LEGISLATIVE COUNCIL

Wednesday 1 July 1998

The PRESIDENT (Hon. J.C. Irwin) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions on notice be distributed and printed in *Hansard*: Nos 132, 133, 141 and 192.

MOTOR VEHICLES, MOBILE PHONES

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

1. Have any studies been undertaken by the Government into the number of accidents caused by motorists using hand held telephones while driving?

2. If so, what were the figures for:

(a) 1995-96; and

(b) 1996-97?

3. Is the Government considering introducing legislation to ban the use of hand held mobile telephones by the driver of vehicles while the vehicle is in motion?

4. If not, why not?

The Hon. DIANA LAIDLAW:

1. and 2. No studies have been undertaken by the State Government on the number of accidents, if any, caused by South Australian motorists using hand-held mobile phones while driving.

3. and 4. There is no specific legislation in this State which bans the use of hand-held mobile phones while driving. However, motorists can be charged under the provisions of the Road Traffic Act for driving without due care or attention.

A set of draft Australian Road Rules, prepared by the Federal Office of Road Safety for consideration by the Australian Transport Council, provides for a ban on the use of hand-held mobile phones while driving.

South Australia will not move to ban the use of hand-held mobile phones by drivers, at least until the formal adoption by all States and Territories of the proposed Australian Road Rules.

MOTOR VEHICLES, SMOKING

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

1. Have any studies been undertaken by the Government into the number of accidents caused by the driver of a vehicle smoking while driving?

2. If so, what were the figures for:

(a) 1995-96; and

(b) 1996-97?

3. Is the Government considering introducing legislation to ban smoking by the driver of a vehicle while the vehicle is in motion?

4. If not, why not?

The Hon. DIANA LAIDLAW: No studies have been undertaken by the State Government on the number of accidents, if any, caused by the driver of a vehicle smoking while driving. Nor has this issue been addressed as part of the draft Australian Road Rules prepared by the Federal Office of Road Safety, to be considered by the Australian Transport Council.

ROAD TRAINS

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

1. Has the review by the National Road Transport Commission been completed to determine whether the current national road train speed limit of 90 km/h should remain in force?

2. If so, what were the results of the review?

3. Will the speed limit for road trains in South Australia be increased to 100 km/h?

The Hon. DIANA LAIDLAW: The review being undertaken by the National Road Transport Commission (NRTC) relates to road train speed capability limits, that is, speeds as controlled by a speed limiting mechanical or electronic device on the vehicle. The honourable Member will appreciate that the speed capability limits may vary from other speed limits that are set by law.

The requirement for a road train to have a speed limiter is included in Australian Design Rule (ADR) 65. The (Road Transport Reform) Heavy Vehicle Standards 1995 specifies a maximum road speed capability of 90 km/h for a motor vehicle used in a road train. This speed capability limit of 90 km/h has been adopted in all jurisdictions except Western Australia where a speed capability limit of 100 km/h is applied. These speed capability limits are mirrored as State speed limits.

The 'Review of Road Train Speed Capability Limits' has been classed by the NRTC as a major project. A consultant's report is now being considered by the NRTC. A policy paper will be released for consultation in approximately two months.

SOUTHERN EXPRESSWAY

192. **The Hon. CARMEL ZOLLO:**

1. Is the traffic management system and its components of the Southern Expressway Year 2000 date problem compliant?

2. If not—

(a) How much will it cost to repair the systems; and

(b) Who will be responsible for the repairs/replacement costs?

The Hon. DIANA LAIDLAW:

1. The Southern Expressway Traffic Management System is Year 2000 compliant.

2. Not applicable.

PAPERS TABLED

The following papers were laid on the table:

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

Regulation under the following Act—

Occupational Health, Safety and Welfare Act 1986—Fees

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

Regulation under the following Act—

Water Resources Act 1997—Extension of Adopted Management Policies.

LEGISLATIVE REVIEW COMMITTEE

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

INTOXICATION AND THE CRIMINAL LAW

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.T. GRIFFIN: On 18 February 1998 I made a ministerial statement on the subject of intoxication and the criminal law. Members may recall that the general subject of the criminal responsibility of those who have become intoxicated by their own actions had become a nationally controversial subject. The immediate reason was the acquittal on charges of assault by a magistrate in the Australian Capital Territory of a rugby player known as Noah Nadruku. However, it must be said that the Labor Party had previously raised this issue in the Parliament in a general way and I had responded in the same spirit.

The Nadruku acquittal, however, focused public attention, and no doubt that of members as well, in an immediate and public way. In my ministerial statement in February I made the following points:

1. The legal problem involved goes to the very heart of the notion of criminal responsibility. Nothing less than the core values of the Anglo-Australian principles of criminal responsibility are involved, such as (at least) the notions of justice, the presumption of innocence, social accountability, deterrence and community values.

2. There is nothing new about this criminal law problem. It has been around for a century and has been hotly debated from time to time during that period, usually in the context of specific cases, but also by judges, academics and law reform bodies as a matter of principle. It has been litigated repeatedly in the highest courts. The legal and philosophical material on the subject is vast.

3. There is no consensus on any one appropriate and just legal solution to the problems thrown out by such cases. Any proposed legislation dealing with the subject will be complex either in form or in practical results—or both—and should be scrutinised with the utmost care. It follows that simplistic solutions should be avoided at all costs.

4. Cases of Nadruku acquittals are very rare in Australia and like jurisdictions. The South Australian Director of Public Prosecutions has no institutional memory of any serious charge failing on this ground. It may be that some have happened without any fuss at all in relation to minor offences, and I have become aware of one since my statement in February. It did not appear to cause any public anger or sense of betrayal.

In my statement in February, I undertook to have a discussion paper prepared by my department on the subject for the purposes of parliamentary and public consultation. That paper has now been prepared and I am presently acquainting myself with its contents. It is not a simple document for the reasons that I have given and now reiterate, although every effort is being made to make it understandable to the average literate citizen. I undertake to release it as soon as I am satisfied that it is suitable for the difficult task of explaining the issues that must, of necessity, be addressed.

Just to give members an idea of what is involved, the discussion paper must canvass the deliberations and recommendations of law reform bodies. I seek leave to table a list of the most important of those reports.

Leave granted.

The Hon. K.T. GRIFFIN: I also promised to introduce into the consultation process a draft Bill. This arose from my firm view that the Bill sponsored by the Labor Opposition in another place on a number of occasions is not the right way to proceed. It also arose from my firm view that if there was a determination to change the law such a determination should proceed from an informed perspective about the nature of such a change and the consequences that it would entail for the criminal justice system with which we have worked for very many years. I adhere firmly to that attitude. I have been fortified in this approach by the contacts that I have had from the legal profession on the subject. But that is by no means the end of the matter.

I have already said that the issues are complex. I have already said that the issues go to the fundamentals of criminal responsibility. I have already said that there is no clear solution. In those circumstances, I have chosen to have two draft Bills prepared by Parliamentary Counsel, each encompassing an entirely different reform approach. These are in addition to the Bill sponsored by the Labor Opposition. This has taken time, resources and negotiation. The drafting of these Bills is near finalisation. When the discussion paper and the draft Bills for consultation are ready for public consultation, they will be released with the straightforward request from the Government that they be seriously considered, discussed and debated.

While I regret that the issue has taken so long, I am hopeful that the Parliament and the public who have an interest in this issue will see that this will result in no less than a thorough and responsible job. In passing, it should be noted that the Australian Capital Territory has not yet passed the amending legislation introduced by the ACT Attorney-General last year, and Victoria has not moved to amend its adherence to the common law proposition.

SITTINGS AND BUSINESS

The PRESIDENT: Order! Before calling on Question Time, may I just run through with honourable members the fact that we are working with a sessional order at the moment where, in a minute, I will call, 'Have any honourable members any notices of motion or questions without notice?' I indicate that I will recognise those who stand purely on a notice of motion, and that will not count as a question, if I am doing my sums right. However, under the new arrangement there is an hour of questioning when I hope that every honourable member will have time to stand to be recognised just to put a notice of motion. I now ask whether any honourable members have any notices of motion or questions without notice.

QUESTION TIME

ROAD SAFETY

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Transport a question about road safety.

Leave granted.

The Hon. CAROLYN PICKLES: I recently received a copy of a letter, dated 29 May 1998 and sent to the Minister, signed by Sir Dennis Paterson, Chairman of the South Australian Road Safety Consultative Council, a body appointed by the Minister for Transport. I quote from that letter:

> Dear Minister, Mr Trevor Argent (Executive Director, Transport SA), Mr John Spencer (Acting Manager, Office of Road Safety) and I were pleased to meet with you on 29 April 1998. Despite numerous verbal and written requests, this was the first formal meeting to discuss road safety issues since Mr Andrew Bishop (then Director, Transport User Management, Transport SA) and I met you on 29 August 1996. There have been only two or three brief discussions with your Chief of Staff during this time.
>
> You indicated that the council which you appointed, and the terms of reference which you approved, had caused difficulties with your Cabinet and parliamentary colleagues. You said that you were considering a different approach in the future with the formation of an advisory body which would be required to give greater emphasis to community involvement in road safety measures, as well as a parliamentary committee.
>
> It was apparent that you did not support a mid-term review of the Council of Road Safety SA and the development of a yearly Metropolitan Road Safety Action Plan, that the Rural Road Safety Strategy was referred to a parliamentary committee and that you have chosen not to replace or reappoint the appointed members of this council despite requests to do so.
>
> You requested the council to continue to meet and to specifically develop a community road safety proposal until an advisory body was established. You would be aware, however, that the council has unsuccessfully tried to develop such a proposal over the last two years as it was one of the priority actions announced by the Government in 1995.
>
> Council believes it is more appropriate for Transport SA to progress community road safety. It should be stated that members of this council have given a considerable amount of their time to address major road safety initiatives to reduce the unacceptable road toll in our State. The council has achieved significant cooperation and coordination of road safety activities by the Departments of Transport, Police, Health and Education in a way which had not occurred previously. Members of the council at their meeting today

were informed of the discussions of 29 April 1998. Council agreed with the following motion and with the contents of this letter:

> The South Australian Road Safety Consultative Council at its meeting of 29 May 1998 was made aware of the discussions with the Minister for Transport on 20 April 1998. Council believed it was unable to fulfil its terms of reference and that the community road safety program could be better actioned by Transport SA. Accordingly, further meetings were inappropriate.

I believe that the letter speaks for itself and clearly demonstrates a very strong undercurrent of dissatisfaction and anger within the State's peak road safety body. The letter provides an insight into why South Australia has the fastest growing road toll in the country. Indeed, it is shaping up to be the worst year since 1993, and that is absolutely regrettable.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! I ask the Leader not even to attempt to answer it.

The Hon. CAROLYN PICKLES: No: I was just wondering what he was referring to. Although the Minister claimed that she canvassed the future of the council with Sir Dennis Paterson (*Hansard* of 27 May 1998), what she did not reveal were the concerns of the council and its disappointment with the Minister's strategy. The overwhelming message is that the Road Safety Council has lost confidence in the Minister and the Government. At a time when all efforts should be focused on the State's spiralling road toll, what we have instead is the Government's fragmented policy approach and no clear direction to manage road safety. My questions to the Minister are:

1. Given the State's road carnage crisis, why had the Minister not met with the Chairman (Sir Dennis Paterson) for 20 months from 29 August 1996 until she met with him on 29 April 1998, a period of almost two years, despite 'numerous verbal and written requests by the council'?

2. Will the Minister outline the difficulties caused in Cabinet and with her parliamentary colleagues as a result of the Road Safety Council and its terms of reference, which were approved by the Minister?

3. Will the Minister list the members of the council whom she chose not to replace or reappoint, despite requests to do so by the Road Safety Consultative Council?

4. Why did the Minister not support a mid-term review of Road Safety SA and, given that, what is its future?

5. When will the new advisory body be appointed and what is its proposed membership?

The Hon. DIANA LAIDLAW: That is a series of questions, Sir. I received the letter from Sir Denis Paterson with a sense of *deja vu* because, as the honourable member noted, I had already advised this place two days beforehand that the council would not be continuing and that there would be a new arrangement. Whether it was a sense of power play or satisfaction on behalf of some, although not all, members of the council, wanting to say that they did not wish to continue, when in fact I had already advised this place that the council would not be continuing, is up to the Chairman to work through. Since the Chairman wrote to me I have received two letters from two members of the Road Safety Consultative Council who wish completely to dissociate themselves from the resolution passed by selected members of the council.

It is interesting that a motion of this nature was not on the agenda, or members were not given notice of it, and that two members of the council have said that, if they were present and had been made aware that such a motion would be put to the council, they would have strongly voted against it. I have met with a number of the members of the council over some period because of the members' dissatisfaction with the way in which the council was operating, but also in terms of meeting the Government's goals. Members would appreciate that while the council has been there it has achieved many good things and one of them was the successful lobbying of further funds through the Motor Accident Commission for the road safety campaigns. Certainly I have been on record in the past, and repeat again, that I have appreciated the strong support from the consultative council in lobbying for those extra funds. It is also true that, without the council's instigation or support, a further $7 million was provided to the police for this financial year's budget to focus on the specific areas that the consultative council had focused on in terms of their research; that is, speeding, drink driving and seat restraint. The police, in terms of their enforcement and education activities, will have an additional $7 million through the transport budget, making $14 million in all for those activities.

I have never dismissed the idea of a mid term review and in fact in meetings today with the Executive Director of Transport SA that mid term review is one matter of which he is aware that the new consultative council—which will report to the Executive Director in future—will undertake as a priority task. It is also known that, if the honourable member was aware of research across the country, community road safety and community ownership of road safety is the way to go in the future. The chairman's own letter indicated that that has been one of their objectives over the past two years and was one of the Government's wishes in relation to the terms of reference.

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: No, just listen here. It is one of the Government's terms of reference and one of the council's objectives, yet the council indicated it had spent two years on this but had not succeeded. Yet the States where the road toll has gone down are those States where community road safety has been successfully implemented, which is what the Road Safety Council could not get its head around. If members look at the figures in Victoria and Western Australia they will find that that is so, and that is the direction in which we wish to go in South Australia. I discussed those points with the chairman and it is those points that the chairman indicated they had not had success with and then, as the resolution identifies, they do not wish to pursue them. Yet that is the way in which the Government wants to go because we believe that, from the success of research overseas and interstate and from our own research in South Australia, road safety will be most successfully undertaken when it is not seen to be driven from the top down but is adopted by the local communities and local communities understand the rationale and take a sense of ownership and responsibility for the issues.

For that reason, we have specifically allocated in this year's budget $100 000 for our pilot community safety focus that we will be undertaking this financial year. That will be to work with the Adelaide Hills area and the southern suburbs and also to start to augment the work that is already being undertaken in areas such as Tatiara council—an area that you used to serve, Mr President, as chairman—and the Millicent district, which are outstanding examples of community road safety but ones which have not been advanced further in South Australia. The $100 000 will again allow for the engagement of a coordinator and for pilot projects to be undertaken in the areas identified—the Adelaide Hills and the southern areas—plus to support the community road safety

initiatives in the two country areas that I mentioned. That effort and focus we have not seen in the past, and the Government knows that this will be successful at a time when the State is facing an increased road toll.

I know from evidence overseas and interstate that this approach is the way to go, yet it was the consultative council, in the letter that the honourable member read herself, which said that it had tried for two years to get it going, could not do it and did not wish to take it on as a longer term project. Therefore there was hardly any point in continuing in that form. They will be asked to continue in another form, and that I have already reported to Parliament. That group will be established in the very near future. It will be chaired by the Executive Director of Transport SA, and the Motor Accident Commission is fully supportive of that objective.

The Hon. CAROLYN PICKLES: I have a supplementary question. Will the Minister bring back a reply if she does not have it with her today on the detailed questions I asked her about the composition of the committee?

The Hon. DIANA LAIDLAW: They were detailed questions and I indicated that there were many of them. I will bring back a reply.

RIVERLINK

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Treasurer a question about Riverlink.

Members interjecting:

The PRESIDENT: Order!

Leave granted.

The Hon. P. HOLLOWAY: Last week the Treasurer announced that the State Government accepted and welcomed the NEMMCO decision to refuse the Riverlink interconnect regulator status. The Treasurer said that it would be immediately obvious why Riverlink is no longer part of South Australia's future power requirements when the Premier made his statement yesterday. The NEMMCO report and determination on SANI (Riverlink) dated 15 June 1998, in relation to the Torrens Island Power Station (page 27), states:

> Optima cites studies that show the most cost effective new capacity option for South Australia is repowering the Torrens Island Power Station as combined cycle plant. They also note that repowering TIPS and SANI (Riverlink) are not dependent on one another and believe that the needs of South Australian customers for the most cost effective provision of energy may best be served by a combination of both solutions.

My questions to the Treasurer are: has he rejected the Optima studies referred to and, if so, why? Given information in the NEMMCO report concerning the options for South Australia's future power needs, how confident is he that the opportunity, as the Premier described it yesterday, to make a $500 million private sector investment at Torrens Island will be realised?

The Hon. R.I. LUCAS: All of the advice provided to the Government is that there are people at the moment with money in their pockets waiting to involve themselves in part of the South Australian electricity market.

Members interjecting:

The Hon. R.I. LUCAS: The Hon. Terry Roberts talks about a fire sale, but what I am talking about is a new investment opportunity for a new gas-fired plant. We are talking about South Australian jobs being created as a result of a significant potential investment in South Australia's generation capacity, as opposed to potentially transporting electricity from New South Wales to South Australia. If the Labor Party is to oppose, as has been suggested by the interjection by the Hon. Terry Roberts, a very significant new investment in South Australia, with some obvious job creation involved, I am not surprised but I am disappointed at that approach by the Labor Party, which opposes virtually everything that this Government seeks to do.

Our advice is that there are key players who, as I said, are very interested in pursuing this proposal. Our advisers believe that the proposition involving Peak Co, as it is referred to in the policy statement issued yesterday and which involves the provision of a site and assistance in terms of getting the various approvals that might be required for the establishment of a new plant, will make that package most attractive to some of the people who want to invest in South Australia and to help create jobs and be part of our electricity industry. In the end, the Government's position in relation to a possible repowering of Torrens Island, if the Government's policy is allowed to be put into action, will be a decision for the new owners of Torrens Island.

Torrens Island will be operating at a disadvantage against a new gas fired plant. Torrens Island's efficiency is somewhere in the low 30 per cent: a new gas fired plant, we are told, has an efficiency level of just over 50 per cent. Obviously in this new cutthroat national electricity market that sort of efficiency and cost advantage will be a significant factor. It may well be that the new owners of Torrens Island might be prepared to invest whatever the sum might be—$150 million or $200 million of their money—to repower Torrens Island.

What the Government is concerned about is whether the State should be investing taxpayers' money—perhaps up to $150 million or $200 million—on the risky business of repowering Torrens Island (and members of the Labor Party are concerned about our budget issues not only for this year but in coming years), as opposed to investing in capital infrastructure in schools, hospitals, roads and other infrastructure that this State has to provide. Clearly there are options available for Governments. What the Government is saying is that we would prefer to spend taxpayers' hard-earned money, which they pass on to Governments, on social infrastructure in schools, hospitals and roads as opposed to investing up to $200 million in a risky electricity business repowering Torrens Island.

The Hon. A.J. Redford: How many hospital beds would that provide for?

The Hon. R.I. LUCAS: A significant number. The Labor Party clearly has a different view—that hard-earned taxpayers' money should be spent on Torrens Island as opposed to being spent on the other priorities that this Government has. The policy yesterday outlined the Government's response in terms of generation capacity in South Australia. I am sure that we will have the opportunity on many other occasions to debate it in detail, but from the Government we have a coherent policy in terms of generation capacity. We look forward to any policy from the Labor Party, coherent or otherwise, in terms of generation capacity.

The Hon. P. HOLLOWAY: I have a supplementary question, Mr President. Will the Treasurer tell the Council what is the capacity of this new power station that he expects will be built at Torrens Island for the $500 million?

The Hon. R.I. LUCAS: I refer the honourable member to the papers that were released yesterday. Obviously he has not read the document.

Members interjecting:

The PRESIDENT: Order, the Hon. Mr Cameron!

The Hon. R.I. LUCAS: He is the only person in the State who does not know that the capacity that has been talked about is a 500 megawatt base load plant. For the benefit of the honourable member I refer him to the documentation that was released yesterday, the questions that were asked in the Houses and a number of other media reports which have talked about the issue.

THOROUGHBRED RACING AUTHORITY

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General a question about the South Australian Thoroughbred Racing Authority.

Leave granted.

The Hon. L.H. Davis: There aren't too many thoroughbred racers on your side.

The Hon. T.G. ROBERTS: Whatever they are, they are a little quicker than those on your side.

The Hon. L.H. Davis interjecting:

The Hon. T.G. ROBERTS: If only the old grey mare would stop interjecting I might be able to get on with my question.

The PRESIDENT: Order! The honourable member will get on with his explanation.

The Hon. T.G. ROBERTS: I will withdraw 'old', Mr President. Concerns have been raised with the Opposition regarding the involvement of a Government Minister in the contract of employment of a statutory body. I have here copies of two letters and a statutory declaration which relate to this issue and which I seek leave to table.

Leave granted.

The Hon. T.G. ROBERTS: The letters allege that the Deputy Premier attempted to influence the then Chairman of the South Australian Thoroughbred Racing Authority in relation to the employment of the CEO of that authority, and I invite the Attorney-General to examine the documents to allow an explanation. My question is: will the Attorney-General advise whether it is lawful for the Minister for Racing to direct or attempt to direct the Chairman of SATRA in relation to the employment of staff of that authority?

The Hon. K.T. GRIFFIN: I am not able to give advice on the run in relation to that—and I may not actually give advice on it, in any event. However, the material has been tabled, and I will undertake to have the matter examined and endeavour to bring back a reply.

ELECTRICITY, PRIVATISATION

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Treasurer a question about ETSA privatisation.

Leave granted.

Members interjecting:

The Hon. L.H. DAVIS: They are obviously looking forward to it. Last Thursday, 25 June, the Australian Democrats announced their opposition to the privatisation of ETSA. I have examined the six page analysis justifying this decision which appeared on the website on the Internet, a modern form of communication technology which the Democrats apparently have embraced—

Members interjecting:

The Hon. L.H. DAVIS: I know this; I use it myself. But I am just making the point that the Democrats are not unhappy about using it—rather than, say, carrier pigeon or morse code. This analysis makes some reference to the very—

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: The Labor Party is firmly rooted in the nineteenth century, and we are about to enter another one, the twenty-first. This analysis deals with the all important question of Optima, and whether the monopoly position should be retained or whether Optima should be disaggregated. My question to the Treasurer is: would he care to comment on the Democrat attitude towards this all important question of what should happen to Optima in the event of a privatisation?

The PRESIDENT: Before I call on the Treasurer, I ask the honourable member to rephrase that and ask a more specific question, rather than asking for an opinion. Does the honourable member want time to do that?

The Hon. L.H. DAVIS: No, I can do it straightaway.

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: My question to the Leader is: will he advise the Council as to the importance of the disaggregation of Optima in the privatisation of ETSA as planned?

The Hon. R.I. LUCAS: This issue was raised briefly yesterday in Question Time, when I indicated, in response to, I believe, a supplementary question from the Hon. Angus Redford that, in relation to the disaggregation issue, I was not sure what the Democrat position was. I said that in the discussions I had with the Deputy Leader of the Democrats, the view that she put to me was contrary to the view that she announced last week, to which the Deputy Leader interjected—out of order—and said that that was not true and that I had misrepresented the discussions that I had with the Deputy Leader.

The Hon. L.H. Davis: That's right. She is nodding; she has agreed to that.

The Hon. R.I. LUCAS: She is nodding. Later in the afternoon the Deputy Leader, accompanied by her Leader, visited me in my room, where we discussed a number of—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: No—where we discussed a number of matters in relation to the sale of ETSA and Optima, and she again indicated that she felt that I had not reflected accurately her views during those conversations.

With the benefit of the evening, and some assistance, I have had the opportunity to explore the public record. I will not place on the record notations taken of the meeting that I had with the Deputy Leader but I now place on the public record the statements that the Deputy Leader has made in relation to this issue. Last week, the Deputy Leader released this document—and I was watching the video only this morning. She held this document up and explained why the Australian Democrats will vote to keep Optima Energy and ETSA and said that this had been the result of a thousand hours or more of her work, and a lot of research had gone into it. This was the considered Democrat position on one of the key issues, which is the importance of disaggregation or not. The Kanck position and the Democrat position, as outlined in this document, is stated as follows:

> Under these circumstances Optima should be maintained in its current structure and other private companies encouraged to set up gas-fired generation capacity in South Australia.

The following paragraph states:

If Optima is to be separated it's possible that dividends would suffer. Conversely its potential sale price would be reduced undermining the Government's debt reduction arguments.

I then went to the public record and, in an article produced and written by the Hon. Sandra Kanck just the previous month in the electric newspaper headed 'Who Knew What, When? by Sandra Kanck, Australian Democrat, MLC,' dated in May of this year, it is stated:

Disaggregation should be a priority of the Government. Not only would it guarantee competition payments but it will also result in greater efficiency within the industry.

