the interests of the safety of school children.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This measure is to commence on a day to be fixed by proclamation.

Clause 3: Amendment of s. 5—Interpretation

This clause amends section 5 of the principal Act, an interpretation provision, to define "school" and "school zone".

A "school" is defined as a primary or secondary school or kindergarten, or an institution of a class prescribed by regulation.

A "school zone" is defined as a portion of road (which can consist of a portion of road that continues across, or around a corner at, an intersection or junction) that is—

(a) adjacent to or near a school; and

(b) between traffic control devices prescribed by regulation to indicate the beginning and end of a school zone.

Clause 4: Amendment of s. 25—General provisions relating to traffic control devices

Section 25(2) and (3) of the principal Act create presumptions that—

(a) the installation of a traffic control device on or near a road was lawful and with authority; and

(b) that a light, signal, sign, line, device etc. substantially conforming to the requirements of the Act or regulations for a particular kind of traffic control device is such a traffic control device.

This clause amends these provisions to make it clear that the presumptions are conclusive presumptions.

Clause 5: Amendment of s. 49—Special speed limits

This clause amends section 49 of the principal Act, which sets out the speed limits to be observed in certain specified situations. This amendment provides that a speed limit of 25 kilometres an hour has to be observed in a school zone when a child is present in the school zone (whether on the carriageway or on a footpath or other part of the road). For this purpose "child" means a person under the age of 18 years, and includes a student of any age who is in school uniform.

Clause 6: Amendment of s. 175—Evidence

This clause amends section 175 of the principal Act, which deals with matters of an evidentiary nature. This amendment provides that in proceedings for an offence against the principal Act, an allegation in a complaint that a vehicle was driven in a school zone and that a child was present in that school zone when the vehicle was so driven is proof of those matters in the absence of proof to the contrary.

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

The Hon. K.T. GRIFFIN: Sir, I draw your attention to the State of the Council.

A quorum having been formed:

EVIDENCE (USE OF AUDIO AND AUDIO VISUAL LINKS) AMENDMENT BILL

In Committee.

Clause 1.

The Hon. K.T. GRIFFIN: In her second reading contribution, the Hon. Carolyn Pickles raised several questions, and it is appropriate that I now respond. The first question was: 'Could the Attorney indicate whether all other States and Territories have adopted similar legislation and, if not, which States or Territories have not introduced such legislation and what are the reasons for that?' My response is that this Bill was based on a model provision discussed at the Standing Committee of Attorneys-General, which all Attorneys-General agreed to enact. I understand that the Tasmanian and Queensland Governments are currently considering the enactment of these model provisions and that the Victorian Parliament has passed an Act to deal with audio visual and audio linking. I am unaware of the situation in the other States and Territories at this stage.

The second observation, rather than a question, by the Leader of the Opposition was that it would seem to her that

this legislation could be translated into something we could use locally. My response is as follows: The need to enact legislation to allow the South Australian courts to take evidence and submissions by audio or video link from other States and Territories and to allow them to take evidence and submissions in South Australia by the same means does not flow from the intention to use the video or audio equipment: rather, the legislation is necessary because the court will be exercising powers at a place outside its jurisdiction.

The essential element of this legislation is that it allows a court to act outside its jurisdiction or territory and it specifies which law applies when the laws of the State or Territory taking the evidence and the laws of the State or Territory in which the evidence is being given conflict. As such it can be concluded that the provisions of this Bill would not be suitable to deal with intrastate video or audio links. In any event, it appears that legislation to regulate such activity within South Australia is not required. All South Australian courts have the power to sit at any place either within or outside the State and at such times as directed by the chief of the relevant court.

All South Australian courts also have the ability to adjourn a proceeding from place to place. These provisions give the court a wide discretion as to how the proceedings should be run and give the court scope to use audio or video links or to attend personally or to conduct proceedings at a different place. Inquiries have been made at the Supreme Court and District Court registries. The Supreme Court listing coordinator indicated that he is unaware of any situation where a witness or offender has been unable to attend court. In any event, they do not have facilities to allow for a video link up. They only have facilities for telephone conferencing. However, the District Court has one court equipped for a video link up and they have used the facility on a number of occasions.

Therefore, in answer to the honourable member's concern, the current Bill is not suitable to deal with this issue and the courts already have the discretion to use this method if the appropriate facilities are available.

Clause passed.

Remaining clauses (2 and 3) and title passed.

Bill read a third time and passed.