There were a number of other statements that, for the benefit of competition payments, clearly disaggregation is required. That statement, as part of a thousand hours of research that the honourable member was undertaking, was exactly the same as the statement that she made to me in the conversations that we had. As I said to her yesterday afternoon, she admonished me for not having arrived at the same position, with all the highly paid international consultants—

The Hon. L.H. Davis: And that's on the Internet for the world to see. Hundreds of thousands of people have read that.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —that I had available to me, as she had. And she said to me that in fact I could have got the advice from her much more cheaply; that she had been able to arrive at this conclusion after only one month of work. So, we have two entirely contradictory statements. I was therefore intrigued to read in this morning's *Advertiser* an article—I am not sure, but I presume by Phillip Coorey—where the Deputy Leader of the Australian Democrats is quoted as to what the Democrat position is on disaggregation. Let me quote what the Deputy Leader said today:

Ms Kanck said that, while she had concerns about how Optima would be split, she felt 'comfortable' with seven Government-owned corporations competing in the national electricity market.

That is the disaggregation policy—

The Hon. L.H. Davis: Are you denying that 11 May article on the Internet?

The PRESIDENT: The honourable member is out of order.

The Hon. R.I. LUCAS: The Government corporations—and I am not sure where the seven have come from—but the number of corporations involves the three generation companies—the gas trader, the transmission company and the distribution company—and it may well be that the honourable member has added the retail company as being separate. But that disaggregation is where the six or seven comes from, and we have the Deputy Leader of the Australian Democrats as of today quoted in our much respected morning newspaper, the *Advertiser*, as saying she is comfortable—

The Hon. L.H. Davis: It's our best morning newspaper.

The Hon. R.I. LUCAS: Yes, it's our best newspaper by a long way. The Deputy Leader of the Australian Democrats is comfortable with the Government's disaggregation policy, which includes the disaggregation of Optima. In response to the question asked yesterday about the Democrats' policy (and we were told about the 1 000 hours of research and the carefully considered position in terms of the sale of ETSA and Optima and its ability to compete in the national electricity market), we have a statement today from the Australian Democrats; we had a statement last week from the Australian Democrats; and we had a statement from the previous month from the Australian Democrats, none of which is consistent.

The Hon. T.G. Cameron: Why are you so surprised?

The Hon. R.I. LUCAS: I guess I have no response to that interjection. This issue is critical to the future of the State and it was one of the reasons why we said to the Hon. Sandra Kanck and the Hon. Michael Elliott, who drove this particular policy within the Democrats (and I make no criticism of the Hon. Mr Gilfillan)—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —'You have asked a series of questions over weeks of meetings with me. The answers will be delivered tomorrow (that is, yesterday) in terms of the Government's position.' We asked the Hon. Sandra Kanck and the Hon. Mike Elliott to wait until they had at least heard the Government's policy.

After hearing the Government's policy, the Hon. Sandra Kanck said that she is comfortable with the disaggregation, yet last week, after her 1 000 hours of research to reach her decision, she cites as one of her reasons for reaching her decision something that is completely contrary to her statements today—after she had listened to the Government's policy position on this issue. That is why we asked the Democrats to listen to the answers before they made a decision. If they had listened to the answers and then made their decision, we might not have liked it but at least we could not have criticised the fact.

The Democrats would have at least given the Government the opportunity to listen to the answers to the questions they had put to me. But when I spoke to the Hon. Sandra Kanck and the Hon. Mike Elliott they steadfastly said to me and to the media, 'Nothing in the Government's policy statement next week will affect our decision.' That was the position that both the Hon. Mr Elliott and the Hon. Sandra Kanck put to me when I implored them at least to wait four or five days to listen to the answers to the particular questions. I know that the Hon. Mr Elliott is most uncomfortable about this, as is the Hon. Sandra Kanck.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The Hon. Mr Elliott says that I am telling lies. We have not only this paper written by the Hon. Sandra Kanck—

An honourable member: Show her the document; it's on the Internet.

The Hon. R.I. LUCAS: —and it's on the Internet—and her quotes appearing in the *Advertiser*. They are the words of the Hon. Sandra Kanck, the words of the Democrats. All I am doing is sharing with members the information that the Democrats have put on the public record, depending on which particular week it happens to be. I implore other members of this Chamber, as they look at this issue over the coming weeks, to remember that this issue is too important a one with which to play politics. I ask other members to look at the inconsistency of the Hon. Sandra Kanck's explanations on this issue and at least look at the merits of the Government's policy position that it put down only this week.

ELECTRICITY, PRIVATISATION

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Treasurer a question about protection for country people in relation to ETSA's electricity pricing.

Leave granted.

The Hon. IAN GILFILLAN: Regional and rural South Australia have had conflicting, not consistent, messages from

the State Government over the past 24 hours on the issue of what protection, if any, they will have in the new national electricity market if the Government sells its electricity assets. As far as I can discover, they have had no assurances at all as to what would happen if the assets were not sold. First, the Government yesterday issued a package of materials describing, amongst other things, what protections would be offered to country people if and when ETSA and Optima were sold. Government information states:

> Prices for households and small business will be controlled until January 2003, so they will not rise by more than CPI. Households in the city and the country which use similar amounts of power will pay the same. After 2003 competition will keep a hold on prices while the structure of the industry has been designed to ensure that prices between city and country for these consumers will stay as close as possible.

This package, which the Government is making available to the public, therefore gives no guarantees to rural consumers after the year 2003. However, yesterday in the other place the Premier, in answer to a question, said:

> . . . we are prepared, in effect, to compromise in part the sales price to put in place an account to ensure that the disparity at the far end of a line is no greater than 1.7 per cent of any country and regional consumer of power in the household and small business category. That is a maximum of 1.7 per cent, and that 1.7 per cent would be right at the end of the line. By far, the majority of people in what we would term country-regional areas of South Australia would pay the same as in the metropolitan area post the year 2003.

In that statement the Premier is making clear that, if our electricity assets are sold, there is an assurance to country consumers to apply after 2003. The Premier did not put any time limit on it: it was an open statement and could be taken as an assurance, in part targeted at the Independent member who wanted such an assurance in order for him to support the legislation.

However, with respect to the issue of consistency, this morning on ABC radio, one of the Government's advisers, Mr Ray Spitzley of Morgan Banks, said that in regard to subsidies for country consumers it will be for a limited time of perhaps five or 10 years. Mr Spitzley said:

> We are again working with Government to finalise what that would be, but that is exactly right. This will be for a period of years and then it would transition away.

'Transition away'—very comforting words for the rural consumers in South Australia, I am sure! The Premier later confirmed on radio himself that his 1.7 per cent guarantee would last no more than five or 10 years and that that constitutes long-term protection. The Premier said that it would constitute long-term protection.

The Hon. A.J. Redford interjecting:

The Hon. IAN GILFILLAN: That is not our problem. He did not say why he failed to mention this time limit when he was questioned yesterday in Parliament. In response to the issue of consistency, which was mentioned in a previous, longwinded answer to a question, there is far less consistency in the current situation, as far as rural consumers are concerned, expecting any relief from price disparity if the sale goes ahead. My questions to the Treasurer are:

1. What is the current edition of the Government's new promise of limited-term protection to rural consumers? Will it apply equally to the fixed quarterly supply charge or merely to the supply of kilowatt hours? What would stop a private supplier jacking up the price of a fixed charge, yet keeping the kilowatt hour charge at a level similar to that for country consumers?

2. Is the Government promise of rural price protection to extend past 2003 and, if so, for how long?

3. Is the Government's promise of rural price protection applicable regardless of whether ETSA and Optima are sold and, if not, why not?

The Hon. R.I. LUCAS: The first point to make is in response to the last question. This issue of country pricing is actually an issue for members whether or not ETSA and Optima are sold. I know that our political opponents are seeking to portray this issue of country pricing as one that relates solely to the decision to privatise ETSA or Optima. That is in fact not correct. If Sandra Kanck or Mike Rann have their way and we retain the ownership of ETSA and Optima, exactly the same issues in terms of country pricing policy will have to be put in place one way or another. It is the issue of the national electricity market that is critical in terms of country pricing policy.

I refer the Hon. Ian Gilfillan to the ministerial statement made by the Premier in the House of Assembly yesterday. He referred to a statement that might have been one of the attachments as well as to some press and media reports, and I think also to Question Time yesterday. However, the actual ministerial statement is the clearest exposition—and I will add to that—of the Government's position. It is not correct to say there was no reference to 1.7 per cent in the documentation that was released to the media and to the Parliament yesterday, which I think was part of the inference of the honourable member's question. He read the first quote which said, 'Keep it as close as possible', and there was no reference to a figure of 1.7 per cent. He said the first reference to the 1.7 per cent was in Question Time, and he then read a quote from Question Time in the House of Assembly. What I am correcting for the honourable member is that that was not the first reference to 1.7 per cent. It was actually in the ministerial statement, a copy of which the member would have, and I refer him to page 10, which states:

> However, the Government's restructuring strategy is designed, as far as possible, to effectively average costs for small customers across the whole State. Our objective has been to develop a system in which the cost differential between different areas of the State for households and small business is kept at no more than 1.7 per cent after the year 2003.

A number of other statements are made, but the first reference to 1.7 per cent is where it should be, namely, in the ministerial statement made by the Premier on behalf of the Government to the Parliament yesterday afternoon. In announcing that, the Government has undertaken a lot of work—and there are many members of the Government who have either come from regional South Australia or who have a continuing association in some way with regional South Australia.

One of the key criteria for the Government and, I know, other members in the Parliament has been to try to give as much protection as possible to regional South Australia. I am sure that the Hon. Mr Gilfillan would warmly support any endeavours from the Government or any Government to seek to do that in the context of the national electricity market. We consciously rejected the Victorian model for part of that reason: that is, in Victoria, they have divided their distribution network into three broadly metropolitan companies and two country companies. As a result of that, there are and will continue to be some significant differences between the country and the city in terms of pricing.

In South Australia, we consciously adopted the policy—and this was one of the issues for which we had to get approval from the ACCC and the NCC—to have one

distribution company which includes both city and country consumers, so that we could postage stamp, or equalise, the costs throughout the whole of South Australia so that there was some ongoing benefit to country and rural South Australia.

The Hon. Ian Gilfillan: For how long?

The Hon. R.I. LUCAS: I am about to talk about that. If we had not done that, we would not have been able to implement that protection as part of our policy. In terms of the time line, for the next five years, whether it is Government owned or privately owned, the Government has given a commitment that for households and small business customers there will be no increases greater than the CPI and that the current maximum uniform tariff will stay the same for city and country. So, for the next five years, irrespective of Government or private ownership, that commitment can remain.

From 1 January 2003, the ACCC, which is a completely independent body, takes over control of our transmission pricing, so an element of the final price then goes out of the control of the State Government. It does not matter whether it is Mike Rann, Ian Gilfillan or John Olsen running the Government of South Australia: the ACCC will be controlling transmission pricing in South Australia. What the Government did was create a structure which we believe, from here on, with no time limit, and based on our advice—and a number of assumptions have been included in that—will keep prices between up to a maximum of 1.7 per cent differential to city prices. It is important to note that that is not for all country consumers. In fact, in Mount Gambier—

The Hon. Ian Gilfillan interjecting:

The Hon. R.I. LUCAS: If the honourable member listens, I will explain.

The Hon. Ian Gilfillan interjecting:

The Hon. R.I. LUCAS: The honourable member would, with due respect, benefit from an explanation or background information in terms of this issue. The 1.7 per cent figure, which a lot of people think all country consumers will pay, is not correct for all country consumers. For example, after 2003, our analysis shows that the Mount Gambier price is likely to be 1.3 per cent cheaper than that for city consumers.

The Hon. Ian Gilfillan interjecting:

The Hon. R.I. LUCAS: I am saying to you that in some country areas, going up through the transmission network through the South-East, even as far as Keith on the early figures that we have done, the price will be marginally cheaper than the city price after 2003, the reason being that they are close to a transmission line; and that is one of the issues in terms of the pricing policy after 2003. So, some significant numbers of people in the country will actually have better prices than in the city. Some will be up to 1.7 per cent higher; some will be the same; and some, obviously, will be between those parameters.

The Government then said that there were a small number of complications which might mean that a few people could go beyond this 1.7 per cent barrier. The Government said that it would establish a fund out of the sale proceeds and put it into a separate account. We will not have to use it for the first five years because, by policy effect, we will be controlling prices, but that money from the sale proceeds will be used for a period of up to 10 years, and that is the figure about which Mr Spitzley was talking. It is not up to 10 years from now but up to 10 years from 2003.

The Hon. Ian Gilfillan interjecting:

The Hon. R.I. LUCAS: Well, up to 10 years, and the Government's position is 10 years. The money will be there to ensure that if there are any pressures on this 1.7 per cent commitment, the money from the sale proceeds as a backup will be used to make sure that we can keep that promise of the 1.7 per cent.

The Hon. Ian Gilfillan interjecting:

The Hon. R.I. LUCAS: The Government is still working on what that lump of money will be, but I am sure the Hon. Mr Gilfillan, on behalf of rural South Australia, will not begrudge the Government's endeavouring to make a commitment to rural South Australia, because, if we do not sell the assets, we will have the same problems for country South Australia but we will not have the money to put aside in the account. If the Hon. Mr Gilfillan maintains a position of opposing the sale of ETSA and Optima, he may well have some differences in price after 2003, but we will not have a small amount of the money from the sale of the assets to put aside to try to help meet this policy commitment.

As to the 10 year issue, the Government has said that we—or whomever the Government is in 2013 (it is not likely to be me personally, I can assure you, or indeed the Hon. Mr Gilfillan)—will have to decide whether it is prepared to top up that fund, if it is required then. It may well be that it is not required, and that money can continue to be used to make sure that the 1.7 per cent commitment is given. We have indicated today, because of the misinterpretation of this, that if it happens to be a Liberal Government in office in 2013, the Liberal Government is prepared to top up that fund if it is required to make sure that the 1.7 per cent commitment is an ongoing commitment. I cannot think of any more generous, caring or understanding policy that a Government could adopt in terms of a country pricing policy to try to minimise the difference.

In summary, we are saying that some country consumers will actually have a better price than those in the city. If you live in Mount Gambier—and we are doing some figures on Port Augusta because there happens to be a generation plant there; it might be the same there as well—or if you live in certain parts of the country, you might do better under the policy. The Hon. Mr Roberts, with his connection with Millicent, will probably do marginally better than city prices under the sort of policy that this Government is putting. I cannot give a commitment to country consumers if the sort of policy that Mike Rann and Mike Elliott are adopting is to be implemented, because what the Government is putting together is a total package in terms of trying to protect country consumers.

The Hon. IAN GILFILLAN: As a supplementary question, what does the Treasurer's chief adviser Ray Spitzley mean when he says 'then it would transition away'?

The Hon. R.I. LUCAS: I would imagine that what Mr Spitzley is talking about is what I have just said; that is, that we will put aside a certain amount of money out of the sale proceeds which we believe will be sufficient to manage this commitment, the backup commitment of the 1.7 per cent.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: It is a country customers' equalisation fund, if the honourable member wants to call it that. In 10 years time that money might have 'transitioned away' or expired, or whatever else it is. On behalf of the Premier and the Government today I am saying that if there is a Liberal Government in 2013 and if that money has 'transitioned away', the Government will top up that fund to maintain the commitment. That is a commitment from the

Liberal Government: I cannot answer for how Mike Rann and Mike Elliott will seek to protect country consumers in this National Electricity Market if ETSA and Optima are maintained as publicly owned entities.

The Hon. IAN GILFILLAN: As a further supplementary question, in relation to rural pricing I asked specifically would the Government give any undertaking or was there an intention of giving an undertaking to protect equalised country prices if ETSA and Optima were not sold. I understand from the Treasurer's answer that, if it is not sold, there will be no protection of rural policies.

The PRESIDENT: Order! The honourable member cannot explain any further.

The Hon. R.I. LUCAS: It is not for the Government to be arguing a case for Mike Rann and Mike Elliott. The policy position that the Hon. Mr Gilfillan is putting is what happens in the unfortunate circumstance that the Mike Rann-Mike Elliott policy is supported by the Parliament. This Government is not supporting that. One of the reasons why we are passionately arguing to members here about protecting country people is that we do not believe the Rann-Elliott policy can work. It is for Mr Rann and Mr Elliott to argue how they will protect country consumers under their 'don't change anything' policy, when this cutthroat National Electricity Market descends upon us and country people are left to the mercy of cutthroat competition under the sort of policy that the Hon. Mr Elliott and Mike Rann are supporting.

It is not the Government's position to argue how a particular policy, which we strenuously oppose, will be implemented. We will fight to the end to convince members in this Chamber and another Chamber that the package this Government has put together is the best package, and that it is the only plan on the table that will do a whole lot of things from reducing the debt and giving bottom line benefit to the budget, but also will try to protect country consumers. Let us hear from the Hon. Mr Elliott and Mr Rann as to how under their 'let's stop the sale of ETSA and Optima' policy they will protect country consumers. I think we will be listening for a long time if we are waiting for a policy response from either of those two gentlemen.

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Treasurer a question about future electricity prices.

Leave granted.

The Hon. A.J. REDFORD: Yesterday the Hon. Legh Davis asked the Treasurer a question about the regulatory risk of the poles and wire business in the National Electricity Market, in response to the Hon. Sandra Kanck's statement last Thursday that this aspect of the electricity business was no risk. Indeed, three weeks prior to the Hon. Sandra Kanck's release of her views last week, the member for Gordon (Rory McEwen) was saying that there is no risk in the poles and wire business. Today I draw the Treasurer's attention to comments made by the Hon. Sandra Kanck in her document concerning regional South Australia, where she says:

> Regional consumers run the risk of being cut adrift by a privatised ESI. Private companies will not pick up the high cost of transmitting and distributing electricity to remote areas.

Sandra Kanck's comments again were a mere echo of the member for Gordon's comments made some three weeks ago. Yesterday, and this is referred to in the previous question, the Premier announced the Government's policy on prices for country households and small businesses. In the light of that announcement, my question to the Treasurer is: how does the Treasurer anticipate that the pricing of electricity to country households and small businesses in the South-East is likely to be affected by the proposed sale?

The Hon. R.I. LUCAS: If I can summarise, the earlier announcement shows that up until 2003, obviously, there will be equal prices. After 2003, we are advised, people in Mount Gambier itself will see potentially a 1.3 per cent positive advantage compared to city prices, and as we move up through the South-East as far as Keith there still seems to be, on the analysis we have done, an advantage in terms of country pricing for those constituents in the lower South-East of South Australia.

COMMUNITY SERVICE ORDERS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Attorney-General questions about community service orders.

Leave granted.

The Hon. T.G. CAMERON: My office has been contacted by Ms Mireille Desdame, a pensioner from Aberfoyle Park, who recently received an expiation notice for speeding at 75 kilometres in a 60 kilometre speed zone on South Road, Reynella. Ms Desdame is a 71-year-old pensioner who survives on a small pension and who was unable to afford the $183 fine. After contacting the Christies Beach court she was told she would be able to undertake community service. Ms Desdame spent a day working in a cold and draughty shed cutting cardboard and paper. By the end of the first day Ms Desdame, who has recently undergone two serious operations, was feeling weak and ill.

Ms Desdame was under the impression that she would have to work only part of the second day to finish paying her fine. However, she was shocked to learn that to pay off the remaining $33 she would need to work another full day. Considering her health, Ms Desdame felt she was not up to it and, instead, chose to pay the remaining $33 from her pension, which left her short of food money for the rest of the fortnight. She feels that she was shabbily treated and believes that the Government should look at alternatives to the current system for people who are old and physically impaired. I also take this opportunity to congratulate Channel 7 for the speed camera series it is currently running. My questions to the Attorney-General are:

1. Will the Government consider alternatives to the current system for people who are too old or are physically impaired, or is the Government so strapped for cash that it is willing to force sick and aged pensioners to undertake manual work in unacceptable working conditions?

2. What precautions are currently taken by the Department of Correctional Services to ensure that people who undertake community service in order to pay a fine do so in a safe work environment?

3. Is it true that a fine of $183 requires two days community service work to pay off, the same as a fine of $283? If this is the case—and I am asking whether it is—does the Attorney consider this fair and will he review this anomaly?

The Hon. K.T. GRIFFIN: I am not familiar with the details of that matter, but if the honourable member gives me the spelling of the name of the person to whom he referred in the explanation, I will have the matter investigated. There are some unsatisfactory aspects with the current system of enforcement of fines. That is the reason why the Government has decided that it will seek to significantly reform the enforcement of fines through the establishment of a Penalty

Management Unit in the Courts Administration Authority which will have the complete responsibility for the enforcement of fines and expiation fees.

Within that structure we will provide a much more flexible approach to the payment of fines. Where there is hardship a number of options will be available: time payment; community service orders will not be an up-front option but they will be available; and there will be opportunities for a person who is dissatisfied with the option available to have the matter referred to a magistrate. It will be up to the magistrate to make a decision about the way in which the unpaid expiation fee or the fine can be best addressed, and ultimately there will be an option for a magistrate in a particularly difficult circumstance to waive an unpaid expiation fee or fine. However, quite obviously, people who attract expiation fees or fines through breaches of the law should be expected to make some reasonable effort to ensure that that debt to society is paid.

One of the difficulties with the present system is that many people who are fined or receive expiation notices merely thumb their noses at the authorities and do not pay. Members can imagine the angst among those who do make a diligent effort to pay or to satisfy their obligation to society when they hear that many people do not meet their commitments. What we want to do, in the context of proper notice to defendants and those who have unpaid expiation fees, is put in place a system that will secure the best prospect of ensuring that the debt is paid to society, that their obligation is met by offenders and those who attract expiation fees and that, if they do not pay, they are followed up. In South Australia, my recollection is that approximately 51 per cent of fines and approximately 75 per cent of expiation fees are paid but the rest just accumulate as unpaid liabilities to the State—which, ultimately, reflect upon the burdens that are imposed upon the taxpayers of South Australia.

Whilst the honourable member's question raises some important matters in respect of Ms Desdame—and I will undertake to have the issues pursued—it does give me the opportunity to say to the honourable member—and to members in this Chamber—that the Government is seeking to put in place a better system and, hopefully, legislation will be introduced next week (subject to a number of procedural matters being satisfied) that will give everyone an opportunity to look at the way in which we intend to reform dramatically the payment of fines and expiation fees. If, as the honourable member has indicated in his explanation, all of it adds up—and I am not saying that he is asserting something that does not add up to his knowledge, but it may be that we will need to check the background to it—I can be fairly confident that in a reformed system that issue will be met at a much earlier stage, not way down the track, months later or even a year or so later but when the fine is incurred or the expiation fee imposed, and the opportunity will be given for the proper and responsible management of those liabilities and obligations to society. In one sense, I thank the honourable member for his question but, in another, I will undertake to have the matter followed up.

MEMBER'S REMARKS

The Hon. SANDRA KANCK: I seek leave to make a personal explanation.

The PRESIDENT: Does the honourable member claim to have been misrepresented?

The Hon. SANDRA KANCK: I do.

Leave granted.

The Hon. SANDRA KANCK: Earlier in Question Time today I was misrepresented, I believe quite severely, by the Hon. Legh Davis and the honourable Treasurer in answering the question. First, I should put on record that the document I released last Thursday is 10 pages plus appendices, so the Treasurer has not even got the number right. The quote by the Treasurer was taken out of context, but not only was that quote by the Treasurer taken out of context but the quote of the Hon. Legh Davis was only half the sentence—and you can get any meaning you like when you quote half the sentence. In the document I released last Thursday I state as follows:

> Optima generates a mere 6 per cent of the total of electricity in the three State market and is one of the smallest generators operating. (Appendix 3). Industry Commission findings state 'The Commission's analysis led it to conclude the division was unlikely to reduce market power to any practical degree. Division could lead to loss of economies of scale and scope. Such losses would disadvantage South Australian generators in the national market, compared to much larger generators in New South Wales and Victoria.'

The Hon. M.J. Elliott: Whom are you quoting?

The Hon. SANDRA KANCK: I am quoting the Industry Commission. In my report I then go on to say:

> Under these circumstances Optima should be maintained in its current structure and other private companies encouraged to set up gas fired generation capacity in South Australia.

There is absolutely nothing different from anything that I put on the public record yesterday—

Members interjecting:

The PRESIDENT: Order!

The Hon. SANDRA KANCK: —when I was addressing a press conference. The item from the electric newspaper, which the Hon. Legh Davis half quoted, reads:

> To qualify for competition payments the electricity industry needs to be disaggregated (separating generation from transmission from distribution from retail).

It says nothing about splitting Optima into smaller units. Also, in relation to the comments that I had made to the Hon. Mr Lucas when I met with him in early May and the fact that he has repeated them again today, despite the fact that yesterday afternoon I had spoken with him about it to clarify what had occurred in that conversation, I am very disappointed.

At that meeting in May I had come back after a meeting with Ed Willett from the National Competition Council and had reported to him what Ed Willett had said to me. He said that the chief sin of the South Australian Government in relation to its power utilities was that it was failing to further disaggregate, and I asked the Treasurer, perhaps somewhat facetiously—and I guess I learn from my mistakes—why he was not doing that. He has now read this to mean that this was what I personally was advocating. As to the *Advertiser* quote yesterday, again it was taken out of context and anyone who was at that press conference yesterday would have heard me express concern about the structure that the Government is proposing.

The Hon. L.H. DAVIS: I seek leave to make a personal explanation.

The PRESIDENT: Does the honourable member claim to have been misrepresented?

The Hon. L.H. DAVIS: I certainly do. I claim to have been misrepresented by the Hon. Sandra Kanck.

The PRESIDENT: Will the honourable member tell us exactly where he has been misrepresented?

The Hon. L.H. DAVIS: The Hon. Sandra Kanck has made certain assertions in her personal explanation about what I said in my question which are simply not true.

Leave granted.

The Hon. L.H. DAVIS: I simply say that the Hon. Sandra Kanck has totally misrepresented my question. I made no quotation of what she had said in the electric newspaper article. She made an erroneous allegation that I had misquoted her or only half quoted her: that is simply not true, because I did not quote her at all. She also claimed that the full document—

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: —from the Australian Democrats, released last Thursday 25 June, was a 10 page document, not a six page document. Again, the honourable member is in error, because I was the one who referred to the fact that it was a six page document on the Internet, and that is true. That document of 7 May quotes the Hon. Sandra Kanck as saying:

> Disaggregation should be a priority of the Government. Not only would it guarantee competition payments but also it will result in greater efficiency within the industry. The Government can disaggregate by regulation.

Those are the words of Sandra Kanck.

The PRESIDENT: Order! The matter has gone far enough.

MATTERS OF INTEREST

ELECTRICITY, PRIVATISATION

The Hon. L.H. DAVIS: Almost exactly 16 years ago in this Chamber, there was a historic debate and vote on the Roxby Downs Indenture legislation. The Labor Party at the time was against it, but there was one brave member who resigned from the Party, became an Independent and crossed the floor, so making possible the passage of the Roxby Downs Indenture legislation. That man's name, immortalised in history, was the Hon. Norm Foster. Ironically, in the 1996 ALP platform, the following words appear, talking about development in country areas of South Australia, 'other centres, in particular, Roxby Downs, are enjoying major expansion'.

It was Mike Rann who was the leader of the pack in the Labor Party, then as a key adviser to the Leader of the Opposition, who was dead against Roxby Downs. He even wrote a booklet against Roxby Downs. Now we have just seen the completion of a $1.6 billion upgrade of Roxby Downs, with 4 000 people there, one of the great export earners for South Australia, and one of the great underground mines in the world, predominantly copper and also uranium and gold. Mike Rann, in his earlier days as an adviser to the Bannon-led Labor Party, was against Roxby Downs.

Seven years later, he laughed at Liberal Party members who, over a period of two years, raised a series of very critical questions about the financial stability of the State Bank. In *Hansard*, for all to see, there is a sneering, snide speech by the now Leader of the Labor Party, the Hon. Mike Rann, laughing the Liberal Party out of court, describing Tim Marcus Clark as one of the great leaders in the financial community in Australia. For two years he laughed at the Liberal Party. On the two biggest things that have happened in the last two decades in this State—Roxby Downs and the State Bank—the Hon. Mike Rann was wrong. He is going to be wrong for a third time.

Why is he wrong for a third time? Why is he obliged to distance himself from the privatisation of ETSA? It is not for any cogent reason. It is not based on fact. It is based on the reality that the ALP platform from October 1996 locks the Labor Party into opposing the privatisation of ETSA. On page 49 it states:

> Labor believes that an efficient public sector can compete successfully with the private sector in economic services.

Further on page 60 it makes it quite clear that:

> Labor is committed to maintain ETSA's generation, transmission and distribution assets in public ownership.

That is why the Labor Party is opposed. For two years it has had that policy. Can anyone in this Chamber tell me of another business in this State, in this country, in this world that would lock itself into a position, notwithstanding changing circumstances? I cannot. There is total inflexibility here; there is the threat of blood on the floor if anyone dares ignore the Labor Party platform.

In New South Wales there is quite a different point of view. Although its platform also locks the Labor Party into opposing the privatisation of power assets, Premier Carr and Treasurer Egan are actively seeking a special conference, I understand in October, to again put the proposition to the Labor Party that the power assets should be privatised. The irony is that we are being forced to face the reality of the global networking of businesses and changing circumstances. The national electricity market and the COAG competition principles were both introduced by a Federal Labor Government and embraced without a whimper by Premiers Bannon and Arnold and also Leader Rann. Shortly we will have the ETSA Bill before us, but I hope that the Hon. Mike Rann and his Labor colleagues might do what they have done in New South Wales and call for another conference to look at the issue of privatisation.

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

MULTICULTURALISM

The Hon. CARMEL ZOLLO: In my maiden speech last December, I called on the Federal Coalition Government and in particular the Prime Minister to follow South Australia's lead and its support for multiculturalism, and I added:

> We need a strong, clear, unequivocal statement from the Prime Minister as our national Leader in full support of a non-discriminatory immigration program and the concept of multiculturalism. There must also not be any equivocation about Party preferences for any candidate who espouses racist views.

I am proud to say that my Party, the Australian Labor Party, did and will continue to stand on principle regarding preferences for Hanson and the One Nation Party. If the Coalition had had the courage and decency to put One Nation last in the Queensland election, the ALP would probably have won a

few more seats and the end result would have been the same in terms of forming a Government, but the result for One Nation would have been dramatically different as it would have won only a couple of seats and therefore it is also likely that it would have had only a minor impact on the coming Federal election.

The Queensland election flushed the Prime Minister out and got him to make a belated commitment to put One Nation preferences last in his seat and to urge other Liberal candidates to do the same. He had the nerve to say that he had decided on this course of action before the Queensland election but that he did not publicly come out and say so in order not to influence the outcome in Queensland. I personally would not have expected to hear such a statement from the Leader of the nation.

In my maiden speech I also said that I believe that the concept of multiculturalism and the post-war migration program have been Australia's great success stories and I asked why they were suddenly under threat. I went on to say that all of us would accept that most individuals and ethnic groups are to some extent prejudiced against others and that it has probably been the cause of more wars throughout history. However, I believe that our Australian experiment was unique because of the bipartisan commitment and support of both the migration program and the concept of multiculturalism over the last 25 years.

What concerns me about Hanson and the One Nation Party is not its so-called policies on foreign investment, the economy, or guns. Reality will sort those out. Rather, it is its simplistic and misguided nationalistic fervour concerning immigration and the scrapping of multiculturalism. Multiculturalism is not about exclusion and division: it is about inclusion within the laws of this great nation, enabling us to reach a better understanding of each other's culture.

The overwhelming majority of people who have migrated to Australia have worked hard and enriched this nation. During difficult economic and rapidly changing times, pointing the finger at people who are not breaking any laws, but who look different, speak differently or behave differently is not only misguided but is also dangerous, as history show. Ms Helen Sham-Ho's recent resignation from the Liberal Party seems to suggest that the racism that one comes across from time to time is on the increase. It appears that Ms Sham-Ho took her stand because of suggestions from some of her former colleagues that a person of Asian background standing as a candidate for the presidency of the New South Wales Upper House might not be acceptable to One Nation supporters. She also expressed her disappointment at the Prime Minister's lack of leadership concerning the distribution of preferences by her former Party.

All Australians should be justly proud of both our Aboriginal and European heritage, traditions, language and way of life. There is room for people who come to Australia to call this nation their home also to be able to express their customs, traditions and language, as well as embrace those of their new home, Australia. I take this opportunity to congratulate the Queensland Independent Peter Wellington, not because his support enabled a Labor Government to be formed but because it was the right and decent thing to do, not only for Queensland but also for Australia. Even Premier Kennett supports that view. The National Party is still to make a commitment concerning preferences, but given its track record it will probably not only continue to exchange preferences but is likely to lurch further to the right.

YOUTH UNEMPLOYMENT

The Hon. IAN GILFILLAN: I wish to focus my remarks on unemployment, particularly youth unemployment. It is a tragic reflection on so many of us that although we have acknowledged the devastation that unemployment is having on young Australians we seem to be waiting for a mystical cure that will transform the current situation into a feast of job opportunities for young people. I think that most of us know in our heart of hearts that that will not happen, or if does it will not be within generations of this current generation of young people.

Therefore, the answer is to look at what we can do to give as many of those young people as possible the opportunity to benefit from having some form of formal work. One proposal that went past the thinking stage was that of permanent part-time work. This suggestion was first articulated in detail by Senator John Siddons when he was in the Federal Parliament. His idea was that there be a legislative requirement on employers of substantial numbers of people—on those who employed more than 25 people—to have a position, a work station, for the young unemployed who would fill that job with all the trappings that would apply to a formal full-time job—training, discipline, wage structure, superannuation and leave entitlements. In fact, John Siddons, through his company, Sidchrome, Siddons Industries, Ramset, very successfully used that scheme for several years, and there was a very high follow-on full-time employment rate for those who took part in it.

Since then we have both travelled to Whyalla and we tried to interest the local community into instituting that scheme there but with certain variations—it would need to apply to small business (not necessarily big business) and there would be no legislative compulsion. It is with some satisfaction that I want to share with members the good news that Whyalla has embraced this scheme. Not only have several of the small business employers, whom I approached to take part in this job sharing scheme, offered places but also the Whyalla council has appointed its CEO to a working party that I am convening to look at the application of this scheme in Whyalla. The CEO of the Whyalla Economic Development Board has been nominated and has agreed to be on the working party. The Premier himself wrote to me in early May indicating strong support for this suggestion, for which I congratulate him. I want to put on the record that I believe that it is to his credit that he has shown no desire to play petty politics about the matter, and if it is a good scheme he will throw his weight behind it and will provide people in his department to continue the discussion.

The Whyalla Employment Brokers, which unfortunately is one of the victims of the new era of employment broking but is still working as a sub-agency in Whyalla, has offered to broker the scheme at no cost if need be, because there are practical complications, and the State Government has offered WorkCover and, if it applies, payroll relief, so that the onerous aspects of employers taking on these young people will be minimised. I feel that this is the dawn of an idea which can take root not only in rural South Australia but also in the cities whereby four times as many young people will have the advantage of real work opportunity to build up their self-respect, experience, and training. It will give them the references which will put them in much better stead to move—

The Hon. Diana Laidlaw interjecting:

The Hon. IAN GILFILLAN: It is real work, and that is guaranteed by the scheme and the employers.

PORTUGUESE COMMUNITY

The Hon. J.F. STEFANI: Today I wish to speak about the Portuguese community in South Australia. Recently I was honoured to be invited to share in the important national day celebrations organised by the South Australian Portuguese community. In April last year I was also privileged to participate in the official opening of their new premises which are located in Sixth Avenue, Woodville Gardens, and represent a significant achievement by the Portuguese people. The establishment of these community facilities represents a major achievement which was accomplished through the hard work and leadership of the president and the members of the executive committee, as well as all members of the Portuguese community who have contributed in many special ways to build their new clubrooms.

We are all aware that the Portuguese explorers were amongst the very first people to sail around the world, and since that time the Portuguese have settled in many countries. The early presence of Portuguese settlement in Australia was recorded in the colonial census in 1871 and by the end of the nineteenth century there were approximately 400 Portuguese living in Australia. Among the families who arrived in the nineteenth century was Emanuel and Ana (De Freitas) Serrao and their infant daughter Selena. They arrived in Australia from Madeira on the *Alfred* in 1824. They found initial employment on a farm and were involved in the experimental growing of grapes. In 1828 Emanuel joined the Police Force and in 1830 he applied to Governor Darling for a land holding near the Brisbane waters, but this was refused because he was an alien. The Serraos remained in Sydney until 1852 and had 12 children. They eventually settled in Warrnambool where Emanuel died in 1880. It is interesting to note that their surname was anglicised to Serong.

Another of the early Portuguese migrants to Australia was Sebastio Olivera who came from Cape Verde in 1880. He married an English woman, Sarah Vost, in 1891 and they had seven children. Sebastio died in 1939. After the Second World War the migration program to Australia included Portuguese immigrants from Timor who had supported Australia during the Japanese occupation of the island.

Although only a small number of Portuguese migrated to Australia in the nineteenth century, a greater number arrived during the 1950s through to the 1980s. Most of the Portuguese population in Australia are relatively new arrivals who have been residing in Australia for less than 25 years. Like many other migrant groups, the South Australian Portuguese community has maintained a strong attachment to its language and culture, sharing its tradition with the wider South Australian community. I therefore take this opportunity to pay tribute to the members of the Portuguese community of South Australia for their important contributions and achievements and wish them continued success for the future.

GREYHOUND RACING

The Hon. R.R. ROBERTS: I rise to make a brief contribution about the greyhound racing industry in South Australia. Some time ago the South Australian Greyhound Racing Association (SAGRA) commissioned a report into the future of the greyhound racing industry in South Australia through a firm called Speakman Stillwell. I believe that the project officer who compiled that report and its recommendations was Mr Graham Inns, who outlined a plan for the future of the greyhound racing industry in South Australia. The greyhound racing industry is to be congratulated for that because it was trying to get its house in order so that the new regime of all the racing industries under the auspices of RIDA would put it in good stead to have a future in the industry. This industry has for some time been racked with dissent amongst people. There are divisions between the metropolitan code and the country racing code, and this has gone on for some time.

As a result of the report to which I have referred, Mr Graham Inns was appointed Chairman of the Greyhound Racing Association by the current Minister, Mr Graham Ingerson. Since that time, the allegation has been put to me—and it was put to me after a great deal of concern and a lot of soul searching within the greyhound industry, and report after report on the lack of information, the lack of consultation, the lack of information sharing and the obvious bias against country greyhound racing clubs in favour of the metropolitan clubs. Since he has been the Chair of SAGRA, Graham Inns has embarked on a mission that seems to fly in the face of all the recommendations in his report, on which he was appointed.

Earlier this year, after the great concern and the heartburn being generated by the non-setting of dates, the future of the greyhound industry was quite tenuous, and the country clubs in particular were concerned—so much so that a meeting was held between the Greyhound Federation and SAGRA, at which people were told that there had to be a great deal more communication between SAGRA and the board. That was accepted overwhelmingly by the country clubs. At that meeting there was talk of rationalisation. SAGRA outlined a proposal for a three tier system for greyhound racing. Level one would be Angle Park; level two, Gawler and Port Pirie; and level three, Mount Gambier, Barmera and Whyalla. They said that there was some doubt about Strathalbyn in the future. They suggested that Port Lincoln should amalgamate with Whyalla, and Port Augusta should amalgamate with Whyalla or Port Pirie; and that Port Augusta and Port Lincoln could continue if they wished but would not be funded by SAGRA.

This has led to a great deal of concern, which is not helped by the fact that the Minister and some of the officers have not been giving all the information to all the people, despite calls from the industry for meetings with them. I attended a meeting in Port Pirie on 3 May with all the country clubs (with the exception of one or two), at which a motion of no confidence was passed overwhelmingly in the Chief Executive Officer of SAGRA, Mr Graham Inns. During that meeting I listened to what the people had to say. I encouraged them to see their local member and to go to the Minister to get some relief in an attempt to break this impasse. Unfortunately, the only response received from the Minister was that they ought to see Graham Inns.

Since that meeting, a vindictive attitude has been displayed towards the country clubs, particularly the Port Pirie club. On Monday, they were told that they would be cut to about 13 TAB meetings in the north. There are good administrative reasons why this cannot work. Requests for meetings with the Minister have gone unheard. The situation is that in the next two or three days the future of the greyhound industry could be ruined. The industry is asking for relief from the Minister, but it cannot get it. That is another indication that this portfolio is not being handled properly—

so much so that I am taking it upon myself today to write to the Ombudsman, Mr Eugene Biganovsky, to intervene on behalf of the country greyhound clubs to ensure that this statutory authority and the Minister maintain their responsibility to look after greyhound racing in the whole of South Australia, and not just the metropolitan area.

OPTIONS COORDINATION

The Hon. R.D. LAWSON: I want to speak on the subject of options coordination, which is the little understood mechanism by which the State provides services to those with disability. By way of background, in the early 1990s, there was significant development in the provision of services to people with disability in South Australia. In 1991, the Commonwealth-State disability agreement was signed. That was the first agreement (only recently renewed for a further five years earlier this year) and it produced some rationalisation in the funding of non-government organisations, with clearer responsibilities spelt out for the Commonwealth and the State Governments respectively.

A project was established called the Disability Directions Project. It reported to the then Minister, and early in 1993 the Disability Services Implementation Steering Committee, chaired by Mrs Judith Roberts, advised the State Government on further development of services for people with disability in this State. It was out of the recommendations of that committee that the scheme now known as options coordination was developed.

Also in 1993, the State Disability Services Act was enacted and came into force in April of that year. The schedule of that Act sets out certain principles, and the principles relating to the receipt of services by those with disabilities include the right to choose between services and to choose between the options available within a particular service, so as to provide assistance and support that best meets the individual needs of the person concerned. So, the legislation envisages that those with disabilities will have the right to choose between the options available to them.

Prior to the establishment of options coordination, there were a very large number of agencies—and there still are. Over 100 are funded either through the Disability Services Office or the Intellectual Disability Services Council. Other services are funded through the Home and Community Care program. The Commonwealth Government has a responsibility for funding all employment and labour market programs for people with disability. The system was very complex, and a person with disability, or a family, might have immense difficulty in finding their way around the service system and having their needs met. This was partly due to the large number of agencies involved, their different client populations and eligibility criteria. So, there were multiple points of entry into the service system.

Independent case managers were not available in many parts of the sector. For example, if a person with intellectual disability wanted to leave home and live elsewhere, that person might have approached up to five or six accommodation agencies, seeking the services that were required. The person might have been put on three or four waiting lists and might have had to undergo a number of different assessments. So, the system was difficult to fathom. Many services were not culturally appropriate. There were inconsistent service standards, a lack of consistent approach to consumer complaints and a lack of community involvement in many, although not all, service areas. There was a lack of choice and flexibility of service provision and a lack of continuity in some service arrangements. There was a need for better planning and coordination, and greater efficiency and greater equity in the system, so that those seeking to enter the system would have their cases judged upon the basis of their needs, rather than upon the convenience of particular agencies.

So, five options coordination agencies were established. They are the Intellectual Disability Services Council for those with intellectual disability and the APN Options Coordination (adult physical and neurological coordination). The Crippled Children's Association is the options coordination agency for children with physical or neurological disability. A brain injuries option coordination agency (BIOC) was established and, for those with sensory disabilities, a sensory options coordination agency was also established. The system is working well and is presently being evaluated by Professor Roy Brown and an evaluation committee.

TEENAGE BOYS

The Hon. T.G. CAMERON: Today I would like to make some comments about the problems faced by teenage boys who are failing to complete their high school education in South Australia. Increasingly, high schools are being becoming a battle ground. This is hardly surprising, considering the fact that the State Government has cut the education budget by more than $50 million; dozens of schools have been forced to close, with more coming; nearly 300 school assistants have been made redundant; and there have been massive hikes in school fees and cuts to those with School Card. Our teachers are over-stressed and underpaid. Kid have less and less socialisation from home, and the number of male teachers in schools is plummeting. By 15 years of age, teenage boys are three times more likely than girls to die from all causes combined, but especially from accidents, violence and suicide.

Today it is the girls who are far more sure of themselves, motivated and hardworking. Girls are staying on to finish their high school education and out-performing boys in almost every subject. By comparison, teenage boys are often adrift in life, failing in school, awkward in relationships and at risk from violence, alcohol and drugs. More and more it is women teachers who must front up to physically intimidating and disrespectful teenage boys in the classroom.

An analysis of the 1996 Victorian Certificate of Education results show that boys dominate literary support programs and, in Victoria, account for 80 per cent of all school suspensions. A classroom has become a battle for survival with only two goals: getting girls to achieve and getting boys to behave. In short, in many schools today many teenage boys are trouble. Not only can they be disruptive in class but also they are often apathetic towards their school work.

A recent study by the Senior Secondary Assessment Board of South Australia showed that female students have a higher year 12 completion rate than males. Last year about 85 per cent of girls successfully met all the requirements to gain the State School Leaving Certificate. In contrast, boys had a year 12 completion rate of 78 per cent—a gap of 7 per cent.

There is growing evidence that many of the boys' behavioural problems may be explained by their perception that school is increasingly irrelevant for them. This has ignited concerns about whether the education system is meeting the needs of teenage boys. Dr Murray Drummond, a University of South Australia lecturer in health and masculinity, in an interview with the *Advertiser* said this about the

poor academic performance of teenage boys compared to teenage girls:

> Girls now understand they have the ability to achieve and have role models to aspire to but boys do not have the same role models in their formative years (because there are so few male teachers).

Dr Drummond further said:

> We definitely need more male teachers who have to be more compassionate, more caring and more nurturing.

Steve Biddulph, in his influential book *Raising Boys*, suggested a number of ideas that could be implemented if we are serious about improving the academic performance of teenage boys, including: vigorously recruiting males into teaching and also involving more of the right kind of men from the community to provide one-to-one coaching and support; redesigning schooling to be more physical, energetic, concrete and challenging; targeting boys' weak areas, including literacy with boy-specific intensive language problems right from the first grade and separate English classes in mid-high school; building better personal relationships with boys through smaller groupings and fewer teacher changes in high schools so as to meet boys' needs for fathering and mentoring; and for schools to be alert to the fact that problem behaviour can be a sign of learning difficulties and for this to be investigated and acted on as soon as possible.

It is clear that the way in which high schools operate must change if we are to see improved outcomes from boys in education and to life in general. As a society, we need to question where we have gone wrong with teenage boys and to consider introducing structures that provide a more nurturing, caring and educational environment for both boys and girls.

LEGISLATIVE REVIEW COMMITTEE: SMOKE ALARMS

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

That the report of the Legislative Review Committee on regulations under the Development Act 1993 concerning smoke alarms, be noted.

(Continued from 3 June. Page 835.)

The Hon. R.R. ROBERTS: My contribution will be brief but, as a member of the Legislative Review Committee, I wish to make a couple of observations. There is no doubt that the legislation in respect of the fitting of smoke alarms, which will be made mandatory in the future, is probably a good thing overall. All the arguments about costs and who should and should not have smoke alarms and whether the legislation should apply to new or old houses have been canvassed. Nevertheless, the underlying principle is that it is in every person's best interests to have the protection of smoke alarms, as the cost to the community of not having them is clearly too high. If smoke alarms save one life it is probably worth the effort.

One observation that was made by a female colleague in the past couple of weeks was that her home has very high ceilings and she finds it very difficult to change them.

The Hon. Diana Laidlaw: What, the ceilings?

The Hon. R.R. ROBERTS: She finds it difficult to change the batteries in the alarms on the ceilings. Obviously, from time to time, that will be a problem for the aged and the infirm in our communities. That is something to which the Housing Trust, which looks after public housing, ought to give consideration.

Also, despite the best efforts of the Federal and State welfare systems to give support and succour to our aged and infirm, some people live on their own and do not have the skills or expertise to install a smoke alarm, yet they are still subject to the vagaries of fire in their homes.

I hope that the Government, when implementing this policy, addresses itself to providing support to those people who are living on their own through some of the agencies that have already been established. I suggest that one very worthwhile agency that should be considered is Meals on Wheels, which not only provides food for our aged and infirm right across our State—and its record does not need repeating in this place—but whose members visit, on a daily basis, someone who lives on their own. Meals on Wheels may be able to play a role in encouraging the installation of smoke detectors.

However, in many instances a cost is involved and I hope that, as part of our community welfare program, funding is provided in those needy areas for the installation of these worthwhile protection devices in the homes of all South Australians. I commend the report to the Council.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank the committee for its prompt consideration of this issue. The regulation was one that implemented Government policy. We considered that, as highlighted by the Hon. Ron Roberts, if we could save one life through fire in the home that was one life that was critically important to save and that this initiative was worthwhile.

I also commend the committee's Presiding Member, the Hon. Angus Redford, for facilitating consideration of this regulation, and for speaking to the motion that he moved, because he did so in order to give greater focus to this important community measure, and I support that aim.

I advise members that the intent of this change and focus on smoke alarms is to ensure that eventually all dwellings will have hard-wired smoke alarms installed. This will be done in two stages, with regulations requiring battery powered or hard-wired alarms to be installed by 1 January 2000, with an additional requirement, in the event of a house being sold, that a hard-wired unit be installed within six months from the day on which the title is transferred. I highlight that the cost of a battery powered alarm is $10 to $20 per unit and that most houses will require at least one unit.

The cost of a hard-wired unit is approximately $70. Over the past four years I am advised that more than 225 000 smoke alarms have been purchased in South Australia, of which more than 60 per cent are battery powered. Certainly the message is getting through to the community. This change to the development regulations will mean a much stronger focus on the hard-wired alarm systems and, as I have indicated, it is our goal to have all dwellings hard-wired. That would, in turn, overcome the issue that the Hon. Ron Roberts and the Hon. Angus Redford have highlighted, in terms of elderly people living alone and others with high ceilings who have difficulties in just changing batteries. I can confirm that, when the batteries run down, the squealing noise is extraordinarily irritating—and the Hon. Sandra Kanck nods in

agreement—until you do get up the ladder and change that battery.

I am therefore particularly pleased to advise today that Rotary and RAA Insurance are supplying, installing and maintaining smoke alarms for the elderly, and we believe that very shortly we will have a comprehensive network for that purpose across the State. I also highlight the fact that the South Australian Housing Trust has agreed on a specific budget allocation for this purpose, that all trust properties will be installed with smoke alarms. So, in that regard, the needs of trust tenants have been addressed. I believe that the needs of the elderly in particular will be addressed through Rotary, RAA Insurance and other support groups we can muster for this purpose.

We predict that smoke alarms will save at least 50 per cent of the lives lost currently due to fires in dwellings. That is a conservative estimate. Our goal is 100 per cent of those lives where smoke alarms are installed. Every year about 170 Australians die or may be injured in approximately 10 000 residential fires. We believe that the 11 deaths in South Australian house fires in the past year could have been avoided.

I wanted to highlight the Government's decision not to police the requirements to ensure compliance. This has been raised with me as a weakness in the Government's proposal. I believe that the cost and intrusion for effective policing would be prohibitive. Also, owners who do not comply after two years will be subject to a prescribed penalty under the development regulations if cases of contravention of the Act are reported. It is not my intention in this area to focus on the penalties for not doing so. It is our intention, as the committee noted, to focus on the positives, the reasons why we should be taking this action, through various education campaigns, leaflets, advertising, radio advice, through the Real Estate Institute, the Housing Industry Association, aged groups and the like. We have an ongoing education campaign to alert the public about the benefits of the installation of smoke alarms.