INDUSTRIAL AND EMPLOYEE RELATIONS (DISCLOSURE OF INFORMATION) AMENDMENT BILL

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

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 proposes to:
- permit industrial inspectors to be able to pass time and wages records received from employers to the employee to whom the records relate; and
- ensure that former employees are able to obtain their time and wages records from a former employer.

The *Industrial and Employee Relations Act 1994* ("the Act") requires that an employer who is bound by an award or enterprise agreement must keep time and wages records for each employee to whom the award or agreement applies.

The Act also provides that an employer must provide, upon the reasonable request of an employee or an inspector, a copy of the records to them and permit the employee or inspector to make copies of the records.

The Act has various confidentiality requirements in it, including one to the effect that an inspector must not divulge information received in the course of his or her employment to other parties, except in certain limited circumstances.

It has been long standing policy of industrial inspectors in cases in which an inspector advises an employee that the employee has grounds to file an underpayment of wages claim, to provide to the employee concerned copies of the wages records relating to the employee. However, the Crown Solicitor recently advised that this is not permitted (and may be prohibited) by the Act. As a consequence the Act must be amended to reflect the long standing policy.

Whilst the employee concerned has an independent right to obtain time and wages records from his or her current employer, forcing employees to exercise this right themselves instead of getting the records from the inspector who already has them—
- is an unjustifiable departure from past practices of industrial inspectors;
- results in an employer having to be approached twice for the same set of records;
- will result in employees and unions (and some employers) not being able to see any rationale for the necessity for the employee to separately approach an employer to obtain copies of records already obtained by an inspector.

The Bill ensures that an inspector may, if the inspector sees fit, provide to the relevant employee a copy of the time and wages record obtained from an employer.

The Bill also makes it clear that a former employee has a right to make a request of a former employer to obtain a copy of employment records and to make copies of, or take an extract from, the records.

The current situation according to the Crown Solicitor is that, irrespective of the entitlement to make an underpayment of wages claim up to six years after the event, (and indefinitely in the case of a superannuation claim) and also irrespective of the obligation of the employer to keep records for at least six years after the date of the last entry made in the record, a former employee would not actually have a right to obtain a copy of the record other than by seeking an order from the Industrial Relations Court in the context of an underpayment of wages claim.

This clearly has the potential to waste the time of the Court in employees having to make applications for underpayment of wages even when they are uncertain as to whether or not an underpayment of wages has actually occurred. In addition and because of the cumbersome nature of the procedure which would have to be followed to obtain a copy of the employment records, it has the likelihood of bringing the system into disrepute.

The Bill will rectify this anomalous situation.

I commend this Bill to the House.

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 102—Records to be kept

The amendment ensures that a former employee is able to obtain access to employment records.

Clause 3: Amendment of s. 219—Confidentiality

The amendment allows a person involved in the administration of the Act to disclose information relating to an employee or former employee to that employee or former employee without a breach of confidentiality.

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

DANGEROUS SUBSTANCES (TRANSPORT OF DANGEROUS GOODS) AMENDMENT BILL

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

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 Dangerous Substances Act provides for the keeping, handling, packaging, conveyance, use, disposal and quality of toxic,

corrosive, flammable or otherwise harmful substances. This Bill concentrates on the transport of dangerous substances (commonly referred to as 'dangerous goods') and it offers many advantages to South Australian industry in terms of consistent requirements based on national and international standards.

Regulations under the Dangerous Substances Act dealing with transport commenced in South Australia in October 1981. These regulations applied the Australian Code for the Transport of Dangerous Goods By Road and Rail (ADG Code), a national document which is now used by all States and Territories of Australia. This Code has been revised several times and has served South Australia and the nation well as a common basis for State Regulation and a focal point for uniform and mutually acceptable state wide decisions on matters which affect the transport of dangerous goods.

The transport industry, in its widest application, plays a central part in the efficiency of our industries and our national and international competitiveness. For these reasons, agreements were reached between state governments and the federal government regarding micro economic reform for the transport industry. The National Road Transport Commission has been developing nationally uniform road transport law since 1992, under the Heavy Vehicle Agreement signed by Heads of Government. In South Australia the Minister for Transport has supervised these developments through the Australian Transport Advisory Council and the Ministerial Council on Road Transport.

In relation to dangerous goods, a uniform regulatory regime based upon a comprehensive set of regulations and a new 6th edition of the Australian Dangerous Goods (ADG) Code has been drafted at national level with extensive consultation with all interest groups.

In addition to national road transport reform, rail transport has also been reviewed (by other national groups) and private rail companies now operate rail transport systems. Although the National Road Transport Commission has responsibility for road transport, rail issues are included in this uniform regulatory regime.