I repeat an earlier undertaking that there will be an ongoing education campaign to remind the community to change batteries used either as a main source of power or as a back-up. We will be doing this particularly at the change to daylight saving. We believe this will be a good time, when we are talking to people generally about turning back the clock and when they are listening, to actually latch onto that sort of campaign, through the media and the like, to remind people that, when they turn back their clocks, they should also look at the batteries in their smoke alarms. That might be an effective way of grabbing their attention for something in the community interest which is certainly focused on saving lives, and one that I am particularly pleased has the united support of all members of Parliament.

The Hon. A.J. REDFORD: I will be very brief. First, I thank members for their contribution to this debate. I must say I am pleased to hear of the initiative in relation to Rotary and the RAA in relation to the installation of smoke alarms. It does remind me of a service scheme that Apex was involved in about 10 years ago where we spent many of our weekends going out installing smoke alarms. I suspect that Apex was not asked again because they probably inspected a couple of the alarms that I inadequately installed! Be that as it may, it is a wonderful initiative.

I am also pleased to hear about trust tenants and the Government's intention in relation to that. It is certainly a wonderful initiative. I did not say this in my initial contribution, but when I gave notice about the tabling of the report, a journalist from the *Advertiser* came and saw me and asked for a copy of the report. I said I could not provide it until it was tabled, but I made sure that the journalist concerned obtained a report and a rough draft of my speech in support. Unfortunately, because it was a bipartisan good news story—and I acknowledge the support of both the ALP and the Democrats—not a word was printed. That was disappointing.

We all wonder from time to time why One Nation and other fringe dwellers seem to get so much support electorally. Perhaps we might look at some of these media outlets and, when something positive is done, seek to ensure that it is reported to the community. Some important issues were raised in that report, and one came to light only last week when I watched a news service. It was clear that the lives of a woman and her young family were saved, both on the statement of the fire officers concerned and also by their own admission. Their lives had been saved, and that was a good news story.

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: The honourable member interjects, 'Page 3 and a photograph'. In fact, with some of the stuff we get, it could have been page 1 and a photograph. I know there is less of page 1 than there used to be. But I must say it is disappointing. We do so many good things in this place and so many good things as members of Parliament, and it is never published or reported. Is it any wonder that it is often reported that politicians are not highly regarded in the community. At the end of the day, the media will finish up with the politicians they deserve. Quite frankly, One Nation is a creature of their desire more than that of anybody else. I reiterate my thanks to the committee, both to the staff and members, and also acknowledge the contributors to this debate. I commend the motion.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE: REGULATIONS

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

That the policy of the Legislative Review Committee on examination of regulations be noted.

(Continued from 3 June. Page 839.)

The Hon. R.R. ROBERTS: I support the motion. This matter has come about after a great deal of debate over a long period of time by the Legislative Review Committee. I have been a member of the committee for only this year, and I must commend the work of the Hon. Angus Redford as Presiding Member for his dedication in getting this matter formalised. Since the review of the Parliamentary Committees Act some years ago, and the change in the structure of the committees in our Parliament, there has been a bit of a void in the statutory or legislative responsibilities of the Legislative Review Committee as to what criteria it measures proposed new regulations against.

There has been a great deal of research, and most Parliaments in Australia have been scrutinised for some benchmarks to be put down. Prior to the rearrangement of the committee's legislation sometime ago, there was criteria by which the Statutory Review Committee was to operate. In the absence of written criteria, the committee has had to operate unofficially on the same criteria that existed prior to the review of the committee's legislation in this place. That has

worked reasonably well, but from time to time things do occur which may need some further consideration.

A review of the criteria in other States shows that most Parliaments provide either in an Act of Parliament or in Standing Orders that this criteria should be laid down. What has happened in the Legislative Review Committee is that over a number of years there has been a tendency to understate the importance and the role of the Legislative Review Council in the governance of our State. Governments are more and more taking the regulation route in changing the way that business is done, how things are regulated, how things are controlled in this State. It is an important part, although some would argue that it is not as important as the mainstream legislative program. I have some views about the Legislative Council, which I could take some time to recount, but I will not go into all of them.

However, one view that I hold is that the regulations that are put through are Government business. It is interesting to note that we debate this today in private members' time. That is the only time that either House of Parliament can debate the issues around the Legislative Review Committee and, indeed, can put a motion for disallowance. What this has led to over some period of time is an undesirable aspect of the legislative review process, and a diminishing of the confidence of the public in the process of the Legislative Review Committee. What tends to happen if a regulation is controversial and is placed on the table and a member of this place or the other place feels moved to apply a disallowance motion, we have a situation where there is a certain time period in which it can be disallowed.

What tends to happen is that on one day a week regulations, which have been generated by Government, are able then to be discussed. That is fine. Importance is placed on Government legislation; I do not blame the ministry or the Government. They want to get their legislation through. But for all those people who are affected by the regulations which we consider they are vital. In some cases they wait months for those matters to be finalised. I think that must change, and it is something that in a future deliberation I hope within the Legislative Review Council we can make a recommendation to the council that we do something about that aspect of the legislative process.

The Legislative Review Committee, as I said, plays an important role. I think as a Parliament we have downgraded the importance of the committee. All members have heard about the powerful Economic and Finance Committee, the powerful Environment, Resources and Development Committee, the powerful Public Works Committee, but this committee, which undertakes one of the most important functions in this Parliament, is put aside and discounted in the importance that it holds. This is the second most important function of the Government of this State. First, obviously there is the legislative process, but to allow that to operate efficiently, the second one, and almost equally as important, is the legislative review process of the Parliament.

I hope that we can in fact allow this committee more importance in our considerations. I would strongly suggest that we change our Standing Orders to allow the deliberations by our Parliament of all matters connected with the Legislative Review Committee. The other suggestion I make by way of this contribution is that the guidelines, which have been established after wide-ranging debate, and finalising what is a code of practice for us, ought to be done formally. To give credence to my assertion of the responsibility and the importance of the Legislative Review Committee I think it is important that we decide amongst ourselves in this Chamber how best to formalise that. I am not concerned whether it becomes part of the Standing Orders or whether we amend the committees Act and say that this is the criteria by which this very important committee must judge regulations to ensure the protection of the rights of those people who have rights now, those rights that are going to be altered or changed and the imposition of new rights, which generally entail the diminution of something else—important things like the cost of regulations.

If members have been following the proceedings of the Legislative Review Committee they will see that a number of regulations have been altered in recent weeks. It is noted in the minutes of the Legislative Review Committee that now the minimum fine, which just off the top of my head used to be $1 500, in almost every piece of legislation that has gone through has been lifted to $2 600. This may be the actions of a Treasurer looking for extra money, but I would assert that it is a way of gathering funds through the back door and not out in the open, because people do not realise that, when these regulations go through, for any impositions that are being applied to breach of regulation, the minimum fine has now gone from $1 500 to $2 600, regardless of the severity of the infringement or the breach of the regulation.

I think that the report and the criteria laid down by the committee, after its deliberations for a basis on which the decision making process or the standard by which we judge a regulation, are pretty fair regulation. My hope is that, after the adoption of this report, the Government moves to make it a formal process of the Parliament, or I give notice that it would be my intention to introduce a private member's Bill to do just that. I commend the motion to the Council.

The Hon. R.D. LAWSON: I support the motion. Although I did not hear all the comments of the Hon. Ron Roberts, I would certainly support those of his comments which related to the significance to the parliamentary process of the Legislative Review Committee. The Legislative Review Committee does undertake important work of the Parliament. It is a committee that over the years has worked very well in my view and I think some of the strength of the Legislative Review Committee derives from the fact that it has approached issues in a bipartisan and non-political way and has sought to avoid embroiling itself in partisan policy debates. A policy is a matter for the Executive in relation to regulation making, and the Legislative Review Committee, if it were to find itself embroiled in policy issues on every regulation which came before it, would find its usefulness to the Parliament undermined and the confidence of the community, especially that which those associated with making regulations have in the committee, would very quickly evaporate and, as I say, would be undermined.

I commend the committee for seeking to lay out its policy in connection with the examination of regulations. When I had the honour to be Presiding Member of the Legislative Review Committee, it was the practice of the committee in most of its major reports to include at the beginning a brief section on the policy adopted by the committee, but it is appropriate and a useful innovation for the committee to have the Parliament note the criteria. It is worth mentioning that Joint Standing Orders 19-31 were adopted by the Parliament in 1938 and those Standing Orders specifically governed the operations of the Joint Committee on Subordinate Legislation and that committee was the predecessor of the Legislative Review Committee. Standing Order 26 simply states:

The committee—

namely, the earlier committee—

shall with respect to any regulations—

and regulations include rules, regulations, bylaws, orders and proclamations which are subject to be laid before Parliament—

consider—

(a) whether the regulations are in accord with the general objects of the Act, pursuant to which they are made;
(b) whether the regulations unduly trespass on rights previously established by law;
(c) whether the regulations unduly make rights dependent upon administrative and not upon judicial decisions;

and

(d) whether the regulations contained matter which, in the opinion of the committee, should properly be dealt with in an Act of Parliament.

Although those four important items were specified in the Joint Standing Orders, the committee, so far as I have been able to ascertain, always took a wider view of its mandate and was prepared to consider like matters about regulations. It is certainly my understanding that the committee never trespassed into the area of policy or allowed itself to descend into the sink that policy debates might establish.

The wider items that are now to be considered by the committee, namely items (a) to (g) (seven items), derive from a number of different jurisdictions. Last year, when the Legislative Review Committees around the country were considering the national schemes of legislation, one matter which came up for discussion was whether or not some national parliamentary committee ought examine regulations made under national scheme legislation, because these are regulations which are to be made in each jurisdiction and which, for uniformity of the system, must be identical in terms. The committees examined the criteria by which each of them examined regulations. Some State jurisdictions had very wide criteria similar to the seven items identified by the committee in its policy document which we are noting. Some other jurisdictions had no criteria specified, some—and I think the Commonwealth amongst them—had the traditional four criteria which were originally embodied in Standing Order 26 of the Joint Standing Orders.

I think it is correct to say that the Joint Standing Orders have lost their statutory basis by reason of the abolition of the committee on subordinate legislation and the establishment of the Legislative Review Committee and accordingly, at the present time, there are no formal requirements for any particular matter to be taken into account. I commend the committee and the Presiding Member, who I know is very active in this area, for bringing forward this policy document for noting by the Chamber.

The only matter upon which I wish to comment is regulatory impact statements. Item (g) of the criteria which have been adopted by the committee provides:

whether the regulator has assessed if the regulations are likely to result in costs which outweigh the likely benefits sought to be achieved.

One would hope that any regulator (or anyone producing regulations) would have regard to this very important consideration, namely, is what is being undertaken by way of regulation cost-effective; and will it result in costs which outweigh the likely benefits? All too often regulators do not consider this important aspect. Too often within Government departments and agencies the response to any particular problem is: 'Let us introduce a new regulation,' 'Let us amend an existing regulation,' 'Let us extend the existing regulation,' or 'Let us finetune the regulations' without having regard by some process of lateral thinking to other possible means of achieving the same policy objective. Too often regulators overlook this important consideration.

In some jurisdictions there is a requirement for regulatory impact statements to be prepared so that those proposing regulations to the Executive Government must produce a document explaining how the regulator has examined this issue of regulatory impact, what studies have been undertaken, what cost benefit analysis has been done, what is the actual cost to the community of complying with this regulation and what are alternative means of achieving the same policy objectives. In those jurisdictions that have regulatory impact statements there is a positive requirement on the part of agencies and Ministers, before a regulation is made, to identify the steps which have been taken to ensure that there are no adverse regulatory impacts. We in South Australia have not gone down the route of adopting a policy of regulatory impact statements. I think there is a feeling amongst some—and I must say I have some sympathy with it—that such impact statements simply become another *pro forma* to be filled in by a regulator, another set of hoops to be jumped through before the regulation can be made. We already have environmental impact statements, family impact statements, budget impact statements and a number of other impact statements.

However, notwithstanding the cynicism of those who feel that regulatory impact statements would be just another form, I think we ought to examine more closely whether positive benefits have been established in other jurisdictions that have adopted them, because, frankly, if it can be shown in other jurisdictions that regulatory impact statements have a positive and beneficial effect, then we in this State ought to look very closely at implementing them. As I said at the outset, I congratulate the committee for bringing the policy before Parliament for noting and I wish the committee well in its work this year.

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

GLENDI FESTIVAL

Adjourned debate on motion of Hon. Carmel Zollo:

That this Council congratulates the Glendi Festival Chairman (Mr George Kavaleros), the 1998 Festival Coordinator (Mr Peter Louca, JP) and the organising committee of the twenty-first annual Glendi Greek Festival and expresses its appreciation of the wonderful contribution the festival makes to South Australia.

(Continued from 3 June. Page 839.)

The Hon. J.F. STEFANI: I am pleased to speak in support of the motion because it provides me with another opportunity to pay tribute to the Glendi board for its efforts in staging the 1998 Glendi Festival. As members would be aware, I spoke about the twenty-first Glendi Festival in the Matters of Interest debate on 25 March 1998 before this motion was moved.

The Glendi Festival was first organised in 1978. From 1978 to 1983, the festival was a project organised by the Hellenic Lions Club Incorporated and the President of the Lions Club was also the President of the festival. I would like to pay a special tribute to the people who have acted in the leading roles to stage the Glendi festivals and I seek leave to

incorporate in *Hansard* a statistical table for the years 1978 to 1998 designating the names of the President of the Lions Club and the festival President.

Leave granted.

1978	Bill Daniels	Lions President and Festival President
1979	Bill Daniels	Lions President and Festival President
1980	Arthur Kontopoulos	Lions President and Festival President
1981	Peter Savvas	Lions President and Festival President
1982	Peter Spartalis	Lions President and Festival President
1983	Greg Kalyvas	Lions President and Festival President
1984	Con Panagaris	Lions President and Glendi Board Chairman
	Basil Taliangis	Festival Chairman
1985	Bill Vivlios	Lions President and Glendi Board Chairman
	John Angelos	Festival Chairman
1986	Arthur Kontopoulos	Lions Member and Glendi Board Chairman
	Bill Stavropoulos	Lions President and Festival Chairman
1987	Bill Daniels	Lions President and Glendi Board Chairman
	Michael Taliangis	Festival Chairman
1988	Peter Savvas	Lions Member and Glendi Board Chairman
	Fil Galantomas	Lions Member and Festival Chairman
1989	Tom Zafiris	Lions Member and Glendi Board Chairman
	Fil Galantomas	Lions Member and Festival Chairman
1990	Tom Zafiris	Lions President and Glendi Board Chairman
	Peter Angelos	Festival Chairman
1991	Tom Zafiris	Lions Member and Glendi Board Chairman
	Vince Mattaliano	Festival Chairman
1992	Arthur Kontopoulos	Lions Member and Glendi Board Chairman
	Nick Hodge	Lions Member and Festival Chairman
1993	Tom Vartzokas	Lions Member and Glendi Board Chairman
	Nick Hodge	Lions Member and Festival Chairman
1994	Tom Vartzokas	Lions Member and Glendi Board Chairman
	Peter Photakis	Festival Chairman
1995	Tom Vartzokas	Lions Member, Glendi Board Chairman and Glendi Festival Chairman
1996	Tom Vartzokas	Lions Member, Glendi Board Chairman and Festival Chairman
1997	Jim Tsagouris	Lions Member and Glendi Board Chairman
1998	George Kavaleros	Lions Member and Glendi Board Chairman

The Hon. J.F. STEFANI: I should like to say a few words about the celebration of the Glendi Festival which, through the support of many sponsors and the untiring efforts of its organisers, has become one of the most successful festivals in South Australia. The Glendi Festival has earned recognition as one of the most significant events in our multicultural festival calendar and is a celebration of our diversity. It has become one of the brightest attractions in South Australia's annual calendar of festivals and celebrations.

The Glendi Festival is more than a Greek festival. It is a festival for the whole community. Glendi is a good example of the way in which the South Australian Greek community is contributing to and enriching the lives of all South Australians. Whether it be food, music, dancing or the art and cultural exhibitions that are an integral part of the Glendi Festival, the success of the festival is an endorsement of the positive way in which the community of South Australia has come to enjoy and share in the rich cultural experience, traditions, music and hospitality of the South Australian Greek community.

Held annually for the past 20 years the Glendi Festival makes an important contribution to South Australia's proud claim to be the premier festival State in Australia. Glendi is a project of the Adelaide Lions Club Hellenic in cooperation with Greek clubs and associations, and the proceeds raised are donated to assist various community projects and charities. In South Australia for the past 20 years, the Greek community has undertaken to share its great zest for life and fun with the wider community of our State through the staging of the annual Glendi Festival.

Commencing in 1978 as a joint venture of the Lions Club of Adelaide Hellenic and the West Torrens Football Club, this great family entertainment has grown to be one of the most successful festivals in Australia, attracting many thousands of people every year and earning the title as one of the largest cultural, ethnic festivals in the southern hemisphere. The festival provides a wide range of family entertainment. For the Greek community, the family is the focus and the nucleus of cultural customs and traditions. This community consciousness has extended to embrace the entire community in South Australia and to share the Hellenic way of life with fellow South Australians and other ethnic groups who have settled in this State. When one attends the Glendi Festival for the first time, one experiences at once the meaning of a community celebration.

The Glendi Festival provides the people of South Australia with an opportunity to share in the traditional lifestyle of the Greek community—to share the music, dances, songs, foods and wines, and to experience something of that Zorba-like feeling for life, love and fun that is created when members of the Greek community get together for a celebration and to enjoy themselves.

In offering my congratulations to the festival organisers and sponsors, I pay a special tribute to Mr George Kavaleros, the Chairman of the Glendi Festival for 1998, together with all members of the Glendi board and the team of volunteers for their outstanding contribution to the ongoing success of the Glendi Festival. I support the motion.

The Hon. CARMEL ZOLLO: I take this opportunity to place on record my thanks to the Hon. Nick Xenophon and the Hon. Julian Stefani for their endorsement of and contribution to this motion. The celebration and exposition of all things Hellenic has an important place in our South Australian calendar of events. The overwhelming majority of Greek Australians enrich this nation by their contribution to our society. At this time in our history, in particular, it is important to reaffirm such contributions and to place such inclusive successes on record. Again, I extend my congratulations to the board, committee members and, in particular, the Chairman, Mr George Kavaleros, and Mr Peter Louca, the Coordinator of Glendi 98, for their achievements. My best wishes for an exciting Glendi 99, and I wish all future Glendi Festivals every success.

Motion carried.

PROSTITUTION BILL

Adjourned debate on second reading.

(Continued from 25 March. Page 639.)

The Hon. T. CROTHERS: I support the Bill introduced by the Hon. Terry Cameron. I want to paint a fairly wide canvas to explain my support and, to do that, it might appear to members that I am not speaking to the substance of the

Bill, but as I draw the threads of my contribution together (I hope with the tolerance of other members), they will see the rationale that underpins my decision to support the Cameron proposition, and I use that expression sparingly.

A history of times when people of religious zeal have opposed particular things is on record for us to look at and learn from. A piece of that history in recent times was the passing of the Volstead Act, which prohibited liquor in two thirds of the then States of the United States, and it was a federal law that remained extant for 13 years. To understand how the history of that law developed, one has to go back to the period just after the American Civil War, when a lot of people in the States that had been devastated in the south determined that they would migrate to wider pastures in the uninhabited and fertile areas of the United States. They were mostly from the old, Confederate southern States and, as all members know, those people were mainly white, Anglo-Saxon and Protestant—the WASP syndrome. They were amongst the original settlers of the United States of America.

It was the State of Kansas that was first settled by people of that hue in the late 1860s and 1870s after the civil war had finished. I would have to describe those people as pious, hard-working, Protestant evangelicals. They settled in the State of Kansas, which was very fertile and was part of the midwestern belt of the United States' prairie land, and because of their work ethics—their hard work and everything else—they succeeded to a great extent in developing that State and bringing it to the fruition of riches that it still enjoys to this present day.

But it was in Kansas that the move towards the Volstead Act had its genesis. Kansas was the first of seven or eight States that, of their own volition, determined to go dry before the Volstead Act was introduced. I think, from memory, Kansas and Kansans decided to go dry in 1896, some 30 years or so prior to the introduction of the Volstead Act. The drive for that dry State—that ban on alcohol in Kansas—arose in the main from the Women's Christian Temperance Union, which in fact was founded at or about that time in the United States, and they believed that they were right—no doubt about it. Their hearts were in the right places but the fallout from the movement that they started in Kansas had to be seen to be believed—and I will arrive at that position directly—because there is no doubt that that was the impetus and driving force of the Volstead Act.

The Volstead Act was a Federal Act which was got through the American Federal Parliament with great difficulty, given that the States had just fought a war over the independence of the States, the centralists versus the federalists, if you like. Nonetheless, they got it through. It then was made by the lawyer who drove the reaching out for the Volstead Act, who decided to stay in the background and who was not even the president of the organisations that had banded together by this time to advance the Volstead Act in respect to States of America being made dry. He was a lawyer, and what he succeeded in doing was turning what had been a religious question into a political one.

Of course, many parliamentarians, both Democrats and Republicans, decided that for their own safety they would lend their support to Democrat or Republican candidates, contingent on how those candidates were going to vote in respect of prohibition.

We see that today in society. We see that with the Festival of Light, who publish a journal. No doubt my name will be in it next time; I will be disappointed if is not. But I would appeal to those people—they mean well—to think not just of what is happening now or yesterday but of what this can do in respect of tomorrow if, in fact, we do not sooner or later grapple with the facts of life that prostitution is upon us and always has been upon us. However, today there are other reasons of some considerable substance why we should be dealing with the subject matter and not remain with our heads buried in the sand of the past five or six decades.

There is no doubt in my mind or indeed in the mind of any sane rationalist who appraises the history of the 1920s and 1930s that the Volstead Act, during its 13 years of existence in the United States, of its own volition entrenched organised crime in the United States to such an extent that they cannot even deal with it to this day. It is said that organised crime in the United States is the second biggest industry after the Government in the whole of the United States. I do not need to tell members how many murders have been committed, how many young people have been induced to drug taking and all sorts of nefarious activities because that evil cartel of the Mafia exists in the United States and elsewhere—an organisation whose levels of existence today was made possible by the actions of well-intentioned people when they could not obviously foresee what the upshot of the introduction of the Volstead Act would be and do to the United States. Otherwise, I am sure that these same people would have thought twice prior to doing what they did during that time.

There is of course a second area that we can look at to see what happens when people, however well-intentioned, say they fight against decriminalising or making legal particular aspects of our society today, and that is in the area of drugs. I have no doubt that the Medelin cartel in Colombia, and indeed other cartels (although the Medelin one was the forerunner and the biggest with respect to organised drugs), owe their very existence to the fact that in the Western world some people, mostly religious but not all of a religious note, determined that it was morally wrong in respect to decriminalising certain drugs—not all drugs—and making them legal.

I do not need to tell this Chamber that within my own family there was a bereavement due to drugs. So I am no friend, I make it clear, of those who peddle drugs. But when we go after the people who do that we have a propensity and an inclination to catch only the smaller fish, whereas the larger fish in the main remain absolutely untouched.

I am mindful of the patriarch of the Kennedy family, Joseph Kennedy, who, during the years of prohibition, succeeded so well in his capacity for supplying hard liquors that they built the Kennedy family fortune, which is very considerable, on the back of the Volstead Act. They were not the only people who had high connections in Government who did that. None of them—and it is a darn disgrace—were ever touched in relation to the part they played relative to that position in the 1920s and 1930s in the United States.

The Medelin cartel has so much money that it is frightening; it has so much money invested in nations that the Governments of those nations cannot touch them in case they withdraw their money electronically and shift it elsewhere, leaving poverty and levels of unemployment in their wake. I have seen a film taken by the FBI and put on public display where they had found a room, just one of the many Medelin caches, about 24ft square, stacked from floor to ceiling with $100 notes. One can imagine how tempted are our people in authoritative power—police, the judiciary, and men and women in parliamentary office—by the amount of money that is generated by organised crime and drug trafficking.

One has only to go back to the 1920s and 1930s in the United States to see that a few people in high office were caught out and were summarily dealt with generally by the gangsters themselves who had them executed in order to stop them singing and spilling the beans.

The same thing applies with drugs today. The President of Guatemala, I believe—and I think they call him 'old pineapple face', because of his pock-marked face—is now serving time in a United States penitentiary, never to be released, because of his activities in the field of drugs. It has been said—and I believe proved—that the CIA, at the time of the American presence in Vietnam during the war, was involved in using all its powers, and its access to air power and everything else, to transport and sell drugs so that it could support some of the clandestine activities in which it was involved in Vietnam. So, you have that much money floating around generated by illegal activity, but everyone gives a nod and a wink to it, because they can be bought—and that is the unfortunate thing about human society; some can be bought.

I have talked about America and the money there that was used to buy power and influence, but let us look much closer to home: let us look at the inquiries into the New South Wales Police and the Queensland Police and see how much graft and corruption there was there. As a result of the latest commission in New South Wales, something like 100 police have been dismissed from the Police Force, and a similar situation existed in Queensland. Sir Terence Lewis, the then Commissioner of Police, had his knighthood stripped from him by Buckingham Palace, and has just been released after serving seven or eight years in gaol. I believe that we are fortunate in South Australia, in that we have a fairly honest Police Force. But even South Australia is not free from the temptation that such quantities of money can place in the way of serving police officers. We had the case of the head of the Drug Squad, who has recently been released (then Inspector Moyse) who was cultivating his own crop, apparently, and was caught and did time for it. Our Police Force is fairly honest and, if I might take the opportunity to say so, probably the most honest force in the whole of Australia. But, even there, temptation has ensnared its victims.

A precied history of prostitution shows us that it has been around ever since biblical times. The Jews, around whom the biblical history is centred, stoned to death what they called the harlots of the city; that was the penalty. The moralists would say that we have had it for a long time but it has never been really legal. Of course it has been legal in some areas of the Continent for many years. But it has never been legal in any of the English speaking countries, so why worry about it now? Apart from the reasons I have already outlined, we must understand that nothing changes like change itself. We must understand that prostitution today is a different beastie from what it was 30 years ago, because the factors that have a bearing on prostitution (both male and female) are drugs and AIDS, which is now a fact of life in our community.

At a seminar in America about a week ago, it was revealed that researchers do not believe they can find a cure for AIDS at this time, and the best and only hope for dealing with AIDS, as a killing disease, is to try to find a vaccine for it. As I said, nothing changes like change. Who would have thought 10 years ago that most, if not all, of the Australian Police Commissioners would have advocated the decriminalisation of some drugs: who would have thought that could happen? But they now understand that it is not possible to deal with the problems that confront them in respect of prostitution, and even in respect of drugs, if we continue to allow it to happen behind backs and behind closed doors with the blinds drawn, whilst at the same time we provide outlets, if you like, for young people who are hooked on drugs and who sell their bodies in brothels in an attempt to feed their drug habit.

We also understand that the passing of AIDS from one human being to another is, to a large percentage, very much due to the utilisation of dirty hypodermic needles. AIDS used to be thought to be a complaint of male homosexuals solely, but as our scientists have explored AIDS over the past 15 or 20 years they have found that it can be passed on by heterosexual activity and that it can be passed on in all sorts of ways. Yet we continue to allow brothels to operate illegally, without any checks or balances being imposed by society as a whole in respect of young people selling themselves to feed their drug habit and in respect of people who have AIDS.

No matter how careful the madam of the brothel is relative to the utilisation of condoms for safe sex, one cannot have safe sex, in relation to AIDS, by the utilisation of condoms. That might have been all right for some of the other venereal diseases, such as gonorrhoea and syphilis, but a recent test has shown that condoms are 95 per cent safe and 5 per cent unsafe, because of failings in the manufacture of the condom.

The Hon. R.I. Lucas interjecting:

The Hon. T. CROTHERS: You speak for yourself. We talked about our young people. A recent survey carried out by, I believe, the National Union of Students, the peak organisation of university students in this nation, has revealed that one in five university students are paying for their tuition fees by working casually and part-time in brothels. In other words, they are semi-amateur: they are not the professional prostitute, who will at all times endeavour to look after herself. We have only to look at Thailand to see what happens in the brothels there. Thailand has one of the quickest growing AIDS epidemics in the world, and it is still growing.

I understand the church's moral stand. But not all religious people are blinkered. I have received at least two letters from ministers of the cloth who have supported the proposition.They wrote to me covertly and said that they support the proposition, subject to reasons which I found to be understandable. As well meaning as the churches are in taking the moral stand that they do, they are wrong, because they are condemning generations of young people not to the servitude and slavery of prostitution but to the servitude and slavery, as sure as if they picked up a gun and shot them, resulting in the death of many young people due to drug addiction and AIDS.

If we decriminalise prostitution, one of the things that must happen is that all people working in brothels must be medically tested. There can be no more casuals or no more under-age girls and boys working as prostitutes in brothels to feed their drug habit; that cannot happen. That is just how wrong these church moralists are in respect of that matter, and I make no bones about that whatsoever. As well meaning as they are, they could not be more wrong. If we do not learn the lessons from the Volstead Act and what it has done for organised crime, and if we do not learn the lessons in respect of the absolutely horrendous global capacity of the Medelin Columbian drug cartel and others, we are not worth a pinch of salt as members of the human race.

I realise that this is a conscience vote, but I must say that, in respect of my own political Party, the Labor Party, as well as the Government Party, the Liberal Party, the issue of political correctness and worrying about what will happen at the ballot box will curtail the way some people might wish to exercise freely their conscience. I have no doubt in my

mind that, if people just use mental rationalism in respect of addressing this matter, then we would immediately legalise brothels and decriminalise prostitution.

It would be wrong of me, after castigating my own Party and the Party of the Government, the Liberal Party, not to say to the Democrats, 'Well done'. The Democrats have stuck—not on moral grounds, not on pragmatic grounds and not on politically correct grounds—to their guns in respect of the types of arguments that I hope I have advanced here today. I know that if a person is a rationalist in his or her own mind—and the Hon. Mr Lucas will notice that I am looking at him; since he has become the Leader he is different—and I am looking at those people who are truly liberals, not just liberals because they hold a Party card, and not just Labor liberals because they hold a Party card, but those people who have sufficient courage to grasp a nettle—which, if we do not, will sting the human race to death—and ask them to exercise their conscience, not in a politically correct sense but in a way which will enable us to bring prostitution and drugs under greater control than is currently the case.

The track record of the Democrats is, as I have said, second to none in this matter. I have to say that because it is true. Truth in this life is the best defence one will ever have relative to putting a point of view. I am no friend of peddlers of drugs. I had a very close and personal bereavement in my family which almost destroyed me. So I say to the Festival of Light that I am no friend of the people who peddle drugs. I want to see the drug issue dealt with, but if we do not deal with this issue of legalising and decriminalising prostitution then we leave a very big loophole for the ongoing and continuing spread and usage of drugs amongst the younger people in our community. I am sorry I spoke at some length; it is not like me. I commend the Cameron proposition to this Council.

The Hon. R.R. ROBERTS 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 3 June. Page 840.)

The Hon. T. CROTHERS: I rise to speak on this matter, more briefly and, I hope, much less contentiously than for my previous contribution. I have been concerned for some time about the capacity of the Auditor-General to discharge his functions in this State. I asked a question of the previous Government in respect of this matter several years ago and we have never visited, to my knowledge and remembrance, the Auditor-General's Act, if you like, since I have been here. I might be wrong, but that has not happened to my knowledge. We may have done, perhaps once, but I am not sure about that.

What bothers me, and my Party did it too, is that every time we sell off an asset of this State we diminish the power of the Auditor-General to bring down a report such as this, and it gets worse. My own Party leased power stations to some Japanese consortium. The present Liberal Government has sold off SA Water to a conglomeration of British and French interests whilst retaining control of the water itself, so it is said. But my problem is that because the Government retains control of the asset it is still a people's asset and, as such, should be subject to the purview and overview of the Auditor-General, but it is not.

If one of those foreign-owned companies determines that it wants to set up another company in, say, Indonesia and make that its head office and run its business from there, then what right has the Auditor-General to look at the people's property for which it is responsible, albeit answerable to the Government? What right has the Auditor-General to look at the company's books if it decides that it will relocate its head office in Jakarta? I am not casting any aspersions on the sale of public assets, that is a separate matter: I am highlighting that there is an absolutely desperate need for the Government, and then the Parliament, to look at the Auditor-General's Act, whether or not ETSA is sold, or whether anything else is sold.

There is an absolute need for this Government to look at the Auditor-General's Act to ensure that the Auditor-General, both now and in the future, is endowed with a sufficiency of power that gives recognition to the asset sale in an enhanced and different capacity and to deal with those in the interests of the people. Jeff Kennett got so dirty on his Auditor-General in Victoria that he wanted to sack him. I do not believe that would happen here with either major political Party. There is a bit more decency here, on the part of both Parties, than the way they play it in Victoria.

The Hon. R.I. Lucas: Well said.

The Hon. T. CROTHERS: I am not saying that would happen here and I do not believe that it would but, nevertheless, it may well be that Parties such as One Nation could get power in this State, and who is to say then what might happen to the Auditor-General. I believe that, when looking at this report, there is a case to be made for the Government to visit the whole of the Act and to bring down a series of recommendations to this Parliament that will enable the Auditor-General to discharge the functions that are currently imposed upon him. It is no accident that he is one of only a handful of statutory officers, including judges, the Auditor-General and the Ombudsman, who can only be dismissed from office by an address carried by both Houses of the Parliament. They are there to serve the best interests of the people and, in my view, the best interests of the people will be served if we expand the Act to give credence to his being able to deal with the type of public asset that now exists in the State, as opposed to what existed, say, 15 years ago.

The Hon. SANDRA KANCK: I have just a few words to say in response to this motion. The Parliament is really indebted to the Auditor-General, Mr Ken MacPherson. I consider that as a State we are very lucky to have a man of such high integrity in this position. For those of us who value a strong and inclusive democracy, the work undertaken by the Auditor-General in guiding this Parliament is invaluable. For that reason, I find the Premier's use of the Auditor-General in promoting a particular ideology is really quite reprehensible. The Premier has been all but too eager to use the Auditor-General to promote his particular political point of view. That led, I believe, to the Auditor-General's being misquoted in the Government's first propaganda leaflet that went out in February, entitled 'Electricity Reform—Your Questions Answered', in which it stated:

> The Auditor-General's latest annual report states that ETSA has the highest cost for delivering electricity of all Australian authorities.

This was brought to my attention by an ETSA employee who was querying what was stated as a fact. So I and my staff went through the Auditor-General's Report trying to find

where that statement actually was made by the Auditor-General. We could not find it. I wrote to the Auditor-General and asked him where he said it. He wrote back and said that he had not in fact said that and perhaps I should write to the Treasurer to find out. I duly wrote to the Treasurer and his response was that clearly there had been a mistake, that the comment had been misassigned. I am still not clear from that just who it should have been assigned to, but there certainly has been no indication of an apology from the Treasurer to the Auditor-General for publicly misquoting him to that extent.

I turn now to the Premier's reference to the Auditor-General in his speech in Parliament in which he announced the sale of ETSA and Optima. The Premier said:

> In December in his annual report the Auditor-General warned us of the several and severe risks to South Australia in joining the national market.

Indeed, the Auditor-General did. He set those risks out on page A.3-24 of the report. The Premier then went on to say:

> The Auditor-General sees that joining as owners as the shareholders of Optima and ETSA leaves us exposed to massive risk.

In other words, another potential disaster of almost State Bank dimensions if operators make the wrong decisions when they are compelled to act entrepreneurially. However, it is important to put back on the public record what the Auditor-General actually did say, and this is it:

> The acceptance of corporate commercial risk by Governments is unremarkable and a necessary consequence of Government-owned enterprises operating in competitive environments. However, in accepting corporate commercial risks, Governments should ensure that an appropriate control framework exists and is maintained and should undertake a due diligence process which ascertains the level and quantum of risk involved.

The Premier needs to explain to South Australians how he read those comments of the Auditor-General as leaving us exposed to massive risk of potential State Bank dimensions. The Premier has deliberately misinterpreted the Auditor-General's comments to push his particular ideological belief that ETSA and Optima should be privatised. I am supporting the motion and using this as an opportunity to put on the public record just exactly what the Auditor-General did say.

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

NATIONAL PARKS AND WILDLIFE (GAME BIRDS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 March. Page 543.)

The Hon. R.R. ROBERTS: In line with the policies of the Australian Labor Party, with which I totally agree, I indicate my opposition to this motion. The shooting of ducks is a very emotional subject. For some reason, duck shooting and whales seem to have the ear of an attentive public. It is a very emotional matter, and the Australian Labor Party believes that, from time to time, wild birds, whether they be ducks or other species, do need to be kept under control. The policy we adhere to is one where we monitor the movement of ducks; we take into consideration environmental factors, weather conditions, and the amount of ducks available, and we support a culling operation which actually provides sport and recreation for some people.

This is an emotional issue and people's views change from time to time. I know of members of Parliament who change their views from time to time. I am reminded of the time when Mr Steve Condous was Lord Mayor of Adelaide. In a media interview some years ago, he made a passionate plea for the preservation of the ducks on the River Torrens, but his view changed over time because of environmental conditions and the state of the waterways on the Torrens. I well remember the incident when the Lord Mayor arrived at the River Torrens for a press conference. I am told it is untrue that he borrowed a pith helmet from Con Polites. He arrived, chauffer-driven from the Town Hall in his Mercedes Benz, to announce that he was going to cull the ducks on the River Torrens. His assertion was that they were feral ducks. I would like to consider them as multicultural—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: A culling program was necessary and Steve Condous maintains that he thought it was in the best interests of the native ducks. The effect on the ducks was rather dramatic. I am told that those ducks died in agony. In fact, they have only just started breeding again. Every time a Mercedes Benz crosses that bridge, those ducks head for the bulrushes! I believe that they are breeding again, and I am sure all members, especially the Hon. Mr Elliott, will be pleased about that. So, I think there is a need to look at the feral ducks and our native flora and fauna. On a serious note, I do believe that this emotional subject will be debated long and strong but, at the end of the day, we have to be serious about this. There is nothing more loved than the kangaroo, and we all agree that from time to time they need to be controlled. I am not saying that some of the things—

The Hon. M.J. Elliott: Not with a shotgun.

The Hon. R.R. ROBERTS: Poisoning is not a very pleasant death, although I do admit to being somewhat jocular about it. But on occasion galahs are culled, native birds are culled, and we have all seen from time to time the highly emotional pictures of injured birds as a result of duck shooting. On occasion people go to extreme lengths and put themselves in danger in their well-held passion for preserving ducks. In fact, there is only one way to go about it, and that is an organised professional program so that the needs of all of our community can be met. The Australian Labor Party is certainly not saying that we ought to go and slaughter every duck that moves, but there ought to be proper controls on the number of ducks that can be taken from time to time.

As I understand it, the Department of Environment actually looks at a list of criteria that says how many ducks can be shot and when, and that is done against the background of the environmental circumstances, the proliferation of ducks and, mainly, the seasonal conditions. On many occasions I agree with the environmental motions put forward by the Australian Democrats. Unfortunately, on this occasion I do not.

The Hon. G. WEATHERILL: I was not going to speak on this topic until I rang someone who works in the area of the wetlands in the South-East. I do not have a gun, I do not go duck shooting or anything like that, but I think that the people who do have been extremely responsible over the years. As the Hon. Ron Roberts said, when we had a drought on several occasions, these people cancelled the duck shooting. One thing that should be pointed out to members is that the wetlands survive, believe it or not, through duck shooters. In a bad year they raise something like $40 000. In a good year, when there are plenty of ducks around, they raise $100 000. That money is not paid in wages for the committee

that runs the wetlands; that money is used to buy more wetlands.

If it were not for that revenue, we probably would not have areas in which to shoot ducks. The wetlands survive because of the shooters, and I thought I would make that point, since I think it very important. We will not get the Government to spend revenue on buying wetlands, but if these people are prepared to go there when there are a large number of ducks in the area and they are prepared to spend that amount of money, then as far as I am concerned one thing cancels out the other. We are getting more wetlands, which are absolutely magnificent, because the revenue is coming from the duck shooters.

The Hon. P. HOLLOWAY 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 the use of the jackboot.

(Continued from 18 March. Page 546.)

The Hon. M.J. ELLIOTT: I support the motion and note a similar motion on the Notice Paper, although I will not speak to both of them. I intend to speak to the sentiment contained within these two motions. I believe that the Federal Government, in its handling of the waterfront, has been unnecessarily provocative and divisive. In fact, the divisive line that the Government has chosen to take on a range of issues has been partly responsible for the genie that has been let out of the bag in Queensland at this stage, as the Government has sought to take some genuine problems, then to exaggerate them, multiply by 10 and multiply again. And it has done it all for very base political purposes.

There is no question that the Australian waterfront was below average, below world's best practice, nor that there was a need for improvement. But when we have debates, one needs some perspective. My understanding is that the cost of productivity increases that we can reasonably expect to achieve are about .1 per cent of total cost of imports. I know that .1 per cent can still matter, but it is important that there be some perspective. It is worth noting that in bulk container terminals Australia is at or near world's best practice already, and most of Australia's important income earning exports, until relatively recently (and this will continue for some years), agriculture and mineral exports, have been going through those bulk terminals that are at world's best practice.

So far as there are difficulties, it has been happening more in the container terminals, and even then it has been somewhat uneven in that Burnie, Adelaide and Townsville have been achieving what could be described as high levels of productivity compared with some of the other ports. But I do not think that an argument is helped—although Governments seem to specialise in this—by the gross exaggeration of what the Government is seeking to do. It is certainly not helped by the level of divisiveness that the Government sought to introduce. It was both the political reasons of the Government itself and the internal politics of the Liberal Party and, perhaps, at least one aspiring Leader of the Liberal Party—now expiring, but he was aspiring—that largely drove the course that was being taken.

How remarkably hypocritical it was to attack the MUA and its practices which, as I have said already, were not good, but not at the same time ask questions about the practices of the employers. We have in Australia what is essentially a duopoly. In fact, many ports are a monopoly, a single company or, as I said, sometimes two and rarely any more, carving up the industry between them. So far as there have been any deals on the waterfront, they have been as much of the making of P&O and Patrick as they have of the MUA. The Government was taking on the union and seeking to destroy it totally whilst giving a free ride to the other half of the equation, the monopolists and duopolists P&O and Patrick. The absolute hypocrisy of the Government in not tackling the employers needs to be exposed.

It also needs to be recognised that in many cases the reason for the lack of competitiveness was not the workers themselves but the infrastructure within the ports, and there is a great deal of doubt about whether or not sufficient investment was going into many of the ports. It does not matter how efficient your workplace practices are: if you do not have the best equipment and best practices more generally, then you cannot compete at the same level. However, the Government persistently oversimplified the arguments and it did so for its own purposes.

It is worth noting that in South Australia where Sealand operates—and I think it is the only capital city where Sealand operates—it was achieving very high productivity and that high productivity in South Australia probably reflects on the fact that the Government had spent some money on the port and also that this company had adopted different approaches with their workers, that it had sought to work cooperatively with them to improve work rates, which it managed to achieve. Again, that reflects positively on Sealand and negatively on both P&O and Patrick. Just for the record, as I understand it, P&O Australia has 37.3 per cent of the total market; Patrick has 33.3 per cent; and BHP Stevedores, largely handling its own product, has 15 per cent. One can see fairly quickly that that does not leave much for anyone else and again I suggest that it has been the practices within those companies as much as it has been the practices of the workers on the waterfront that have caused a significant problem.

It was always my intention only to speak briefly to this motion. It is a matter which is largely covered within the Federal arena. However, it has an impact in South Australia and therefore we were certainly wanting to make a contribution. What comes of the current agreement will be interesting to see. I cannot help but believe that one of the reasons the agreement was struck was not only because the MUA had won in the courts but because there was a great deal of fear about what else might happen in the courts in terms of potential conspiracy attempts to subvert the law of Australia by some people in the political arena, in particular linked with the Government. One cannot help but think that that focused their thinking towards the end finally to resolve the process. It appears at this stage at least that there has been a good outcome for Australia not just in terms of productivity in the

ports but importantly a recognition that not only can the Government argue that people have a right not to be a member of the union but just as importantly people have the right to be a member of the union.

That is something we entrenched in the workplace laws in South Australia; that is, employers should have no power to prevent people from becoming members of the unions. That is precisely what Patrick was trying to do and what the Federal Government was assisting it in doing and that is not a good thing for the long-term health of the Australian workplace. With those words, I support the motion and also indicate support for a later motion in the same subject area.

The Hon. NICK XENOPHON: I speak on this motion because it is a matter of some contention. I understand a division may well be called on this issue. It has been an issue of heated debate both in the community and on the docks—and indeed in this Chamber some heated debates have taken place on this issue. With a fair degree of reluctance, I indicate that I support this motion. I say 'reluctance' because it seems that both parties do not have clean hands in this matter. The MUA is not an ordinary union in a historical context and it has been a union that has been fairly bloody minded. Notwithstanding that, clearly this union has been the subject of a great deal of provocation over the past few months, and whatever sympathy I had earlier for Mr Corrigan's crusade evaporated when it became apparent that he was not giving the full story and was not telling the truth.

I refer to the *Australian Financial Review* of 13 and 14 June, the weekend edition, which indicates that sworn evidence Corrigan gave about the extent of his financial involvement in Dubai before the Australian Industrial Relations Court in February this year has been contradicted by affidavits that have been filed. It also refers to Mr Corrigan's past, in terms of a report tabled in the South Australian Parliament (this Parliament) in 1982 that found Mr Corrigan and fellow BT Australia executives lied and invented sham transactions to cover up their role in a complex business deal. Notwithstanding that, I have some sympathy for those who want reform on the waterfront. I hope the agreement that has been entered into will last.

It would be remiss of me not to mention something about the MUA. I refer to an article in the *Australian* of 23 June which refers to the MUA's history and Terrence Russell, the Victorian secretary of the MUA who began working on the docks some 30 years ago, remembers the late 1960s and one particular wharfie, a retired wharfie. There was a system whereby there was a 'red-board day' or a 'seagulls day' when retired wharfies could get some work. This particular wharfie was ignored by his colleagues because—and I will not quote the article because the language is unparliamentary—he scabbed in 1928, approximately 40 years previously. The *Australian* goes on to say:

> More than four decades later—

The Hon. R.R. Roberts: What was wrong with that?

The Hon. NICK XENOPHON: Well, if you can just let me quote this briefly—

> the bitter memories remained. While the wharfies' legendary Federal secretary Jim Healy pushed to have those who crossed the picket line in 1928 readmitted to the union, the members never forgot those who scabbed. And they certainly never forgave.
>
> Such memories are the lifeblood of the MUA's industrial culture. An inner strength. They tell of past struggles, of strikes won and lost, giving wharfies enormous pride in their past and a historical context in which to place the bitter dispute with Patrick Stevedores.

It goes on to say:

> At the same time, the past is the MUA's Achilles' heel. While it nourishes the union's will to survive, it ensures barriers to change that are just as formidable as any of those erected at the docks at the height of this bloody dispute.

Neither party comes to this dispute with clean hands. However, on balance, I support the motion because clearly there has been a great degree of subterfuge and duplicity on the part of Mr Corrigan and company and, to an extent, the Federal Government. I hope that the dispute has been resolved in a manner that will be satisfactory to all parties and for the benefit of Australia. I will not speak to the other motion on this matter, but simply indicate my support for that as well—again with a degree of reluctance.

The Hon. T.G. ROBERTS: I thank the Democrats and the Hon. Nick Xenophon for their contributions. The comments that were made were accurate: it was probably the most divisive action taken against any union in the past 25 years. People in the community were put into a position of trying to search for the truth, which was very difficult to find because the issue became so complex. What it did was to send a warning signal and a wake up signal to many people in the community that the workplace relations Bill brought in by the Commonwealth Government certainly had a lot of loopholes in it that allowed the employers to escape their responsibilities in relation to industrial relations programs when negotiating enterprise bargaining deals. Trade unions certainly had their hands tied when they tried to take action or to negotiate a position in relation to protecting the interests of their membership.

The history of the MUA has been one of single-minded collective activities supporting its industry and membership, and it is quite true that it has a reputation that is second to none in being able to do that. Of course it was one of the reasons—probably the main reason—why the Government singled it out as an example to other organisations and unions that, if you could attack and break the MUA, then all other unions were on notice that their time was up in relation to their ability to protect the interests of their workers and employees in any other industry.

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

The Hon. T.G. ROBERTS: Although I have a whole stack of material that I would have liked to read into *Hansard*, I understand that we have the numbers, so I will make a number of points which need to be made publicly but which, particularly in this State, have not been reported widely. I must pay some attention to the role that the media played in the dispute. Only one paper nationally followed the dispute in all its detail, took some chances about what it reported, made some predictions and spoke to a lot of the key players who were not cited in the broad-brush approach that was adopted by the print media in this State. A lot of the electronic media was national but the print media in this State, being the *Advertiser* in the main, did not report a lot of the information that appeared in the *Weekend Australian*, the *Sydney Morning Herald* and the *Age*.

The *Age* published a list of features throughout the month of May, in particular, but not in the format that the *Advertiser* presented, that is, small, difficult to follow stories syndicated out of the Eastern States. The *Age* spoke to the key players who had the information that was required to put the jigsaw puzzle together. Information appeared in front of people on

a daily basis in what could be regarded as a media digestible form, that is, assessments were made but without substantiation in a lot of cases. In the early stages of the dispute, that made it difficult for people to work out exactly what the issues were in relation to this very complicated company structure, to begin with, who was right, who was wrong, whether it was a black and white issue of union power being abused, or whether it was a case of employers using their power against a union that had a history of industrial struggle. It was hard to determine what were the real issues.

Most of the emotional pictures that were seen involved confrontation on the docks between dock workers and their supporters and, in the first instance, security guards. In the history of industrial relations in Australia, we have never seen security guards with weapons and dogs. It looked more like a scene from the old South Africa than Australia. In the deteriorating situation in the early stages of the dispute, it highlighted what a thin veil of democracy covers in most Western democracies, when capital is confronted by labour and labour does not give in to capital's demands, but that comment might be too broad.

Not all sections of capital supported the method of dispute resolution employed by the Corrigan side of the issue. A lot of people in industry and in rural areas were supposedly being represented by the NFF's view of the world and of how to handle disputation on the docks. However, a lot of people did not accept the methods that were used to confront the MUA in trying to get a settlement to what was regarded as a dispute not about wages, conditions or staffing levels but about whether non-union members had the right to work alongside union members.

In the early days the issues were not as clear-cut as they became as the dispute unfolded. One does not expect senior representatives of major companies to be blatantly looking down television cameras, coming into lounge rooms and telling lies to people who were trying to make up their mind about whether or not there was a wrong way and a right way to handle this problem.