The requirements of this Bill are drawn from the Commonwealth Road Transport Reform (Dangerous Goods) Act 1995 and it provides South Australia with a nationally consistent scheme which will support transport regulations and the ADG Code. It recognises that the South Australian Parliament should control South Australian legislation and the provisions of the Commonwealth Act have been applied in this Bill in a manner best suited to South Australia. For example, the South Australian Expiation of Offences scheme will be used in preference to the Commonwealth scheme but penalty levels are to the same as the Commonwealth in order to preserve national consistency.

Transport requirements are part of a broader range of issues addressed within the Dangerous Substances Act. Accordingly, administrative issues (such as appointment of officers and power of delegation) and enforcement matters (such as expiable offences, notices to remedy non compliance or a dangerous situation) will be consistent with the Commonwealth requirements but applied in this Bill to all Dangerous Substances issues. This ensures that officers authorised under the Act may deal with storage, handling, autogas and transport matters under one Act utilising one set of provisions. This simplifies administrative process, training, removes duplication and ensures efficient administration of the Act.

A further example of the application of the Commonwealth Act provisions in a manner best suited to South Australia may be found in the regulation making provisions. Certain of the regulation powers are only required for transport and these are separate in the Bill. Other powers are more general and are incorporated into the main regulation making powers within the Dangerous Substances Act. One extension issue is included. For transport, prohibition powers are available to identify and control substances which are too dangerous to transport and to allow the courts to prohibit a person from being involved in the activity of dangerous goods transport. No such equivalent power currently exists for storage and handling. An equivalent provision for storage and handling is included in the Bill. This provision does not allow an officer to prohibition a substance, but will allow the Minister to take this action should it be required in the future.

Key features of the dangerous goods transport reform include:

- a national licensing scheme for drivers and vehicles:
- clearer duties and responsibilities for all parties:
- greater legal liability on prime contractors and consignors:
- compulsory training for all dangerous goods tasks:
- rights for industry to appeal decisions:
- national coordination of exemptions, approvals and other administrative decisions.

The reforms proposed by this measure will not apply to certain activities covered by other specific or special legislation. In particular, the new regulations will not apply to the transport of any radioactive substance or radioactive apparatus that is subject to the operation and control of the *Radiation Protection and Control Act 1982*.

In conclusion, this Bill gives effect to uniform requirements for the transport of dangerous goods by road and rail. The development of these requirements is supported by intergovernmental agreements and extensive national consultation was undertaken during development.

This Bill will ensure that safety issues in dangerous goods transport continue to be addressed in a manner consistent with international developments. It will establish legislation in a manner best suited to South Australia but it will apply the national perspective in a manner which will allow the transport industry to operate efficiently and effectively in South Australia, across Australia and internationally.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation.

Clause 3: Amendment of long title

The long title will now make specific reference to the transporting of dangerous substances (in addition to the concept of 'conveyance').

Clause 4: Amendment of s. 5—Interpretation

It will be necessary to revise various definitions, or to introduce new definitions, in connection with the enactment of this measure. Many of the definitions will provide consistency with the Commonwealth legislation on Road Transport Reform. The concept of 'transport' is to be introduced, separate from 'conveyance'. It will be possible to apply the Commonwealth *Acts Interpretation Act 1901* in connection with the adoption of the Road Transport Reform package in prescribed circumstances.

Clause 5: Substitution of s. 6

It will be possible, in prescribed circumstances, to extend the application of the Act to the Crown in its other capacities (so far as the legislative power of the State extends).

Clause 6: Substitution of Part II

The introduction of the Road Transport Reform package has prompted a revision of the Administration provisions of the Act. The role of the Director under the Act is now to be undertaken by one or more 'Competent Authorities' appointed by the Minister. The term 'inspector' is to be replaced by 'authorised officer' (consistent with the Road Transport Reform package). Other provisions have been up-dated.

Clause 7: Substitution of s. 12

The general duty of care under the Act has been revised, and the penalties have been increased to provide consistency with the comparable provision in the Road Transport Reform package.

Clause 8: Amendment of s. 12a—Duty in relation to plant

Clause 9: Amendment of s. 15—Licence to keep dangerous substances

Clause 10: Amendment of s. 16—Term of licences

Clause 11: Amendment of s. 19—Licence to convey dangerous substances

Clause 12: Amendment of s. 20—Term of licences

Clause 13: Amendment of s. 21—General ground for not granting or renewing licences

Clause 14: Amendment of s. 22—Surrender, suspension and cancellation of licences

These provisions all contain consequential amendments.

Clause 15: Insertion of new Parts 3AA and 3AAB

This clause provides for the insertion of two new Parts into the Act. New Part 3AA is necessary in order to allow the Road Transport Reform package, and especially the relevant regulations, rules and codes under that package, to be adopted in South Australia. The result will be a new Part in the Act that specifically deals with the transport of dangerous goods under the national scheme. New section 23AA is modelled on the regulation-making powers in the Commonwealth Act. New section 23AB replicates various offence provisions in the Commonwealth Act (with the same levels of penalties). New section 23AAC replicates section 45 of the Commonwealth Act. New section 23AAD has the same effect as section 41 of the Commonwealth Act. New Part 3AAB provides for up-dated powers

of inspection and operation for authorised officers. The intention is to allow authorised officers to act in a manner comparable to authorised officers in other jurisdictions, but under provisions that are consistent with other legislation that applies in this State (e.g., the Environment Protection Act 1993).

Clause 16: Substitution of Part IIIA

The introduction of the Road Transport Reform package has prompted a review of Part IIIA of the Act. It has been decided to combine the concept of 'improvement notice' with the concept of 'prohibition notice' to provide easier administration and control in cases where action must be taken under the legislation. Other associated sections have also been revised.

Clause 17: Substitution of ss. 24 and 24a

The exemption and appeal provisions must also be revised. A Competent Authority will be required, in deciding whether to grant an exemption from a scheme that involves the uniform application of laws on a national basis, to take into account any effect that the exemption would have on the operation of that scheme. Notice of an exemption will need to be given in the *Gazette* in certain cases (consistent with the national scheme). Notice will also need to be given to corresponding authorities in prescribed circumstances. The appeal provisions are also to be adjusted to accommodate the scheme under the Road Transport Reform package.

Clause 18: Amendment of s. 25—Evidentiary provisions

These amendments provide for various evidentiary presumptions and provisions in view of the inclusion of 'dangerous goods' under the Act.

Clause 19: Insertion of ss. 25A and 25B

New section 25A introduces the ability to approve codes of practice for the purposes of the Act. The scheme is based on comparable provisions in the Occupational Health, Safety and Welfare Act 1986. Section 25B relates to the ability to use approved codes of practice in proceedings under the Act.

Clause 20: Insertion of s. 28A

New section 28A will allow the recovery of certain costs relating to the institution of proceedings and the investigation of an offence from a convicted person, in a manner similar to section 43 of the Commonwealth Act.

Clause 21: Amendment of s. 29—Proceedings for offences

These amendments provide for the recasting of section 29 of the Act to provide consistency with similar provisions in other Acts in view of new arrangements associated with the commencement of proceedings for offences that are expiable, and the provisions of the *Summary Procedure Act 1921*.

Clause 22: Insertion of ss. 29B, 29C and 29D

Express provision is to be made with respect to the protection of authorised officers or other persons engaged in the administration of the Act from personal liability. (Liability will lie with the Crown.) Furthermore, in a manner similar to section 49 of the Commonwealth Act, no personal liability will attach to a person for an honest act undertaken to assist with an emergency or accident involving a dangerous substance. New section 29D will allow the Minister to prohibit a person from engaging in an activity involving a dangerous substance, or using a dangerous substance in a particular manner, or having a dangerous substance in his or her custody, possession or control.

Clause 23: Amendment of s. 30—Regulations

It is necessary to make various changes to the regulation-making powers under the Act.

Clause 24: Insertion of s. 31

New section 31 replicates section 34 of the Commonwealth Act so as to allow the Minister to make various orders consistent with the scheme that applies under the *National Road Transport Commission Act 1991* of the Commonwealth.

Clause 25: Further amendments of principal Act

Various consequential or statute law revision amendments are also to be made to the Act.

Clause 26: Renumbering

Due to the extensive number, and nature, of these amendments, the sections and Parts of the Act are to be renumbered in consecutive order.

Schedule 1

All penalties under the Act have been reviewed on account of the introduction of various penalties under the Road Transport Reform package and to bring the penalties in line with general policy.

Schedule 2

Various statute law revision amendments will be made to the Act, especially to ensure gender neutral language and to remove antiquated language.

Schedule 3

Various transitional provisions are included to ensure smooth transition to new terminology and arrangements on the enactment of this measure.

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

TECHNICAL AND FURTHER EDUCATION (INDUSTRIAL JURISDICTION) AMENDMENT BILL

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

The Hon. K.T. Griffin, for **the Hon. R.I. LUCAS (Treasurer)**: 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.