At the end of the day, the tactics used to try to break the MUA and to force non-union labour onto the docks failed, but not because of the actions of the employer-based organisations that were involved—and certainly organisations other than Mr Corrigan's company were involved. It was also not through the efforts of the MUA, although it put up a good case and fought a long, hard struggle against the empire building of the Corrigan forces on the docks to exclude its members from their legitimate work: it was probably the result of the international support that was gained by people in other countries who have a history of working through their differences in a democratic way. They made sure that, if there was to be a forced labour situation with respect to the loading of vessels in Australia, they would not discharge those vessels, because there are international norms as to how democracies handle disputation within maritime services. The home of capital, the United States, certainly showed that labour in that country gets far more respect than the Corrigans showed to its labour force in Australia.

The American unions on the western seaboard were solid in their decision not to discharge any cargo loaded under duress on this side of the Pacific. This made it an international struggle, not just a local struggle, and threw into jeopardy the plans of the Government in the first stages and Patrick Stevedores' efforts to prevent the MUA from being able to involve itself in its legitimate work. They did not count on such an international reaction.

The average person in the street was trying to work out whether it was a dispute about productivity or whether the plant/equipment and the antiquated methods in some ports in which maritime services people were working were the equivalent of what was operating in Belgium, Germany or the American ports. The dispute turned people's minds to how Australia sat internationally in terms of productivity. I talked to people who could tell me how many containers were discharged at particular wharves around Australia and at wharves in Hamburg and Rotterdam. Most people were informing themselves in the early stages of the dispute to try to keep abreast of what was happening.

I live in a regional area of the State and came in for a little bit of good natured stick from what one would call conservative people. However, when talking to them seriously about what was happening, even though they were farmers and regionally based industrial workers and retirees, in the main most of them said that, despite what Mr Corrigan and the Patrick representatives had said on television, they were using a sledgehammer to crack a walnut and, regardless of the issues, they should not have been using these bully-boy tactics but should have been sitting around a table, as occurs in most disputes between worker and employer representatives, and negotiating to solve the problems—instead of, as I say, using those pre-independence South African methods of negotiation.

The fact that the Maritime Union had signed agreements relating to productivity and wages just two to three months before the confrontation made it even harder for fair-minded people to understand the new circumstances that had been created in that short time—between the signing-off of a two year agreement and this heavy-handed attitude by this company—to try to bring about the changed circumstances, something which did not emerge in the negotiations that had preceded the agreement.

I will not get to the position, as many of the key players did at the end of the dispute, of saying 'We won,' because, in the end, nobody won: Mr McGauchie did not win; and the National Farmers Federation and its representatives did not win—and it will have to explain to its members how much money was spent in conjunction with Patrick Stevedores trying to break the MUA. Patrick Stevedores did not win; the Government came away very embarrassed; Mr Reith and Mr Howard did not win; and the people of Australia generally were not the winners.

All one can say is that a lot of money was spent. Some people have indicated that more than $20 million was spent in this dispute, but I would say that that would be a conservative estimate and that much of the cost, particularly the training program for non-union members in Dubai, will never be aggregated. No-one will acknowledge being involved in that process, and that makes it very hard to work out the ultimate cost of the dispute to Australia and its exporters. Importers also paid a price, and they are what is regarded as innocent victims in industrial disputes. Some local importers were caught and could not get their goods off the Melbourne wharves, in particular to South Australia, during that dispute.

Working out the total loss is very difficult, but I would put the cost of the dispute well above $20 million. As I said, we are back to where we started and back to where we should have been in the first instance—that is, the parties sitting around a table, talking about their differences and agreeing on time frames for a settlement.

Traditionally in Australia and in most democracies, there is a starting point to a dispute, a middle process, which is the

dispute, and, finally, a negotiated settlement. For some reason or other, whether it was greed or need, that situation was bypassed. As I said, it could have been concluded from statements that were well reported in the *Weekend Australian* and the *Age* that the key players had more than the intention of productivity in mind when they started the dispute.

Fortunately, South Australia was in a position where our Port Adelaide and regional docks were exempt from the dispute. There was some minor picketing and solidarity measures taken by the MUA here in conjunction with the national body. Whistlestop tours were made by MUA officials into regional areas to explain to the regional press, radio and television how they saw the dispute and to inform regional people that South Australians need not worry about what was happening on the Port Adelaide docks because negotiations had commenced prior to the national dispute which exempted the stevedores here. Those MUA officials also explained that the small presence that Patricks had would not impact on the wharves' activities here. Patricks had one stevedoring company here and instantly dismissed a number of its wharf members, but that dispute was soaked up after the national dispute was settled.

I have been told that Patricks is now considering setting up a stevedoring company in Adelaide, and why would it not? It is a licence to print money. The National Farmers Federation did not consult its membership when it decided to involve itself with a major stevedoring company. As I said previously, I am not quite sure what finance it made available to help Mr Corrigan with his struggle, but it is certainly one of the losers in the battle. All the wharf labourers who were trained by the NFF were dismissed and went without any benefits for their involvement.

It may be that, in the final wash, those individuals may be compensated, away from the glare of the spotlight, for the struggle that they put up on behalf of the NFF to try to break the MUA. But in public statements many of those members are recounting their bitterness towards the struggle in which they had involved themselves, because they were the last in line for consideration in the whole process. They trained themselves up to a point where they were able, if not skilfully, at least in a capable way, or a manageable way, to discharge containers and load containers, and wharfies who watched from outside said that they were reasonably equipped. But the productivity level of those National Farmers Federation employees was not in any way at the level of the MUA membership. Yet that was never a consideration, in terms of productivity, during the whole of the dispute. The number of accidents and the damage to plant and equipment is one of those costs and considerations that will never be calculated in the final figure as to how much this dispute cost.

It is okay for me to stand up here and retrospectively be critical of all the players in the whole of this process. For those students of history in industrial relations, I refer to the articles that appeared during that period of time—particularly the *Weekend Australian* of 9 and 10 May and *The Age* of Friday 8 May, which refers to the affidavits of some of the key players, such as Mr Mike Wells, who signed a whole series of affidavits that involved people including Mr Howard, Mr Reith, Tim Fischer, Chris Corrigan and all the players who made denials about their understanding of what was happening at the time.

We can all see that a lot of mistakes were made and that a union-crushing exercise that such as that should never happen again. Australia is a democracy and, as I said, most democracies have a very thin veil that we need to protect. There was certainly a challenge to that thin veil of democracy during those times, with the greedy stevedores and with a Government that wanted an issue in the lead-up to a Federal election on union power and law and order—which generally follows a clash with militant unions—and a Government that wanted issues that would enhance its ability to win an election which it had been planning for some time. We had the dubious spectacle of a Government, led by a Leader who shows no ability at all in terms of leadership strength as an individual, trying to make other issues important and devise ways in which to artificially create issues that were going to divide Australia, and the best plan that it had was to create an artificial dispute on the docks which, unfortunately, turned around and bit it.

As I said, the international support was probably one of the major factors that protected that thin democratic veil that we have in Australia. That international solidarity around fair play that Australians have protected in other countries over a long period of time came home to roost here. All the support that our democratically elected union officials and membership have given to Indonesians to our north, to struggling democracies in Asia, to European countries when they have been under attack by avaricious or greedy stevedores or shipping agents and shipping companies all came home to support Australian workers in their difficulties.

Unfortunately, the backwash of a lot of the attacks that occurred on the MUA has shown some other unscrupulous employers that there is a new way, under the current industrial relations agreements, to try to beat your work force into submission rather than capital working with labour to work out a program where both capital and labour get a fair share on their returns. I referred the other day to a dispute in the South-East in the meat industry. Had the wharf dispute been successful, I am sure that it would have indicated to some unscrupulous leaders of capital that you do not have to have an industrial relations system based on democratic principles, but that you can starve out and beat into submission your employees if the challenge is hard enough and if you are able to hide behind taxation laws and corporate law and use the courts to try to starve small union organisations, which are under-financed, regionally-based union organisations whose members are thinly spread and, in many cases, poorly led.

Where capital needs to respect labour is not based on how strong labour is in being able to defend itself against unscrupulous employers, but there should be a set of principles by which industrial relations can be worked in this country through mutual respect of each other's position. If we do not get to a position very quickly, we will be put in a position where there will be a class war, where capital and labour will clash.

It is ironic that, over perhaps the past 20 years, large sections of what I regard as fair-minded people in the Liberal Party, the leaders of industry in the manufacturing sector and in the primary producers' sector and the unions have been getting closer together and working out relationships whereby they have been negotiating enterprise agreements all around the country based on a mutual respect for each other's position and based on industrial democratic principles. We then saw this unscrupulous move by a small organisation headed by Chris Corrigan and supported by Federal Liberal Party and National Party Government players in a desperate move to crush an organisation, and then show by bad example that you do not have to have democratic organisa-

tions within the workplace to bring about the changes that are required.

Enterprise bargaining has been going on in this country for some time. There was a move towards, I guess, a watering down of some of the principles that had been developed in the days under previous Labor Administrations. The move to change the Labor industrial relations laws at a Commonwealth level was clearly seen, but I do not believe that anybody anticipated the method which the Commonwealth would condone on the docks, which were at one stage of major confrontation, where lives were to be put at risk.

As I say, I refer students of industrial relations, and anyone else who is interested in labour law, rather than reading *Hansard*, to have a close look at my definition of what happened with regard to the rhetorical position. However, if they want the detail that is required to follow the dispute from day one, then I suggest they read those papers to which I referred earlier, particularly the *Age* and the *Weekend Australian*.

In summary, the dispute commenced on 3 December 1997 when dozens of former and serving military personnel flew to Dubai to train as wharfies and were dubbed as industrial mercenaries by the ALP and other unions. The dispute finished, after a very torrid time, on 16 June, when employees of the Producers and Consumers Stevedores, which is backed by the National Farmers Federation, were retrenched and most of its staff sent packing.

In the final analysis many reforms did take place during those negotiations. Many promises on both sides have been made to try to patch up the differences between both capital and labour to try to achieve a more efficient and effective work force on the docks, but such a dispute sets back industrial relations and trust considerably. It has probably given a fillip to the trade union movement in recruitment terms. The dispute has probably made many workers in industries, who are building up relationships between their employers and union organisations, very nervous. I suspect that it has turned the industrial relation's clock back at least 75 years. It was not a motion that I moved lightly, but certainly I moved it at a time—just after the Dubai affair and the acceleration of the dispute a little later—to try to bring to the attention of people in this State what was happening interstate.

It was also done to serve notice to people that it can be done differently. The South Australian model could have been used by Patricks and other stevedoring companies. The MUA had negotiated principled positions across the table in relation to productivity. The State Government was involved in some of those negotiations and it played a respectable role. The key union representing the Manufacturing Union and the Vehicle Builders Union drew up a negotiated position which included exemptions for any troubles on the wharves so that exports could be maintained. They are the sorts of gains and benefits given to what would be regarded as a legitimate employer organisation that is genuinely interested in sharing an industrial scene. I am sure that the national MUA organisers will find it very difficult for a very long time to negotiate with the Patrick employers in a way in which P&O and other stevedores in the industry perhaps would have.

I thank members for their contributions and the Democrats for their indicated support. As I said, I believe that, hopefully, people will have learnt the lessons from that dispute. The trade unions and those people who have supported trade unions as a democratic body for a long time realise that they need to exist in free and democratic countries, to be a buffer between the capital and representatives of labour. It would do well for all of us to look at the lessons that came out of this, to ensure that such a bitter dispute does not occur again.

The Council divided on the motion:

AYES (9)

Cameron, T. G.	Crothers, T.
Elliott, M. J.	Gilfillan, I.
Holloway, P.	Kanck, S. M.
Roberts, R. R.	Roberts, T. G. (teller)
Xenophon, N.	

NOES (6)

Dawkins, J. S. L.	Griffin, K. T.
Laidlaw, D. V.	Lawson, R. D.
Lucas, R. I. (teller)	Stefani, J. F.

PAIR(S)

Pickles, C. A.	Davis, L. H.
Weatherill, G.	Redford, A. J.
Zollo, C.	Schaefer, C. V.

Majority of 3 for the Ayes.

Motion thus carried.

REPUBLIC

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

I. That Australia should become a republic with an Australian citizen as Head of State; and

II. That the concurrence of the House of Assembly to this motion be requested.

to which the Hon. Mr Stefani has moved the following amendment—

I. Leave out all words after 'That' and insert the following:

'this Council congratulates the Federal Liberal Government for organising the Constitutional Convention;

II. That following a referendum to be held in 1999 and, if passed by the required majority, this Council is of the opinion that Australia should become a republic with an Australian citizen as Head of State; and'

(Continued from 27 May. Page 772.)

The Hon. NICK XENOPHON: I support the motion and commend the Hon. Mike Elliott for putting this motion before this Chamber. It is a matter that ought to be considered in the context of what occurred at the Constitutional Convention earlier this year. It is a matter that cannot be ignored in the sense that, if there is a referendum, and if the motion for Australia to be a republic is passed, clearly there will have to be changes at a State level on this issue.

In terms of the Constitutional Convention, or ConCon as it has affectionately been called, I will express some degree of disappointment, despite the bonhomie, tears and hugs at the end of the conference. I was disappointed with the outcome in the sense that I felt there could have been greater scope to look at our constitutional system, our system of government, in the sense that the options before it appeared to be quite narrow. The proposition that there be a directly elected President, which was the subject of a lot of impassioned support early on, was never tenable. If we continue with our Westminster system, the concept of having a popularly elected President to compete with the powers of Prime Minister and Cabinet seems something that is untenable.

I would have liked to see some degree of debate on our existing parliamentary system, the effectiveness of our current Westminster system, and the separation of the Executive and Legislature which seems to have been blurred over the years. Notwithstanding that, I think the outcome on

balance was a satisfactory one although, when this matter is debated at a State level, I would like to think we could have a broader debate on our system of government.

In terms of the amendment moved by the Hon. Mr Stefani, with all respect, despite my great regard for the honourable member, I will not be supporting his amendments. I do not believe they add anything to the motion of the Hon. Mr Elliott. For that reason, I will be supporting simply the motion put by Mr Elliott and not the amendments put by Mr Stefani.

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

WATERFRONT MERCENARIES

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

That this Council—

I. Condemns the Federal Liberal Government for fostering a strike-breaking mercenary group of current and former serving members of the Australian Defence Force to undertake an overseas training program designed to allow those persons to scab on members of the Maritime Union of Australia, who may, in the future, be engaged in industrial action to defend not only themselves but organised labour in general; and

II. Calls on the Federal Liberal Government to immediately recall all current serving members of the Defence Force involved in this program.

(Continued from 25 February. Page 437.)

The Hon. R.R. ROBERTS: In rising to make a contribution, I move:

That this motion be amended to delete paragraph II.

The reason for that amendment is that events have overtaken it and it is no longer applicable. This item has been overrun a little by the contributions in respect of the motion carried earlier in the evening, again moved by my colleague the Hon. Terry Roberts in respect of the waterside workers. I do want to make some remarks about this remarkable event in the industrial history of our country. This was a dispute which has now been proved to be driven by the Minister for Industrial Relations in the Federal Court, in collusion—and that is the only word to be used—with one of our major stevedoring companies. It smacks at the fundamental principle of all Australians that there ought to be a fair go, you ought to look after your mates and, at least in the industrial field as we knew it in the past, there ought to be consultation, compromise and adjustment in the industrial area which would provide a stable environment for all our workers and their families.

The Hon. Diana Laidlaw interjecting:

The Hon. R.R. ROBERTS: We will come to that interjection later. The Minister has just interjected and again, as speakers have tried to do throughout this debate, they want to sheet the blame for this dispute back to the MUA. I do not know where the Minister has been for the last few weeks, but her assertion has been blown out of the water where it has been proved conclusively that the Hon. Peter Reith has misled the Parliament and lied to the public of Australia, as has Mr Corrigan, on his own admission that he lied. It is not the first time Mr Corrigan has been caught out in the industrial field at the same game, as was pointed out by the Hon. Nick Xenophon this afternoon.

I do not need to go over again this dispute as it unfolded, but it was my intention to go through the remarks made by the Hon. Angus Redford in this debate some time ago before Parliament went into recess. Anyone who listened to the remarks of the Hon. Angus Redford would have been amazed at some of his assertions. I wondered where the Hon. Angus Redford gets his industrial credentials and his alleged vast knowledge of stevedoring and matters seafaring. I found out. I acquired a copy of the *Border Watch* with a front page photograph of the Hon. Angus Redford standing with a couple of cray fishermen on the jetty at Port MacDonnell pointing out to sea, doing his Governor Hindmarsh imitation. That is the extent of his knowledge of industrial matters, although I was told—

The Hon. T.G. Cameron: Did he have a nice feed of crayfish while he was at it?

The Hon. R.R. ROBERTS: I heard that, when he was spotted on the jetty, he threw the whale watchers into quite a frenzy. It was only when he put on his raincoat that he was attacked by an ivory hunter. We could be humorous all night, but this is a serious matter. We followed the court case through and followed the argy-bargy of the Minister for Industrial Relations as he tried to whip up an issue in the minds of Australians. As a person who frequents bars and other places of social gathering around the country, I can tell the Hon. Mr Reith and anyone else who wants to listen that nobody in the bars said, 'God, I am worried about those rorts down on the wharf.' Nobody cared. It was like saying that people in the bars are saying, 'We ought to have more speed cameras.' They are not. They are saying they are revenue raisers. But Governments keep trying to beat up the issue.

We saw the disgraceful display of the Minister, no doubt being fed the information by Mr Corrigan day after day, under parliamentary privilege in the Federal Parliament denigrating the waterside workers of this country with the obscure and sometimes senseless examples of things that went on on the wharf. We all know that from time to time in the workplace there will be a bad apple who will do something wrong, but throughout this dispute the Government tried to whip the public into a frenzy to make an issue. We had the ridiculous argument about container rates: the dispute was all about container rates. I can assure members again that never, in any bar or any football club that I visited in South Australia, did I hear anyone talking about container rates until they were beaten around the head by the news media of this country that it was all about container rates.

On the very day that Justice North brought down that now famous decision, half way through the dispute, I was driving in my motor vehicle and listening to the radio. There was a report on the ABC about 6 o'clock that evening about container rates, and an independent business analysis known as the Durie report reporting that day on container rates. These people were commissioned for investors overseas interested in investing in the stevedoring companies in Australia. Part of their findings were that the benchmark for container rate movements was about 19.1 containers an hour, and by virtue of the extensive independent business analysis we were at 18.5, not too far from the container rates that were accepted as the benchmarks.

But if one looks at the history of this dispute, we know what it was all about: it was all about kicking the maritime union and sacking the union workers. On that issue of container rates, I am advised that Tim Blood, Container Business Manager of P&O Victoria, explained in an industry magazine *Containerisation International* in January 1998 how such high crane rates were achieved in European terminals. The article states:

> So he [Blood] asked the terminal manager why his brochure claimed a higher rate. . . 'Because we lied,' came the reply. Blood knows why. . . 'All terminals are caught up in this absurd set of comparisons.'

Once again, we put aside the container rate. This was about getting rid of trade unions and crippling the MUA as a first step in crippling the trade union movement. The following is illustrative of the Prime Minister's involvement, when he was being interviewed on *A Current Affair*. The Patrick employees were sacked because they were union members. This is an extract from channel 9's *A Current Affair*, from an interview that took place on 9 April 1998. Ray Martin said:

> If it was about productivity, then why sack the waterfront workers in Adelaide and the productive ports?

To which John Howard said:

> Well, they are all part of the one union.

This is despite the fact that the Adelaide port and everyone else were working very well, with high container rates, if we want to take that absurd argument, and the employees were working in a cooperative and businesslike way. But it was quite clear from the Prime Minister's statement, right from the top, that this was about getting rid of the union. Another disgrace that falls on the head of Peter Reith is that he sacked those 1 400 workers at Easter and brought in the scabs. The MUA has been accused of all sorts of things, but the MUA showed (as I predicted on 26 May this year) that it was much smarter than the employers and this Government and, in particular, the Hon. Peter Reith, Minister for Industrial relations.

If ever there was an illegitimate Minister for Industrial Relations, it is this bloke. Instead of trying to resolve the dispute, he promoted it. The waterside workers tell me that he is an illegitimate Minister for Industrial Relations in every sense of the word. I would like to agree with that, but it would be unparliamentary. He was promoting this dispute. We saw the waterside workers when they were under attack and their workers were sacked. What was the spectacle that Australians woke up to see the day after? We saw that the waterside workers undertook the lawful process to get an injunction to save their jobs. What did the Minister for Industrial Relations and Mr Corrigan do? They ignored it.

We saw the disgraceful pictures on our television sets of Australians unfairly sacked, yet under the protection, you would have thought, of an injunction to say that they should have their jobs. We saw the police and people with batons keeping those workers back, and we had the security guards and police bringing the scabs in the back gate. My question, and I am sure the question asked by all Australians, was: how come, when the injunction was there protecting the MUA workers, the scabs were being brought in? Why were they not kept out? Then the dispute went on further and further, and we saw the disgusting tactics of the employers. After the lawful protests that were taking place and the court action, in every case when the wharfies won there was an injunction to stop them going back on the wharf. They were deprived on every occasion. They went right up the judicial ladder and in every case they were frustrated.

It was not until they reached the full bench that they finally got an agreement. Then they still could not get back. And that introduced another interesting aspect for watchers of industrial relations. Here we had the Government saying, 'We have $24 million dollars to sack the MUA, but as a result of this bottom of the harbor scheme that has been perpetrated by Corrigan in moving these pieces of paper round we cannot find $4.5 million to get these people back to work.' It was a disgusting, one-sided dispute, and the Minister for Industrial Relations, instead of being even-handed and retiring gracefully and saying, 'Listen: I've been done over at my own game, here is the $4.5 million,' said, 'Let the waterside workers find the $4.5 million. They were absolutely dead right in everything they did, but let them find the $4.5 million.' What we saw was the disgrace whereby those workers had to go to work—remembering that they had been on the grass for six or eight weeks trying to fight for their jobs—and work for nothing, and it is to their eternal credit that they did that and got the wharves working again.

I could go on for hours on this subject, but it looks as though the numbers are there for the motions. But I want to touch on a couple of aspects. I remember when Donald McGauchie, that poor old millionaire farmer who set up the PCS, was saying that he blamed the Federal Court for PCS's demise after Justice Tony North ruled in late April that Patrick reinstate the 1 400 unionised work force. I can remember him saying, 'What are we going to do with our 250 workers?' When did he ask the question, 'What are we going to do with these 1 400 men and their families?' Where was the sympathy that was required then? No, they were happy to go in and sack the waterside workers.

Again, I refer to an article in the *Advertiser* of Wednesday 17 June titled 'War and Peace' written by Ms Carmel Egan. She talks about winners and losers—and I will return shortly to that subject. In this article she says:

> Yesterday the PCS sacked its 350 workers. These are the battlers who genuinely believed that they were putting their lives on the line for a job when they crossed hostile MUA picket lines.

Members would think that they were the heroes. These were the people who were scabbing on their fellow Australians, taking the bread and butter out of 1 400 families' mouths—and they say they are the battlers! The article further says:

> While the unionists' redundancies will be paid from the Federal Government's $215 million coffer, the NFF says it can afford to pay the former PCS employees only $5 000 each—on condition they sign a confidentiality agreement not to talk to the press.

That is what you get when you scab on your mates and sign individual agreements to try to smash organised labour in Australia. If they had any brains they would have joined the MUA.

I make one other observation about these people. I heard another contribution around the time of Justice North's comment from a chap on the radio—I think he was one of the scabs—whose name was, I think, Steve Inovic, Greg Inovic or something similar to that; I have no problem with the ethnicity of anyone, but when they are a scab they are a scab, whatever nationality they are. He was asked, 'How do you feel being called a scab?' In reply, he said, 'Look, I have been called worse than that.' I tell members that there is nothing worse than being a scab.

The Hon. Nick Xenophon in his contribution on the other motion mentioned how the waterside workers had remembered a scab from 40 years past and he was surprised at that. Any person with any modicum of decency will never forgive a scab, not even after they are dead—after they are dead they are still scabs. Anyone who will take the food—the bread and butter—out of the mouths of a trade unionist and his family after that unionist has struggled for years to get decent working conditions, and who then comes in and does not pay his dues is not worth worrying about.

After Tony North made his comments, Mr McGauchie said, 'What are we going to do with our 250 work force?' I

make no apology; I do not care what he does with them. I do not worry about them: I worry about the 1 400 workers and their families. I am delighted to see that I was proven correct when I pointed out to the Minister for Transport and the Hon. Mr Redford on 26 February that the waterside workers would win because they were smarter.

As for the scabs, I suggest that they ought to be sterilised and sent back to the sewers where they belong. Better that they do not breed, because if there is one thing we do not need in Australia it is the breaking down of the principles and that streak of decency that has been in all Australians up until now.

I ask all members to support this motion and the amendment that I have suggested. One ought to be able to give this greater credit but it has been handled in two motions, and to continue discussing this disgraceful situation only reflects further on the Minister for Industrial Relations in the Federal Government. I note that one person who will not lose out of this will be the Minister. The scabs, the people of Australia and the taxpayers will lose, because out of this deal between Corrigan and Reith will be a big bill, but who will pay? It will not be Peter Reith or Mr Corrigan: all the Australian taxpayers will pay for this miserable debacle.

If Mr Fells had been able to sniff out one issue when he turned up at the picket lines to see whether there was going to be any argy-bargy by the trade unions, does one think the waterside workers could have avoided their responsibility to pay their fines? Certainly not! They would have been dragged through the courts, deregistered and dispossessed of their hard earned funds.

After the most disgraceful and despicable effort by any Minister for Industrial Relations in this country, not only has he not been sacked (and this is another black mark against John Howard; he has not done the right thing and removed Mr Reith), but also Mr Reith says that these things would not have occurred had it not been for these people—and he wanted to praise these scabs again, saying that they had done a wonderful job. Well, they did not do a wonderful job. They did about as good a job as he did—and that was despicable. Mr Reith also says that they take away from the job new skills and positive experiences. However, it is pretty positive that if they did not learn that it is not a bloody good idea to scab on their mates they are hard to teach.

The deal that has now been struck between the waterside workers and Patrick Stevedoring was certainly capable of being struck, anyway. Members need look only at the history of the MUA and the discussions with other stevedoring companies. One of the best examples of this is Sealink at Port Adelaide. They have annualised wages and all these efficiencies. They have had all the redundancies; it did not cost the taxpayers anything, and it was all done by consultation, not by confrontation.

The Hon. Mr Reith is trying to dress up this debacle that he has produced. Again, he is not even gracious enough to say, 'I have done a rotten thing: I have been caught, and I am done.' He is now trying to justify the unjustifiable by saying that these scabs, who, I might add, he has abandoned, have done a good job and have created a situation that is quite unique. The truth, quite frankly, is the opposite. He has caused division and hatred between different groups. He has had families fighting families. This is the Australian way, according to Peter Reith—

The Hon. T.G. Cameron: He did one good thing.

The Hon. R.R. ROBERTS: It was family against family—Yes, he did one good thing: he proved that the unity of labour is the hope of Australia. That is what he did. I thank Peter Reith for this: he has done what we ourselves could not do—because of rationalisation we could not combine the trade union movement into as cohesive a force as we would have liked, but Peter Reith has proved by this bad example (not a good example) the worth of that and united the trade union movement. One can only congratulate the MUA and the ACTU because the conduct of the executive of the ACTU has been exemplary. They would not be forced or intimidated into doing unlawful acts, as people were hoping they would do. They did what they do best, with consultation, common sense and application of the law.

The final tragedy is that, as we wound this up, we had the agreement and everyone said, 'Well, I'm going to sue you.' We have seen with this debacle of taking industrial relations into the common law courts. Mr Reith would say, 'Our system actually works—see, it worked with the waterside workers.' However, it worked only because of his incompetence. It was not the game plan. If you do not believe me, go back to the time when they rushed off and tried to appeal Justice North's decision. They thought the fix was in and, after filibustering for a full day, they were kicked out ungraciously and told that they did not have anything. We now know that Corrigan was relying on his mate Reith to put in the fix, but it was not going to happen and it did not happen. At the end of the day, if we look at the scoreboard of winners and losers, it is 10 out of 10 for the MUA and one for the Government.

The Hon. J.F. STEFANI: I was not going to get into this debate but felt that I should just say a few words. I will put a few facts on the record. It is true that the Labor Party's attempt to reform the waterside workers conduct cost Australian taxpayers $430 million. We all know that that achieved very little in the past. We all recognise that Australia as a nation was suffering substantial imposts because of the way in which the waterside workers were conducting their business and performing their work. It is true that we were a laughing stock at an international level on the delivery of goods and services and that we were held in contempt in terms of the strikes that affected our performance as an exporting nation to other countries.

Through the unfortunate (and I emphasise 'unfortunate') conflict that occurred, some common ground has been found. That common ground has been indeed an effort that has finally brought the parties together. Whilst these negotiations were being finalised and before the peace negotiations were concluded, Mr Coombs departed for London. Obviously he was heading off to another place and, as far as he was concerned, the matter was in somebody else's hands, while he took a first-class flight to London. That was his great effort in this matter.

I return to the reality of the negotiations. A great deal of effort went into the negotiations and finally some flexibility was introduced for better provision for shift extensions of up to four hours on day and evening shifts and two hours on night shifts. There was also a one-man/one-machine agreement, thereby reducing manning by 50 per cent to world's best practice. Also achieved in the negotiations was the contracting out of support services such as maintenance. There was the unfettered call on casual labour to deal with peaks and troughs that are characteristic of the stevedoring industry, and this will improve service to clients and reduce costs. There was also an end to the overtime culture and elimination of the double header.

Also, there was an end to the complicated clerical and allocation procedures, which were a contributing factor to high costs, so this change of practice will reduce non-productive manning. Management will have greater flexibility in placing labour. There will no longer be a need to track earnings equalisation of wharfies—a major obstruction to efficient stevedoring. As a result of the negotiations there is an end to the restrictions caused by penalty rates. There will be a change to non-continuous work in terminals, and this will end the excessive manning for meal breaks. There will be flexible starting times to save manpower and improve services to ship owners; and the receipt and delivery of teams to start at different times to ensure that employees are on hand to receive and deliver cargo on a continuous basis, thereby putting a stop to excessive truck queuing. These are the reforms that have been achieved through a great deal of effort.

Some of these changes—and there are others which I will not discuss—were endorsed in the Senate on 26 June. The Labor Party and other major Parties did not refuse the legislation because, if they had, the redundant wharfies would not have been paid. Whilst there has been a great deal of conflict and whilst a great deal of animosity has emanated from this dispute, some common sense has finally been brought to bear and the issue of reform on our waterfront has been addressed without penalising the workers.

Basically, everyone has the right to work, but the community has the right to expect that the workplace is an efficient place where others who depend on a service are given the appropriate service at a cost that is competitive and comparable to other countries.

The Hon. T. CROTHERS: I was not going to speak in this debate but, having listened to the contribution from the Hon. Mr Stefani, I want to set the record straight. When Corrigan determined that he was going to dismiss his work force, he did not just dismiss workers in the ports of Sydney and Melbourne, where even the unions conceded that some matters had to be adjusted. It is on the record that Mr Coombs, who went back to his members with the recommendations, could not convince those members. That is what the Liberals are always telling us: we have to take things back to the members. They say that the union executive cannot decide things, and they are right. But those members could not be convinced.

If I wanted to address the problem, I would not have sacked men who were, in the words of their employers, pretty close to meeting world's best practice. The workers at the Port Adelaide wharves were dismissed, as were the workers up in Townsville, the workers in the port of Darwin, the workers in the port of Fremantle, and the workers in the port of Burnie in Tasmania and in several other ports. Why would I dismiss people who were discharging their functions as much as they could to the level of world's best practice? Why should I compare a port as busy as Antwerp, Singapore or Hong Kong with our ports, which service 18 million people?

I used to be a crane driver, so I know what I am talking about. There is double and triple handling to get at the containers that are destined to come across our wharves. The crane drivers might have to make three or four crane lifts to get the one that is to come off. However, the crane lifts that are made to get at the one that is to come off do not count in the number of units per hour, but they are lifts nevertheless.

The Hon. Mr Stefani talked about facts, but as far as I am concerned Corrigan's and Reith's definition of fact would be a lie and a half. Of his own volition, Corrigan admitted that, and Reith could not get negotiations settled quickly enough between Corrigan and the MUA in respect of having all charges and court processes pursued. He knew that the union had in its possession documents which he denied in Parliament he knew anything about. However, the date and time were annotated in his writing on the documents and that meant that he had seen them prior to the times he stood up in Parliament and said that he had no knowledge whatsoever about them. It is almost *deja vu* for me, when I think of the other damage that has been caused. How did the National Farmers Federation get involved?

An honourable member interjecting:

The Hon. T. CROTHERS: That is an interesting thought. The Minister for Defence, who obviously had some involvement in Dubai, was also President of the National Farmers Federation when the live sheep export dispute took place on our wharves. As a consequence of that, hundreds of rural jobs have been destroyed because processing abattoirs have closed down. We are now exporting about 6 million live sheep and 600 000 live head of cattle a year, and we are not processing them here because of the supposed necessity for halal slaughtering. Little New Zealand stood to the task for three years, refusing to export live sheep until the pressure that was being put on its exporters by what Australia was prepared to do was felt to the extent that they had to engage in live sheep export, too. With those jobs we talk about value enhancement. What about the value enhancement that was lost there in Mr McLachlan's own electorate of Barker? What about the abattoirs there that are closed or operating part-time? This was the same man who as President of the NFF led the dispute in respect of live sheep on our wharves.

I find it a coincidence, indeed, that, given the fact of the Minister for Defence's earlier role and given the Dubai involvement, Darren McGauchie—I can pronounce his name; unfortunately he has a bit of Celtic blood in him—as President of the NFF, without going to his members, spent millions of dollars setting up a bogus company on the wharves. When there was no further use for 400 or 500 of the employees they were automatically discharged, leading one of them to observe that, if they had been members of a union, that could not have been done to them.

The NFF has members and has stood up for the man and woman on the land—as is its right—by way of fuel discounting, Telstra and electricity subsidies, the whole bit. I do not begrudge them that; it is proper that that should happen. It is proper that the NFF should pursue those matters for their members, because at the end of the day our farmers export about 25 per cent of all Australian exports right across the board, and that includes good and services—everything. I understand that that is the case, but I may be wrong.

The only losers out of this will be the Australian farmer, both now and in the future, because the motto of the MUA is, 'Lest we forget.' McGauchie knew that he could do that, because he knew he was not going to run again as President of the NFF. Does it not seem strange that, in the live sheep export, the then President of the NFF, the current Defence Minister, led the charge? Does it not also seem odd that the just retired President, Don McGauchie, led the charge with respect to the NFF? Whom did he consult? Did he go to his members over the millions of dollars that were expended in respect of setting up the bogus company on the wharves? Certainly not. He does not have to; that is an employer's union. It is not a question of, 'Don't do as we do' but, for some people, a question of, 'Do as we tell you.'

Peter Reith—that incorrigible man—has done untold damage to this State on at least two occasions. Ian McLachlan has done untold damage here with live sheep exports, particularly in his own electorate now where a number of the abattoirs have closed down, because, as I said, we are exporting 6 million live sheep and 600 000 head of cattle a year. He is the same man who now stands up and says that primary producers have to go for value adding. This is the same man who, when President, destroyed hundreds of rural abattoirs workers' jobs.

I do not have much more to say, but I know that Peter Reith could not get those cases out of the courts quickly enough, because the documentation that the MUA was holding, given to it by some farmer friends, was damning of Mr Reith. John Howard will shortly be removed from the leadership by Peter Costello. I was told five months ago that, with the unease that existed then in the Federal Government camp over John Howard, Peter Reith had the numbers to displace him as Prime Minister. That is most certainly not the case now. Peter Costello played a very cagey game during the whole of the waterside dispute. That is where I took my wind gauge from: I watched what Peter Costello was doing. It was clear to me that his silence was golden in respect of where right and wrong lay.

I will wind up on that note. The only damage that has been done has been to the people of Australia. The grain farmers begged and pleaded with us not to abrogate our agreement with the men and women on the land, not to touch their product—and thank heavens that did not happen. That is where these ideological desperados such as Reith and others of his ilk were leading us. They were taking us down the path where the only losers were the people of Australia, not the MUA. I hope that the Bureau of Statistics puts out an estimate of what this unnecessary dispute cost Australia.

We must remember that the waterside workers have more than halved their work force. The Hon. Mr Stefani said that money previously spent had been of no benefit. That is not true. In 10 years they have more than halved their number. I will agree with anyone who says to me that there were some problems in Melbourne and Sydney, that the union tried to address them but could not get its members to agree. But why sack the wharfies in the ports where there were no problems, where employees were given a pat on the shoulder? The only reason for that is the one given by the Prime Minister himself in an interview where he said:

> Well, I guess they were sacked because they were union members.

That is an absolute breach of international labour law, an absolute breach of ethical principle, and an absolute breach of the Prime Minister's promise that no worker would suffer. There is an ongoing continuance of that which may well be the subject of further debate on another matter in this place. I commend the proposition to the Council.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): In his absence, I have been asked by the Leader of the Government in the Council to indicate that the Government's views on this matter were outlined in terms of a similar motion on this subject (No. 17 on the Notice Paper). On that occasion, the Government called for a division, but it does not intend to do so on this occasion. However, it certainly opposes the motion.

I would like to add a few of my earlier reflections as Minister for Transport on the reform of the ports in South Australia and my work with Sealand generally. I have great difficulty in supporting the Hon. Peter Reith's condemnation of Sealand and what has been achieved in South Australia. I feel strongly that one of the successes here is that we have been able to introduce competition amongst the operators on the workfront. That is a key issue in terms of future workplace reform in this country.

I would like to place on the record my personal applause for Sealand, the Ports Corporation and the MUA in this instance for working through an arrangement that has seen productivity increase, and considerable reforms have been adopted under an agreement between the MUA and Patrick's. I regret that, in other instances, in a more entrenched environment and the hardened industrial workplace that we often find in Sydney and Melbourne, the MUA could not reach agreements that were accommodated earlier in South Australia.

The Hon. T.G. ROBERTS: I thank Minister for Transport for her contribution. In the previous motion which is similar to this one (No. 17) I paid tribute to the Government in this State and to the MUA negotiators and to the exporters for the way in which they carried out their responsibilities regarding industrial relations: it is what we would like to see, and sell as a model for others to look at. I know that, at a State level, the national officials made reference to South Australia's reforms and the way in which it was done during the discussions, and used it as an illustration as to best practice in relation to gaining productivity deals and arrangements—that is, to talk to people and to work through your arrangements so that practical people sitting around tables with industry knowledge can come to conclusions that are negotiated, and that are fair and reasonable.

Unfortunately, as soon as you get people such as the Peter Scanlons and the Peter Reiths of the world, who have agendas that have nothing to do with industrial relations but have everything to do with personal power and ambition, the logic of any negotiated settlement goes out of the window. The agendas that are run through from people outside the industry and outside the settled industrial relations climate mitigate against any fair and reasonable settlement, because they are not there for fair and reasonable settlements on returns about productivity and about fair and reasonable wages and conditions.

In this case, unfortunately, it was not in their interests to get a settlement that was fair and reasonable and done in a quiet and reasonable manner. In relation to training people in Dubai in semi-military practices, I only hope that no-one of the ilk of the Scanlons and the Corrigans, etc., who were involving themselves in these sorts of paramilitary arrangements and deals, ever get into a position to be able to practise those sorts of industrial relations again.

I pay tribute—as have other honourable members—to the negotiators on the side of the ACTU and the MUA negotiators—John Coombes, etc.—who put in tireless hours. I spoke to negotiators from the national office on the local wharves who were giving report-backs, and they could hardly keep their eyes open while they spoke. The National Secretary and the State Secretary of the MUA and others who involved themselves in trying to keep the negotiations alive and trying to calm and pacify other branches of the MUA and prevent them from taking a more militant step, and who assisted and supported in solidarity for their membership, calmed the waters that could have been inflamed—

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. ROBERTS: That is right. There was a lot of transport diverted to Adelaide. Hopefully, that will be long term, because I believe that a lot of exporters and importers might look at Adelaide as a more permanent home for—

The Hon. Diana Laidlaw: And reliable.

The Hon. T.G. ROBERTS: And reliable—for exporting. So, we may be one of the winners long term if those companies want to have a look at a very efficient and effective port for export. A lot of fair-minded and reasonable people involved themselves, including the courts. The interlocutory injunction that was granted by the courts showed that there were some fair and reasonable people adjudicating and interpreting the law on behalf of the MUA in that difficult position, and there were other fair and reasonable people who came out of that dispute. I would have included the members opposite in that—and I thank the Minister for her contribution—if only they had not voted against the motion: I could not understand that. But, I do understand how State branches are subject to national branch disciplines, and I suspect that that may have had something to do with this State branch of the Liberal Party, being the Government, voting as it did. I cannot understand why it had to highlight the division on a previous motion by separating out those who were supporting and those who were against, if only to highlight the fact that one member who may have joined its ranks disappointed it and joined ours. It is up to those reading *Hansard* to find out who that was.

I am sure that the media is not interested in the outcome of this motion: it has not shown too much interest in the whole of the dispute when compared with the Victorian and New South Wales press, but that may be because we did not have the excesses, as the Minister said, of the divisions within this State as the others had. There was certainly a thirst for knowledge which I do not think was carried here sufficiently for us to be able to make assessments.

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. ROBERTS: That's right. One of the problems with industrial relations in those ports of Sydney and Melbourne is that it is a hardened industrial relations scene. It is a bit like the building industry: the conditions and the pressures under which people work generally make for a more case hardened industrial relations scene than it does in some of the more relaxed ports like Fremantle and Port Adelaide and some regional ports.

The relationships between stevedores and the MUA is difficult to upset because there are personal relationships between the stevedoring companies and the MUA. It is probably a good example that Patrick and others ought to look for, that is, to humanise industrial relations instead of dehumanising them and accommodating the lowest common denominator by introducing third world methods of industrial disputation handling. I thank all members for their contribution. As everyone has indicated, the motion has the support of the Council and will be carried.

Amendment carried; motion as amended carried.

CROYDON PRIMARY SCHOOL

Adjourned debate on motion of Hon. Carolyn Pickles:

That this Council—

I. 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;

II. 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

III. Condemns the Minister for Education, Children's Services and Training for closing the Croydon Primary School.

(Continued from 26 March. Page 693.)

The Hon. R.I. LUCAS (Treasurer): I trust that this will be the last motion on the Croydon Primary School that this Parliament will need to vote on. It seems a touch ironic that here we are in the second half of 1998 yet we are still debating a motion on a decision which was taken almost two years ago. Given that the motion is before us and that the Hon. Carolyn Pickles, albeit that she, too, has moved on to a new portfolio, is intent on continuing with the motion, obviously I will have to take the opportunity to respond to some of the statements and comments that have been made. My first point in relation to the closure of Croydon Primary School is a personal judgment about how the parents of Croydon Primary School were ill-advised. They found themselves being used in a political campaign by Janet Giles and the heavies from the Institute of Teachers.

The Hon. T.G. Roberts: That is a huge tribute to Janet.

The Hon. R.I. LUCAS: No. If the parents from the school genuinely wanted—as I am sure many of them did—to put a case to the Premier and the Government about the closure of the school, they would have been better advised not to have got themselves so closely linked to a *de facto* Party political campaign led by Janet Giles, given her absolute hatred for anything to do with John Olsen, Rob Lucas or, indeed, the Liberal Government. I have said on a number of occasions, and I say again, that I waited four years to hear Janet Giles say one positive thing about either John Olsen, the Minister for Education or the Liberal Government and, after those four years, I am still waiting.

I come from the school of thought that says no matter what Government one talks about there is no Government so awful and there is no member of Parliament so terrible that they cannot do one positive thing in four years of Government. I can even think of positive things that the Hon. Paul Holloway has done in his time in the Parliament. If I think very seriously, I can even recall some positive things that the Hon. Terry Roberts has done, and I am not referring to the incident in the front bar of the Somerset Hotel. I will not raise those particular circumstances. As I said, it is a school of thought, and perhaps it is a weakness of mine, but I believe that all politicians, indeed, even the Democrats—and the Hon. Sandra Kanck is present this evening—can find something their opponents have done that is good during their political career.

The Hon. Sandra Kanck: Would you like to name what it is that I have done?

The Hon. R.I. LUCAS: I am sure there is a list, but I will not be diverted by the Hon. Sandra Kanck on this occasion. I was saying kind things about the Hon. Sandra Kanck and other members in this Chamber. My point is that it does the cause for which you are fighting no good, and this was the major error committed by Janet Giles. It does your cause no good if you are so blatantly political and Party political. As I said, the cause of the parents of the Croydon Primary School was not assisted by the nature and shape of the campaign that Janet Giles ran.

I will give a number of examples. During the election campaign the bounds of reasonable protest were exceeded

extensively by Janet Giles and the organised opposition to the Liberal Government. Members of Janet Giles's team, on public occasions that had nothing to do with education, stood next to the Premier and screamed in his ear as he was trying to open a particular environmental initiative, or whatever it might have been, during the election period. Of course, if you want to convince somebody to change their minds on a particular issue—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Well, when children have been schooled up at a protest to use four letter words in terms of abuse to the Premier of the State, do you think that will assist your campaign? When primary age children are schooled up by Janet Giles, parents and others to direct four letter abusive words against the Premier of the State in the middle of an election campaign, do you think that that is the way to change somebody's mind? As I have said on a number of previous occasions, that is not the way to change the Premier's mind. Indeed, in terms of other union leaders such as Jan MacMahon, John Fleetwood and others from the Premier's time as Minister for Infrastructure, the Premier did demonstrate a willingness on occasions to sit down with them, provided they were prepared to speak rationally and sensibly and to engage in reasonable debate, and either reconsider his position or the Government's position on a particular issue. I am not saying that the Government has not disagreed strongly with the positions that union leaders have put.

Janet Giles took a key decision that harmed the cause of Croydon Primary School. The cause of all the other parents and children was not served by the manner and the shape of the campaign that was conducted. I remember at one stage during the campaign that, after the Premier had walked through the airport on his way to Melbourne and past a number of small children who were screaming abusive phrases at him, the media were schooled with the view that the parents had arranged for people to greet the Premier at Melbourne airport. When the Premier arrived at Melbourne airport one lone person, who purported to be a parent associated with the Croydon Primary School but who happened to be a 'rented' Australian education union member from Victoria, screamed abuse at the Premier as he arrived.

The Hon. T.G. Roberts: With a Victorian accent!

The Hon. R.I. LUCAS: I am not sure about the Victorian accent. There are many other examples, but I wanted to give those two as examples of how not to conduct a campaign to try to change the Premier's mind or, indeed, any Premier's mind about a particular decision. In my personal judgment, some of the actions of Janet Giles and the union representatives were reprehensible. Mr Acting President, I know of your views in a number of these areas. I know of some examples during and after the election period where Janet Giles telephoned parents of Aboriginal children at the Croydon Primary School and tried to get the Aboriginal parents to come out in a joint protest against me as the Minister and against the Premier on the grounds of discrimination. I know of at least one of those parents who was mightily offended by Janet Giles' seeking to play that particular card at that particular time in relation to the closure of the Croydon Primary School. Suffice to say, Janet Giles was unable to organise that group of Aboriginal parents to come out on the grounds that she was trying to organise in terms of a protest against the Minister and the Liberal Government.

I do not intend this evening to go through all the detail of the background to the decision. I want to respond to some of the critical comments, and I will refer briefly to the background of the decision. As many members will know, basically a review was conducted by local parents and principals who were led by a district superintendent in that cluster of schools. At their peak there had been over 3 000 students in those schools. When the review was done, there were just over 1 100 students in the same number of schools. Clearly there was a recognition by the local people that a number of schools had to close. There was, nevertheless, significant opposition from individual schools about their particular school being the one to close.

The recommendation that came to me as the Minister included a number of options, all involving closure, and the option ultimately that was accepted by the Liberal Government was one where, in essence, two schools were to be amalgamated on the one site with the closure of one school in each case. The decision taken by the Government was to close Croydon Primary School and Croydon Park Primary School. Clearly the parents of Croydon Primary School and Croydon Park Primary School were unhappy at the decision I had taken as Minister. However, if the decision had been that Kilkenny and Challa Gardens primary schools had been the two to close, equally the parents from those two schools would have been unhappy.

But the recommendation that came to me as Minister was an acknowledgment that there had been a huge decline in enrolments in that Croydon cluster, from over 3 000 down to just over 1 100 students. There were still six schools in that area, five primary schools and one secondary school, and the only thing they could not agree on was which schools should be the ones to close. They said, 'We acknowledge there needs to be change. However, we do not want our particular school to be closed but we will leave the difficult decision to you as Minister to close the appropriate schools.'

I did not shirk from my responsibility as Minister. I accepted the view that there needed to be change. I strongly took the view that money freed up from the sale of the properties should be reinvested in the remaining local schools, and that has been done. There is redevelopment going on at Croydon High School, and Kilkenny and Challa Gardens schools. We have not yet seen the money that is to come from the sale of those properties, but the departmental capital works budget is already putting in additional funding to some of those other local schools within the cluster. All that money will be ploughed back into improvements of facilities for local students in the inner western suburbs.

I therefore will not go over all the detail of the rationale for the decision. I want now to address some of the criticisms of my decision included in some aspects of the drafting of the motion. The motion acknowledges that the Ombudsman, as a result of a series of complaints, in the end made a number of comments about the consultation process and about a number of other aspects. Certainly, the Ombudsman makes one or two comments which, if the departmental process has not already taken up, I suspect will be taken up in terms of trying to improve this difficult process of rationalisation of schools and school properties.

One of the concerns the Ombudsman addressed was that the consultation processes had not been consistent. I want very clearly to put a different perspective and point of view to the Council. All the school communities were involved in the consultation process over a very long period of time. A random sample of parents was taken from each of the school communities in line with recommendations from the quality assurance unit. A total of 180 families, 30 from each school, formed the random sample. Some 64 per cent of the sample

responded after two mail-outs (which is a very high figure in terms of response) and two attempted phone calls to non-respondents.

Variation in responses from individual schools ranged from 47 per cent and the highest was 87 per cent. Other interested parents and all staff were encouraged to respond. Voluntary responses were received from 52 staff and 169 parents. There was again significant variation in response rates from individual schools, from two to 65 individual responses. In all, 336 responses were received in the consultation. On another occasion other members and I have put on the *Hansard* record the results of that consultation and I will not do it again, but I highlight that the consultation process was extensive and exhaustive in terms of preparing the position for the final recommendation to me as Minister.

The Ombudsman raised concerns that, despite all the actions of the Cluster Review Group being by consensus up to the final meeting, the final meeting was conducted in a formal manner with motions and voting, abandoning the consensus model. I want to address that issue. The review report indicated that the Cluster Review Group had been unable to reach decisions concerning the recommendations to be forwarded to the Minister using a consensus approach. It was agreed by the Cluster Review Group that formal meeting procedures would be implemented. I refer members to page 4 of the report. A copy of a letter sent to all members of the Cluster Review Group confirms that particular approach, and that letter was signed by the Chairperson of the Upper West Cluster Review Group and the Principal of the Croydon Park Primary School. The Chairperson was obviously a parent and member of the Kilkenny Primary School Council.