In a majority decision in August 1997, the Full Industrial Relations Court of South Australia expressed a view that the provisions of the *Technical and Further Education Act 1975* evinced an intention on the part of Parliament for employment matters to be within the Minister's domain and not that of the Industrial Relations Commission of South Australia.

The views expressed by the majority judges has raised a question that employees appointed under the Technical and Further Education Act 1975 may thus not be entitled to recourse to the *Industrial and Employee Relations Act 1994* despite those employees having been subject, for many years, to awards and agreements made under State industrial legislation.

An amendment to the *Technical and Further Education Act 1975* is required so as to make it abundantly clear that there is no intention to displace the general operation of the *Industrial and Employee Relations Act 1994* and to make clear that it is the intention of Parliament that each of the *Technical and Further Education Act 1975* and the *Industrial and Employee Relations Act 1994* operate. The amendment will also make clear that awards and agreements currently operating are not excluded from having effect.

This amendment will therefore put beyond any doubt that persons appointed under the *Technical and Further Education Act 1975* will continue to be entitled to have recourse to the Industrial Relations Commission of South Australia, as has been the case for many years.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Insertion of s. 39AA

A new s. 39AA is inserted into the principal Act designed to make it clear that the principal Act does not exclude (and is to be taken never to have excluded) the operation of the *Industrial and Employee Relations Act 1994*, in relation to officers or persons employed by the Minister under the principal Act, and an agreement or award, order or other determination under the *Industrial and Employee Relations Act 1994* Act has effect (and will be taken always to have had effect) subject to the principal Act.

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

BARLEY MARKETING (APPLICATION OF PARTS 4 AND 5) AMENDMENT BILL

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

SUPPLY BILL

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

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 year the Government will introduce the 1998-99 budget on 28 May 1998.

A Supply Bill will still be necessary for the early months of the 1998-99 year until the budget has passed through the parliamentary stages and received assent.

In the absence of special arrangements in the form of the Supply Acts, there would be no parliamentary authority for expenditure between the commencement of the new financial year and the date on which assent is given to the main Appropriation Bill.

The amount being sought under this Bill is $500 million which is the same amount as last year's Supply Bill.

The Bill provides for the appropriation of $500 million to enable the Government to continue to provide public services for the early part of 1998-99.

Clause 1 is formal.

Clause 2 provides relevant definitions.

Clause 3 provides for the appropriation of up to $500 million.

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

MFP DEVELOPMENT (WINDING-UP) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 March. Page 505.)

The Hon. M.J. ELLIOTT: I support the second reading of this Bill. While the Democrats will support the Bill, we will move some amendments during the Committee stages. First, I will relate a little history in relation to the principal Act, the MFP Development Act. It is not all that long ago that we were debating that Act in this place in 1992. The Democrats supported the passage of that Act and, as I recall, expressed one major reservation and moved one major amendment to the Act at the time.

The reservation related to the then identified core site. An amendment moved by the Democrats sought to expand the core site to include the area known as Technology Park. The Democrats argued that the core site, in particular that part of the core site around Gillman/Dry Creek would be very difficult to develop. There were a number of reasons for that which we discussed at the time. We argued that, if we were wanting to get the development up and running, the Technology Park area, which already was on dry, stable land and which had services right around it, was far more suitable as a greenfield site. For the record, the then Liberal Opposition and the then Labor Government opposed that amendment.

I can only reflect that it is ironic that, some years later, the core site was expanded to include the very areas that we had suggested at the time of the original legislation. If a fatal mistake was made it was made right then because, ultimately, the public lost patience because it could see nothing happening. Frankly, the core site as originally identified was never going to be developed in the short term. In fact, we produced an argument that suggested that much of it should not be developed in the long term, either. If the sort of development that is now proceeding in what is now known as Mawson Lakes was under way a couple of years ago, which it could have been if we had had a larger core site as we had suggested, then perhaps the public perspective on the MFP might have been very different.

I believe that it is worth placing that on the record. The Democrats, from time to time, get knocked for questioning things that Governments do. It is usually not total opposition: it is usually suggesting that we could do it somewhat better. I would have to say that, in this case, within five years the stand we took has been justified very clearly. Aside from that, the other comment I make about the MFP generally is one that I have made on a few occasions recently in this place: if the MFP had a problem it was that it built up very high expectations; it tried to survive on public relations alone. When it was subjected to any questioning or scrutiny its response was to use more PR.