That letter to all members of the review group described the processes to be used at the final meeting and the voting practices to be used. It indicated that short periods, enabling school groups to caucus, would also be built into the final meeting procedure. The Chairperson of the Upper West Cluster Review Group has indicated that this process was described also at the start of the meeting and that the process was appreciated and never challenged by any member of that review group. I say 'never challenged' because clearly the parent representative of the Croydon Primary School was at that review group meeting and, if one accepted the word of the Chairperson of the group that it was not challenged, it means that the parent representative from Croydon Primary School did not challenge the voting process—it was not until after the decisions had been taken and they had started their campaign.

A copy of the minutes of that final meeting was obviously provided to the Ombudsman. I am told that the initiative to conduct the meeting in this way came from members of the group who were concerned that an impasse had been reached in using the consensus approach. Standard procedure in the end was adopted where people voted in terms of their final views.

One of the other concerns that the Ombudsman evidently raised was that the report did not allow any expression of dissenting views of the Croydon Primary School, not did it reflect that final decisions were made by vote rather than by consensus. Again, information provided to the Ombudsman—the minutes of the meeting of the review group—indicated that the review group voted in favour of the right to submit dissenting reports. That is an important point, which the movers of this motion have conveniently glossed over: the minutes actually indicate that the review group itself, comprising local parents and principals, voted in favour of the right to submit dissenting reports. Indeed, Croydon, Kilkenny and Challa Gardens Primary Schools all submitted minority reports to the department and to me as Minister. All those reports were included in information that was made available to me as Minister for the purposes of making the final decision. A number of other concerns were raised by the Ombudsman, of a more minor nature, I guess. Some of those are reasonable observations about process and, I am sure, have been or will be taken up by the department.

I now want to turn to the further criticism from the Ombudsman. This is the criticism made by the Chairs of the Croydon Primary School Council in terms of the signing of the final report. As I said, I received a report from local parents and principals recommending the closure or amalgamation of a number of schools, leaving the actual schools to me as Minister. Subsequently, the parent representatives from Croydon Primary School, when I started very vigorously to put a point of view that all of them had signed this report to me, found themselves in a difficult political position.

Here they were, together with Janet Giles, trying to lead a political action to defend the school when their names and signatures were on the bottom of a report to me recommending closure. As a result of that, the strategy was obviously adopted to indicate that they had in some way been coerced under false pretences to sign the report. I know a number of people have a view about this, but the one thing that I can say about Mr Klaus Frohlich and Ms Helen Foster is that I cannot imagine—how can I put this delicately—any circumstances in which Mr Frohlich and Ms Foster would put their signatures to any document without having read the document and supported its recommendations. I find it frankly unbelievable that they could put their signatures to this document and the recommendations about closure and, irrespective of what anyone might have said to them about the process, that they could believe anything other than that they supported the recommendations of the report to me as Minister.

As I said, the strategy adopted subsequently was that they argued that they did not really support the recommendations and had signed the report only to indicate that they had participated in the process of the review committee. So, whilst they had signed a report endorsing recommendations to me for closures of schools, what they were asking me and other members to believe was that they did not really mean for their signature to endorse those recommendations; that what they understood their signatures on the report to mean was that they had only participated in the process and did not endorse the recommendations.

The Hon. R.D. Lawson: Specious nonsense!

The Hon. R.I. LUCAS: As my colleague the Hon. Robert Lawson says, 'Specious nonsense', and I can only agree. I find it unbelievable that they could have developed an argument along those lines, particularly, as I indicated earlier, as there is documentation unrefuted by anybody that letters were sent to people about the voting procedure for that final meeting and that at the start of the final meeting people were advised as to what the voting procedure would be.

Also, members were advised and the minutes indicate that, if they wanted to submit a dissenting or minority report, they could do so. None of that has been refuted; they were clearly there when they were told that we would vote in this way and when they were informed that if they wanted to dissent from any aspect of the report they could submit a dissenting or minority report. In the event, they still signed the recommendations to me as Minister and then afterwards had the hide to

develop the argument that they did not really support the recommendations but that they really only believed that by signing the report they were indicating that they had participated in a process and did not necessarily endorse the recommendations of the committee.

On another much earlier occasion when my passions were much higher about this I might have spoken in greater detail about the actions of Mr Frohlich and Ms Foster, but I do not intend to prolong this debate by addressing some of their behaviour and actions during this whole sad and sorry process of political action undertaken by them and Janet Giles.

The final issue in relation to the Ombudsman's report that I want to address is rather a sensitive issue, and the motion of condemnation of me refers to this issue. The motion states that grave doubts exist as to the extent of consideration given to the Croydon minority report. That is obviously a reference to grave doubts about the extent of consideration given by me as Minister and the department to that report.

The Ombudsman has clear powers to investigate administrative acts, but he and his office are clearly prevented from reviewing policy decisions taken by Ministers. I think that is an important distinction that this Parliament and, I would hope, the Ombudsman and his staff also would acknowledge, not only in relation to this case but indeed in future operation and practice. I choose my words carefully, because I have great respect for the position of the Ombudsman's office. It is an important part of our democratic process, but it is also important that it operate clearly within the parameters of its legislative instruction and do not operate beyond those powers.

If I may venture an opinion, it was not within its powers to review my decision as Minister to close Croydon Primary School. The Ombudsman can certainly review the administrative acts and the processes of departmental officers in providing advice to me and managing the process, and that is quite proper and appropriate. I am sure that a number of recommendations have been or will be taken up by the department, but in my judgment the legislation does not provide for the Ombudsman to try to review a Minister's decision in relation to these issues.

This reference in the motion to some comments of the Ombudsman about grave doubts existing as to the extent of the consideration given to the minority report is certainly a grey area. Only I am able conclusively to say what I ultimately took into consideration, what the factors were and how I weighted them in making my final decision. As the department clearly indicated to the Ombudsman—and I shared the views—I took a very strong view that the department and its officers had a process to go through. They provided advice to me, but ultimately it was for me as Minister to decide whether or not I accepted their advice.

In a number of cases much play has been made of the fact that the department has given me advice and I have rejected that advice, and the Sturt Street Primary School case is a perfect example. The department went through an appropriate process, made a recommendation, I considered it and, in the end, ultimately, as Minister, I took a different view from the advice that I had received. Indeed, in relation to Croydon, whilst three officers recommended that Croydon Primary School be the school to close, there was one senior officer who, at one stage of the process, recommended an alternative arrangement which, on my recollection, would have seen the closure of three schools: all to be collocated with the new school on the Croydon High School site. Ultimately, I rejected that piece of advice from my departmental officer.

Much play has been made by the Opposition and some of the media that I had received advice and rejected it. Certainly that is what we have Ministers for. If all Ministers are merely to rubber stamp and accept the decisions and advice of our departmental officers, we might as well not have Ministers: we might as well have Government being run by the chief executives of various departments and we Ministers might as well take our bat and ball and go home. Certainly, that is not the way in which I believe the office of Minister for Education and Children's Services should be run, and I do not believe it is the way in which any ministry ought to be run. By and large, if you have competent officers, as many of us do, the large majority of decisions will be accepted by the Minister of the day, but in some clear cases—and these were public cases—I did take a different view and would still take a different view if the same advice was provided to me.

I was the only person who was able to look at the weighting of the factors and at the factors which governed my decision regarding the closure of Croydon Primary School. Through the department, I advised the Ombudsman that in making my decision I had available all the dissenting reports and minority reports that had been presented by the three primary schools in that cluster and that I also had all the advice from the departmental officers available to me. Even though the fourth primary school had not submitted a dissenting report, I certainly took the view that it, too, together with the others that did submit dissenting reports, was highly likely not to want to be the school to be closed in the decision that I was about to take and announce.

This suggestion by the Ombudsman that grave doubt exists as to the extent of consideration given by me in terms of the closure decision, as I said, enters this grey area in terms of the powers of the Ombudsman and what he is or should be able to do under his legislation. He certainly is not and was not able to produce any evidence contrary to the view that I had put, that is, that I had considered all the minority reports. Indeed, all he can say—and he did not say it, of course; he is too experienced an Ombudsman and the staff are too experienced to say it—is that in some way my advice that I had considered the minority reports was doubted by the Ombudsman and his staff in terms of his final recommendation. However, he was in no position to make that judgment: no evidence to that effect was presented to him.

There might have been claims by the parents, but they were in no position to make those claims, and indeed all the departmental advice—and my advice—was that I did see and consider the three minority reports prior to making a decision. As I said, it is a sensitive area, but I am sure the Ombudsman and his staff, if they come to read my comments or become aware of my comments, will appreciate that I have tried to put my comments in as a constructive a way as I feel I can as a Minister in this Government.

It is an important issue of principle. I took exception to that particular aspect of the report, and there is also the matter of whether or not it is an issue currently within the legislative framework within which the Ombudsman is meant to operate. I again strongly oppose this motion. I have probably chalked up more motions of condemnation, censure and even no-confidence because of the decisions I took about school closures and education cut-backs during the past four years—

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: At great personal hurt, as the Hon. Angus Redford says. On many occasions I went home of an evening unable to sleep: I tossed and turned worrying for hours about having been censured by the Hons. Carolyn

Pickles and Mike Elliott for the dastardly deeds I had inflicted upon teachers, parents and students in our school system.

The only comment I make on this motion's being adjourned is that, given the passage of time, it may well be sensible for the Hon. Carolyn Pickles to let my good friend and colleague the Hon. Malcolm Buckby off the hook, as it does censure the Minister for Education (although the title is not exactly correct). It will be more appropriate, if members want to censure somebody, that they censure me as the current Treasurer or as the former Minister for Education and Children's Services, but that is an issue for the mover. I thank members for allowing me what I hope will be the final contribution to the debate in this Chamber on the closure of Croydon Primary School.

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

FREEDOM OF INFORMATION (PUBLIC OPINION POLLS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 March. Page 694.)

The Hon. A.J. REDFORD: I move:

Leave out all words after 'that' and insert 'the Bill be withdrawn and referred to the Legislative Review Committee for its report and recommendations'.

In moving this amendment I will not directly comment upon the Bill. The issue of freedom of information is a very important issue. It is important that this Parliament move with public opinion, to use that term, in ensuring that the expectations of the community for open government are met. This Bill came out of a difficulty perceived by the Opposition and the Australian Democrats in relation to an opinion poll on the outsourcing of the management of our water services in this State.

I do not wish to make any comment one way or the other on that issue, but I am concerned that we are making what in my view is very important legislation on the basis of some form of political point scoring. Indeed, speaking personally, not on behalf of the Government, I believe that the point made by the Opposition and the Australian Democrats in relation to freedom of information, particularly in relation to opinion polls, has been well made and well canvassed in public. I stand to be corrected if I am wrong, but I believe that the opinion poll that the Leader of the Opposition spent many days commenting upon in the media has ultimately been released to the public.

I have some problems in relation to this Bill because it has been introduced as a consequence of a political debate and with a particular political viewpoint in mind. I for one agree with some of the sentiments contained within the Bill but I am not satisfied that the Bill properly and appropriately deals with the mischief that its promulgator seeks to address. We all know that currently before the Legislative Review Committee is an inquiry into the Freedom of Information Act, and the Legislative Review Committee is charged with the responsibility of presenting a report to this Parliament. At the risk of commenting upon a procedure that is occurring within the Legislative Review Committee, I feel that it is important that members at least understand that the Legislative Review Committee is treating this inquiry with the utmost seriousness and importance.

It is clear on the evidence that the committee has received that there are enormous difficulties with the Freedom of Information Act as it currently stands, and it is clear that those difficulties lie not only with the Government but also with people making applications under that legislation. I am not being critical of either party in that regard. What also is clear is that the South Australian legislation, which was introduced in 1991, has probably been surpassed by similar legislation in other jurisdictions. It is also clear that we need to ensure that there is public confidence, not just at a political and at a journalistic level in relation to the issuing of documents under this legislation, but also at a public level.

I am constrained by the fact that we are in the middle of an inquiry in relation to this matter. However, we need to develop a new and innovative approach in freedom of information legislation to ensure that the public, whether it be through members of Parliament or others, have confidence that the process works. It is with that in mind that I have moved this amendment. Some of the matters that are raised in this legislation and some of the issues that have been raised in speeches made prior to this contribution ought to be considered by the committee in the process of dealing with legislation.

I will just make some very general comments—and I am not committing myself to any view one way or the other—about the Bill itself. First, the Bill fails to define what is meant by 'public opinion polling'. I am not sure whether this amendment to the Freedom of Information Act will achieve what the Opposition and the House of Assembly think it might achieve. For argument's sake, is a focus group study an opinion poll? Is a survey an opinion poll? Is a process of consultation an opinion poll? Is research dealing with community groups and members of the community an opinion poll? Indeed, is market research an opinion poll? If this legislation should be passed, I just wonder whether a Government that sought to play politics in relation to the intent of the Parliament, by labelling a public opinion polling process with another name, might avoid the intent of Parliament.

The other issue that causes me a little concern is the transitional provision which, on my understanding, has some retrospectivity attached to it. I know that members from the Opposition, from the Australian Democrats and, indeed, from the Government have always expressed their concerns about this issue of retrospectivity. In moving this amendment, I have to say from a personal point of view that I am absolutely committed to getting freedom of information right in this State. Members opposite and I have had some discussions, and the Hon. Michael Elliott would know that I am very concerned that the concept of open Government becomes a reality and not merely a label, that the community understands the concept of open Government and that the Government, in dealing with the community and with issues reflects the community demand for open Government.

If this matter is referred to the Legislative Review Committee it will be dealt with in a considered fashion, and in that regard I refer to the member for Ross Smith's comments about the Legislative Council yesterday in another place, in which he said that not enough committee is work done on some of this legislation, and this is an opportunity to perhaps embark upon some of the suggestions made by the member for Ross Smith. I commend my amendment. I am not doing it for any political reason. I am not doing it—and I say this from a personal perspective—to enable our committee, the Legislative Review Committee, to make proper, con-

sidered, detailed and fulsome recommendations to this place to ensure that freedom of information legislation works in the interests of the public and, most importantly, in the interests of good Government.

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

MOTOR VEHICLES (CHEQUE AND DEBIT OR CREDIT CARD PAYMENTS) AMENDMENT BILL

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning) obtained leave and introduced a Bill for an Act to amount the Motor Vehicles Act 1959. Read a first time.

The Hon. DIANA LAIDLAW: I move:

That this Bill be now read a second time.

In view of the hour, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The purpose of this Bill is to provide the Registrar of Motor Vehicles with the power to recover amounts owing where a payment made by merchant card is subsequently dishonoured. The Bill also provides for the payment of a level 3 administration fee ($20) to recover the administrative costs of dealing with dishonoured cheques and merchant cards.

The Registrar is responsible for the collection of fees and charges associated with the licensing of drivers and the registration of motor vehicles, which includes compulsory third-party insurance premiums and stamp duty.

Section 138B(1) of the Motor Vehicles Act provides that where a cheque tendered for the payment of a Registration and Licensing account is dishonoured by a bank the transaction is void and of no effect.

However, section 138B also empowers the Registrar to suspend the operation of that subsection, for a period at the discretion of the Registrar, to allow the person who tendered the cheque to complete payment and to pay any bank charges incurred by the Registrar.

On becoming aware that a payment has been dishonoured, the Registrar will forward a notice to the person concerned. If the person does not complete payment within the specified period, the transaction is void and the person is required to surrender any licence, permit, label, certificate, plate or other document issued to the person.

Subject to the completion of the whole of Government contract for the provision of merchant card facilities, Transport SA will install Electronic Funds Transfer at Point of Sale (EFTPOS) facilities to allow for the payment of Registration and Licensing accounts by credit cards and debit cards.

There is currently no provision within the Motor Vehicles Act to enable the Registrar to recover amounts owing, where a payment made by merchant card is dishonoured. The Bill therefore seeks to extend the provisions of section 138B of the Motor Vehicles Act to encompass payments made by merchant cards.

Although section 138B provides for the Registrar to recover the amount owing from the person, together with any bank charges required to be paid by the Registrar, the person is not required to pay any fee to cover the administrative costs of dealing with dishonoured cheques. Approximately 2 400 cheques are dishonoured each year.

The introduction of a level 3 administration fee for the processing of dishonoured cheques and merchant cards will raise an additional $50 000 per year for the Highways Fund.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 138B—Effect of dishonoured cheques, etc. on transactions under the Act

This clause provides for transactions in relation to which payment is purportedly made by cheque or debit or credit card to be void where the cheque is dishonoured on presentation or the amount payable in respect of the transaction is not paid to the Registrar by the body that issued the card or is required to be repaid by the Registrar. It also enables the Registrar to recover the amount owing for the transaction and to charge an administration fee for dealing with dishonoured cheques or non-payment or repayment of amounts purportedly paid by debit or credit cards. Consequential amendments are made to the section to ensure that if an amount is recovered it includes the additional administration fee and charges payable under the section.

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

POLLUTION OF WATERS BY OIL AND NOXIOUS SUBSTANCES (MISCELLANEOUS) AMENDMENT BILL

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning) obtained leave and introduced a Bill for an Act to amend the Pollution of Waters by Oil and Noxious Substances Act 1987. Read a first time.

The Hon. DIANA LAIDLAW: I move:

That this Bill be now read a second time.

In view of the hour, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Australia is a signatory to the International Convention for the Prevention of Pollution from Ships ('MARPOL') and Australian States are expected to implement MARPOL resolutions once ratified. South Australia has, to date, met its obligations through the *Pollution of Waters by Oil and Noxious Substances Act 1987* and the regulations made under that Act. This legislation currently implements Annexes I and II of MARPOL, which deal with pollution by oil and pollution by noxious liquid substances carried in bulk, respectively.

Annex III of MARPOL, which relates to the disposal of harmful substances carried by sea in packaged form, and Annex V of MARPOL, which regulates the disposal of garbage, have now also been ratified and we need to ensure that the requirements of those Annexes are reflected in South Australian legislation.

The purpose of this Bill is therefore to amend the *Pollution of Waters by Oil and Noxious Substances Act 1987* to implement, in South Australia, the requirements contained in Annexes III and V of MARPOL.

Given that these Annexes extend the scope of the Act to include harmful substances carried by sea in packaged form and garbage, it is considered appropriate that the short title of the Act also be changed to better reflect this additional content. It may be noted that there are further Annexes of MARPOL (dealing with sewage and the management of ballast water) yet to be ratified, so that the content of the Act may be extended even further in the future. In light of these considerations it was thought appropriate to rename the Act the *Protection of Marine Waters (Prevention of Pollution from Ships) Act*.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of long title

Clause 4: Amendment of s. 1—Short title

These clauses make consequential amendments to the long title and short title of the principal Act.

Clause 5: Amendment of s. 3—Interpretation

This clause amends the definitions of 'the 1973 Convention' and 'the 1978 Protocol' to reflect the proposed implementation of Annexes III and V.

Clause 6: Repeal of s. 10

This clause repeals section 10 of the principal Act which deals with reporting of incidents involving oil or an oily mixture. It is proposed that reporting requirements for all the types of pollution covered by the measure be dealt with in one general provision (see clause 25A discussed below).

Clause 7: Amendment of s. 10A

This clause makes consequential amendments to section 10A to remove the references in that provision to section 10.

Clause 8: Repeal of s. 20

This clause repeals section 20 which, like current section 10, deals with reporting requirements in relation to certain substances.

Clause 9: Insertion of Parts 3AA and 3AAB

This clause inserts new Parts 3AA and 3AAB into the principal Act as follows:

PART 3AA
PREVENTION OF POLLUTION BY PACKAGED HARMFUL SUBSTANCES

This Part implements Annex III of MARPOL and terms used in this Part have the same meaning as in that Annex (unless the contrary intention appears). The proposed new Part provides that, if a discharge of a harmful substance carried as cargo in packaged form occurs from a ship into State waters, the master and the owner of the ship are each guilty of an offence punishable by a fine of $50 000 (for a natural person) or $250 000 (for a body corporate). The provision then goes on to outline, in accordance with Annex III, circumstances that would constitute a defence to such a charge.

It may be noted that, whilst Annex III only applies to discharges that occur due to jettisoning of the relevant substances, proposed Part 3AA would apply to any discharge.

PART 3AAB
PREVENTION OF POLLUTION BY GARBAGE

This Part implements Annex V of MARPOL and terms used in this Part have the same meaning as in that Annex (unless the contrary intention appears). The Part provides that if an intentional or unintentional disposal of garbage occurs from a ship into State waters, the master and the owner of the ship are each guilty of an offence punishable by a fine of $50 000 (for a natural person) or $250 000 (for a body corporate). As in the other proposed new Part, there are various defences specified in keeping with the requirements of MARPOL.

Clause 10: Amendment of s. 25—Interpretation

This clause amends section 25 of the principal Act to include some of the terms used in the proposed new Parts.

Clause 11: Insertion of Division 1A

This clause inserts a new Division in Part 4 of the principal Act as follows:

DIVISION 1A—REPORTING REQUIREMENTS

25A. Duty to report certain incidents

Proposed clause 25A provides for the reporting of 'prescribed incidents' in relation to a ship in State waters. A prescribed incident is defined to include most discharges or probable discharges—

- of oil or an oily mixture (currently covered by section 10);
- of a liquid substance or a mixture containing a liquid substance, carried as cargo or part cargo in bulk (currently covered by section 20);
- of a harmful substance carried as cargo in packaged form (not currently dealt with in the principal Act).

The obligation to report such an incident falls, at first instance, on the master of the ship, who is liable to a penalty of $50 000 for failing to report. If the master is unable to report the incident, the obligation to report falls on the owner, charterer, manager or operator of the ship who is liable to a fine of $50 000 (in the case of a natural person) or a fine of $250 000 (in the case of a body corporate).

Proposed clause 25A retains the defences currently available under sections 10 and 20 of the principal Act.

Clause 12: Amendment of s. 28—Removal and prevention of pollution

This clause amends section 28 so that the provision applies to the types of pollution described in proposed new Parts 3AA and 3AAB.

Clause 13: Amendment of s. 29—Recovery of costs

This clause makes consequential amendments to section 29 of the principal Act so that it refers to a 'disposal' (which is the term used in proposed part 3AAB) as well as a 'discharge'.

Clause 14: Amendment of s. 32A—Recovery of damages

This clause amends section 32A(1) so that it refers to 'disposal' as well as 'discharge' and to correct an error. The definition of 'appropriate person' in subsection (2) is also amended so that it includes a reference to proposed new Parts 3AA and 3AAB.

Clause 15: Amendment of s. 33—Powers of inspectors

This clause makes consequential amendments to section 33 of the principal Act so that it refers to a 'disposal' as well as a 'discharge'.

Clause 16: Amendment of schedule 1

This clause provides for the insertion of the text of the MARPOL Annexes III and V into schedule 1 of the principal Act.

Clause 17: Further amendments of principal Act

This clause provides for the amendments contained in schedule 2.

SCHEDULE 1
Annexes to be Inserted in Schedule 1 of Principal Act

This schedule sets out Annexes III and V of MARPOL.

SCHEDULE 2
Further Amendments of Principal Act

This schedule provides for various statute law revision amendments to the principal Act.

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

SEA-CARRIAGE DOCUMENTS BILL

Returned from the House of Assembly without amendment.

VALUATION OF LAND (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly intimated that it had disagreed to the amendments made by the Legislative Council.

APPROPRIATION BILL

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

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.

On 28 May 1998, the 1998-99 budget papers were tabled in the Council. Those papers detail the essential features of the State's financial position, the status of the State's major financial institutions, the budget context and objectives, revenue measures and major items of expenditure included under the Appropriation Bill. I refer all members to those documents, including the budget speech 1998-99, for a detailed explanation of the Bill.

Explanation of Clauses

Clause 1; Short title

This clause is formal.

Clause 2: Commencement

This clause provides for the Bill to operate retrospectively to 1 July 1998. Until the Bill is passed, expenditure is financed from appropriation authority provided by the Supply Act.

Clause 3: Interpretation

This clause provides relevant definitions.

Clause 4: Issue and application of money

This clause provides for the issue and application of the sums shown in the schedule to the Bill.

Subsection (2) makes it clear that appropriation authority provided by the Supply Act is superseded by this Bill.

Clause 5: Application of money if functions, etc., of agency are transferred

This clause is designed to ensure that where Parliament has appropriated funds to an agency to enable it to carry out particular functions or duties and those functions or duties become the responsibility of another agency, the funds may be used by the responsible agency in accordance with Parliament's original intentions without further appropriation.

Clause 6: Expenditure from Hospitals Fund

This clause provides authority for the Treasurer to issue and apply money from the Hospitals Fund for the provision of facilities in public hospitals.

Clause 7: Appropriation, etc., in addition to other appropriations, etc.

This clause makes it clear that appropriation authority provided by this Bill is additional to authority provided in other Acts of Parliament, except, of course, in the Supply Act.

Clause 8: Overdraft limit

This sets of a limit of $50 million on the amount which the Government may borrow by way of overdraft in 1998-99.

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

CITY OF ADELAIDE, GOVERNANCE

The Hon. R.I. LUCAS (Treasurer): I seek leave to table a ministerial statement made in another place earlier today by the Minister for Local Government on the governance of the City of Adelaide.

Leave granted.

ADJOURNMENT

At 10.20 p.m. the Council adjourned until Thursday 2 July at 2.15 p.m.