As I commented earlier today, when the ERD Committee, of which I am a member, started putting a little pressure on the MFP to supply information its response was, 'Well, we do not want to report to you twice a year, we want to report to you only once a year.' When it found that even reporting once a year was putting it under too much scrutiny the response was, 'Well, we do not want to have to report to you at all. Just leave us to the PR exercise.' At the end of the day public relations will not cover up for lack of action.

It is unfortunate that we are now looking at winding up the MFP. It has become necessary because it has simply lost the confidence of the public and has wasted far too much public money. That need not have been the case but that is the way things have evolved, and a succession of Government Ministers will have to take responsibility for that. As I examined the Bill I found two particular clauses very puzzling and they did not seem consistent with what I would have thought a winding up Bill would do. As a consequence, I will be opposing one clause outright and seeking to amend the other. At the same time I invite the Minister to respond to justify the structure of the Bill in those two areas.

My first amendment is to clause 10 of the Bill. The clause repeals section 12 of the principal Act, which relates to environmental impact statements for the MFP core site, in particular the area shown as area A in schedule 1. That area happens to be the Gillman/Dry Creek part of the development site. If any one area needs an EIS, that is it and, in fact, that is why it was included within the original principal Act. The Gillman/Dry Creek area is contaminated; it is the area in which the rubbish dump is located; it is an area directly adjoining the mangroves, which are an important fish nursery for commercial and recreational fishing in Gulf St Vincent; and it is environmentally extremely sensitive.

Why, in a winding up Bill, would you knock out a clause which would require an EIS in this particular area? While it is called a winding up Bill the MFP will continue for some time, which tends to suggest to me that some plans are being made for that site and that a decision has been made to try to avoid the requirements of that particular section of the Act. I ask the Minister to explain why, in a winding up Bill, the Government would want to knock out that particular section.

Clause 11 of the Bill as it currently stands amends section 13 of the principal Act, which relates to compulsory acquisition. This clause bemused me even further. Section 13 allows the corporation, with the consent of the State Minister, to acquire land within the development area compulsorily. The Government amendment removes the words 'with the consent of the State Minister'. I have a far bigger question than that, namely, why, when you are winding up the MFP would you be retaining the powers of compulsory acquisition? If the purpose of the winding up Bill is for the MFP to divest itself of property, why do you retain a clause that actually allows the compulsory acquisition? And, not only that, it appears to be quite deliberately left in because the amendment removes the words 'with the consent of the State Minister'.

Again, it tends to suggest that some thinking is happening about what this winding up Bill will do. It appears to me that we will be left with an MFP Corporation theoretically winding up the MFP. The powers of compulsory acquisition will be retained but without requiring the consent of the Minister, in addition to requirements, for instance, for EIS's and parts of the core site having been removed.

I am opposing those two aspects of the Bill whilst supporting the Bill as a whole. The Democrats will be opposing clause 10 and moving an amendment to clause 11, which will have the effect of deleting section 13 of the principal Act, that is, the section that allows for compulsory acquisition.

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

RURAL ROAD SAFETY STRATEGY

Adjourned debate on motion of Hon. Diana Laidlaw:

That the Environment, Resources and Development Committee be required to investigate and report on the draft South Australian Rural Road Safety Strategy prepared by the South Australian Road Safety Consultative Council.

(Continued from 17 March. Page 507.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the motion. We believe that road safety is an important issue in the community and that it must eventually be tackled by the Government of the day. It is the Government's obligation and responsibility to do as much as it can to stem the tide of rural road fatalities and tragedies.

I acknowledge the work of the members of the South Australian Road Safety Consultative Council which is Chaired by Sir Dennis Patterson and which proposed that a task force be established to prepare a rural road safety action plan for South Australia. I especially extend my gratitude to the members of that task force, including its Chair, Superintendent Bob Howie, who, I understand, was the author of the report.

I have examined the report and wish to make a few comments before it goes to the ERD Committee. I do not think that anyone in this place would dispute the findings of the report. It clearly identifies deficiencies in rural road safety which must be addressed urgently. Some of these issues require long-term planning and a significant funding commitment by the Government; others are simply commonsense, like getting motorists to use their seat belts.

As already flagged in the media, the issue of rural speed limits is important. The Minister has already made her views clear on this matter which, to me, appears to defeat the purpose of such a report. As the Minister said, the task force consists of experts in their field and their views about the issue obviously reflect their expertise and experience. However, I am not denying that it is a difficult political issue. It is one which I believe the ERD Committee will address well since there are a number of people on it, including my colleague the Hon. Terry Roberts who lives in a country area and who has highlighted his concerns about road safety in country areas.

The Hon. Diana Laidlaw: He is sensible, too.

The Hon. CAROLYN PICKLES: Yes, he is very sensible, as always. As identified by the report, I strongly support increasing the level of road safety audits in semi-rural areas and accelerating the program to seal road shoulders which the report claims is the single most effective road improvement measure that will reduce rural road crashes. It is clear that this has a very large cost component but I hope that the Government and the Minister will look at it very seriously.

Another issue identified by the report is the need for greater levels of public education and enforcement in the areas of drink driving, speeding and restraint use. We all know the horrific effects of drink driving and speeding, and I will do whatever I can and support the Minister in any efforts that she may wish to bring forward to clamp down on motorists in these areas.

The issue of drug driving is becoming prevalent in the community and I would like more attention given to that in due course. Heavy vehicles are over-involved in serious road crashes and this means, in a worst case scenario, that drivers of family cars do not stand a chance. Obviously any strategy to improve road safety in rural areas needs to take into account the fact that rural crashes usually involve higher speeds and longer distances. As the Minister has highlighted, patient retrieval and treatment times are higher for rural road crashes. These geographical regional issues are all factors highlighted by the good work of the task force.

I support the move to send the draft report to the Environment, Resources and Development Committee. In doing so I note the comments made by my colleague, the Hon. Mr Elliott, who is a member of the ERD Committee. I also note the letter from Mr Ivan Venning, the Chairperson of the committee, to the Minister. He writes that he is willing to accept the brief to investigate the draft report. I look forward to the deliberations of the committee sooner rather than later and trust that there will be widespread community consultation in this area.

The Hon. SANDRA KANCK: I support the motion for this draft to go the ERD Committee. My colleague the Hon. Mike Elliott spoke yesterday and gave his views as a member of that committee. I am speaking in a somewhat different light as the Democrats' transport spokesperson. While my colleague Mr Elliott and I are in agreement that it be referred to the ERD Committee, in the longer term we may take some disagreement.

The Hon. Carolyn Pickles referred to the letter from the Chair of the ERD Committee, a copy of which I have. I was rather surprised at that letter which I thought indicated a sort of guarded willingness to take on this reference but suggested that it was not what it wanted to have in the longer term. As a result, I looked at the Parliamentary Committees Act to try to work out whether my understanding of what the committees were supposed to be doing was correct.

The Parliamentary Committees Act in clause 9 describes the functions of the ERD Committee and clause 9a(iii) refers to 'any matter concerned with planning, land use or transportation'. If the committee feels that transport is not an issue that should be referred to it, I think that, through its Chair, it should go back to the parliamentary Party and suggest amendments to the Parliamentary Committees Act. That does not appear to be occurring. If that does not occur we only have what exists in this Act.

No other committee has a direct reference to transport. The functions of the Social Development Committee could perhaps be widened to include transport at some stage in the future if the Parliamentary Committees Act were to be

amended, but otherwise I cannot see any other committee that one could refer it to.

I support the move to have this reference go to the ERD Committee because, according to the Parliamentary Committees Act, that is where it should be. I am willing at some stage further down the track to look at amendments to the Parliamentary Committees Act if the Parliament decides that that is what is needed. Until that is done, the ERD Committee is the only appropriate place for something like this to be referred. I support the motion.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank all members who have spoken to this motion. I heartily agree with the assessment of the Hon. Sandra Kanck and not that of the Hon. Mike Elliott with regard to the terms of reference for the ERD Committee established by this Parliament. Mr Elliott seems to me to be picking and choosing what he wants to pursue as a transportation issue rather than what the Parliament has determined in giving the reference of transportation without qualification. Nevertheless, at least at this stage we have the support of all members and even the committee.

It was apparent to me from the contribution of the Hon. Carolyn Pickles that some considerable consideration had already been given to the report. I am sure that those comments will be appreciated by the committee when it makes its assessment. I note from recent press cuttings that already country newspapers from the *Murray Pioneer* to the *River News* are asking people about the speed limit. The *River News* on 11 March asked six people, and not one believed that the speed limit should be lowered from 110 kph: most thought it should be higher.

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: I assume that they would be responsible citizens making those comments and that they would always wear their seat belts. That is a major issue for country people, and we have to do much more educating generally and gain further understanding in community areas of why some of these issues are being pushed in the first place. It is just not big brother making life more difficult: there are some important reasons why these safety measures are undertaken. All these issues can be considered further by the committee, and I thank members and the Chamber generally for their support for this motion.

Motion carried.

ABORIGINAL LANDS TRUST (NATIVE TITLE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 March. Page 508.)

The Hon. SANDRA KANCK: The Democrats support this Bill. By explicitly stating that native title continues to exist where land is vested in the Aboriginal Lands Trust unless there is an agreement with the Minister and the native title owners, we avoid the possibility of unintentionally extinguishing native title on trust lands. What we are doing is quite fortuitous.

The Hon. J.S.L. DAWKINS secured the adjournment of the debate.

STATUTES AMENDMENT (NATIVE TITLE) BILL

Adjourned debate on second reading.

(Continued from 17 March. Page 509.)

The Hon. SANDRA KANCK: Although this is quite a small Bill, I consider it to be reasonably important, because for Aboriginal people mining becomes a way of raising the economic standard of their people, and this, to some extent, is what this Bill deals with. We support what is proposed, although with some reservation. The extension of the right to negotiate in respect of mining activities on native title land is prudent, given the current uncertainty surrounding the passage of the Native Title Amendment Bill, and I am pleased to learn that the mining industry is finally beginning to make use of negotiation procedures. I believe this indicates that the South Australian model should be closely monitored to determine whether it should be retained no matter what Commonwealth legislation is passed.

The amendments relating to expedited procedure, where the impact of mining will be minimal, are the cause of some concern for the Democrats. I note that the Hon. Terry Roberts has already expressed some doubts about this clause, and I would like to know how and how quickly native titleholders or claimants are currently notified about an application for expedited procedure. I wonder whether the argument raised in the ERD Court relating to section 16 of the Native Title (South Australia) Act indicates a need for the extra two months; perhaps a flaw in the legislation has been exposed. I am not sure, but I look forward to hearing from the Minister for Justice about these matters.

The Hon. K.T. GRIFFIN (Minister for Justice): At this stage I will reply and indicate to members that, if there are issues that still need to be resolved, we can deal with those in Committee tomorrow. The Hon. Terry Roberts has raised a question, purporting to do so on behalf of representatives of traditional owners, regarding the amendment to section 16. The proposal to amend section 16 of the Native Title (South Australia) Act 1994 arises from an anomaly in the interaction between that section and section 63O of the Mining Act. The expedited procedure in section 63O can be invoked where the impact of mining will be minimal. A person who holds or may hold native title in land may object to a notice invoking the expedited procedure within two months of the notice being given. If an objection is lodged, the ERD Court cannot make a summary determination allowing the mining operations to proceed unless it is satisfied, after hearing from all the parties, that the operations are in fact operations to which the expedited procedure applies.

An argument has been raised in the ERD Court that an application for a summary determination to allow operations to proceed pursuant to section 63O of the Mining Act amounts to proceedings involving a native title question for the purposes of section 16 of the Native Title (South Australia) Act. If that were true, the Registrar would be obliged to give a further two months notice of any application for a summary determination and to allow interested parties to join the proceedings.

As a matter of statutory interpretation, it is clear that this is not what was intended. The references in section 63O to *ex parte* proceedings for a summary determination and the fact that a flat two month period is allowed for objections is completely inconsistent with the suggestion that the Registrar notify all other interested parties and allow a further period of two months in which those parties can apply to join the proceedings. The whole notion of an expedited procedure would be brought undone if the provisions were interpreted

in the manner suggested. Effectively, there would be no expedited procedure.

Clause 9 provides that section 16 of the principal Act is amended by inserting after subsection (3) the following subsection:

> (4). This section does not apply to a native title question arising in proceedings of a kind prescribed by regulation.

The Hon. Mr Roberts expressed the concern that the provision is not the same as the Commonwealth legislation. In the case of the expedited procedure, this is incorrect. Section 32 of the Native Title Act allows the national Native Title Tribunal to determine an objection to the use of the expedited procedure without any further notification process. In fact, due to the anomaly, this State's present expedited procedure provisions are inconsistent with the Commonwealth Native Title Act. It is not intended to exclude the notification requirements in section 16 in circumstances where it is appropriate and consistent with the Native Title Act that it apply.

I think that deals with the issues raised by the Hon. Terry Roberts, and therefore the questions raised by the Hon. Sandra Kanck, but if the issues are not sufficiently well answered I will give the honourable members an opportunity during the Committee stage tomorrow to pursue those issues further. I thank members for their indications of support for this Bill.

Bill read a second time.

ADJOURNMENT

At 10.35 p.m. the Council adjourned until Thursday 19 March at 2.15 p.m.